
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

SB 158 Original

2017 Regular Session

Milkovich

Present law requires each public school governing authority to adopt a code of student conduct which includes any disciplinary action to be taken against a student who violates the code. Further requires that the code of conduct include a policy prohibiting bullying.

Present law defines "bullying" and requires that school employees receive training on how to recognize bullying behaviors and how to appropriately respond and report incidences of bullying.

Present law requires the State Board of Elementary and Secondary Education to adopt rules and regulations relative to the procedures to be used to report and investigate bullying.

Proposed law retains these provisions of present law.

Present law requires each public school governing authority to develop a reporting procedure and forms for reporting incidents of bullying.

Proposed law retains present law and additionally requires school governing authorities to provide a copy of each report of bullying received to an appropriate law enforcement agency within 24 hours of receipt.

Present law allows students and parents who witness bullying or believes that bullying has occurred to report such to the school. Requires school employees who witness bullying or learn of bullying from a student to report the incident to a school official. Further requires school employees to submit a verbal report the same day the incident was witnessed or otherwise learned of and must submit a written report within two days thereafter.

Proposed law retains present law.

Proposed law authorizes a school employee who witnesses an incident of bullying to take all steps deemed necessary to stop the behavior, including reasonable force or physical restraint.

Proposed law authorizes a school official to contact law enforcement and have the student exhibiting bullying behavior immediately removed from the school grounds and placed in the custody of an appropriate law enforcement agency.

Present law prohibits retaliation against any person who reports bullying in good faith, files a complaint, or participates in an investigation or inquiry concerning allegations of bullying.

Proposed law retains present law and further provides that:

- (1) No school employee shall be discharged, demoted, suspended, threatened, harassed, or discriminated against in any manner in the terms and conditions of his employment because of any lawful act engaged in by the employee in furtherance of any required or authorized action taken pursuant to present and proposed law. Further provides that an employee may seek any and all relief to which he is entitled under state or federal law.
- (2) No school employee shall be threatened, harassed, or discriminated against in any manner by a business organization, government agency, or other person because of any lawful act engaged in by the employee or on behalf of the employee in furtherance of any required or authorized action taken pursuant to present or proposed law. Further provides that an employee may seek any and all relief for his injury to which he is entitled under state or federal law.

Present law requires a public school governing authority to notify the student's parent or legal guardian upon receipt of a report of bullying.

Proposed law retains present law.

Present law provides that before any student under the age of 18 is interviewed, his parent or legal guardian must be notified of the allegations made and given the opportunity to attend any interviews conducted with his child as part of an investigation.

Proposed law repeals present law.

Present law provides that after four or more reports of separate incidences of bullying, and no investigation has occurred, the parent or legal guardian of the victim has the option to have the student enroll in or attend another school.

Proposed law retains present law and extends the parental option to enroll a child in another school when a determination has been made in accordance with the provisions of proposed law that a student has been the victim of bullying.

Present law requires that complaints of bullying and investigative reports must be kept confidential, except where disclosure is required to be made pursuant to applicable federal laws, rules, and regulations, or state law.

Proposed law retains present law but provides that, notwithstanding any provision of law to the contrary, the determination that a student, after a required investigation, committed an act of bullying is a public record.

Proposed law provides that:

- (1) No cause of action shall exist against any school employee who in good faith makes a report, cooperates or participates in any investigation, or takes any required or authorized action pursuant to the provisions of present and proposed law. Further provides that such school

employee shall have immunity from civil or criminal liability that otherwise might be incurred or imposed.

- (2) Immunity shall not be extended to a school employee who either:
- (a) Takes any action or has knowledge of any action taken pursuant to present and proposed law that the employee knows to be false.
 - (b) Fails to take a required action with regard to a bullying incident.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:416.13(D)(2)(a), (c), and (d), (3)(f)(i) and (g)(iii)(cc); adds R.S. 17:416.13(I); repeals R.S. 17:416.13(D)(3)(d)(iii))