

2016 Regular Session

HOUSE BILL NO. 372

BY REPRESENTATIVE BOUIE

STUDENT/DISCIPLINE: Provides relative to student discipline

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), and 3(a)(i), (vii) and
3 (xvi) and (C)(1) and to enact R.S. 17:416(A)(1)(c)(viii), 416.22, and 3996(B)(13),
4 relative to the discipline of students; to provide for the discipline of certain public
5 school students upon removal from a classroom; to provide for implementation of
6 certain disciplinary measures; to require city, parish, and other local public school
7 boards to adopt certain rules relative to suspensions; to require such school boards
8 to publish student discipline policies and other specified information on their
9 websites; to provide relative to in-school and out-of-school suspensions for certain
10 violations; to provide relative to expulsion hearings; to provide for definitions; and
11 to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), and (3)(a)(i), (vii) and
14 (xvi) and (C)(1) are hereby amended and reenacted and R.S. 17:416(A)(1)(c)(viii), 416.22,
15 and 3996(B)(13) are hereby enacted to read as follows:

16 §416. Discipline of students; suspension; expulsion

17 A.(1)

18 * * *

19 (c)

20 * * *

1 (iii) A pupil in kindergarten through grade ~~six~~ five removed from a class
 2 pursuant to this Subparagraph shall not be permitted to return to the class for at least
 3 thirty minutes unless agreed to by the teacher initiating the disciplinary action. A
 4 ~~pupil in grades seven through twelve removed from a class pursuant to this~~
 5 ~~Subparagraph shall not be permitted to return to the class during the same class~~
 6 ~~period unless agreed to by the teacher initiating the disciplinary action.~~ Additionally,
 7 the pupil shall not be readmitted to the class until the principal has implemented one
 8 of the following disciplinary measures:

- 9 (aa) In-school suspension.
- 10 (bb) Detention.
- 11 (cc) Suspension.
- 12 (dd) Initiation of expulsion hearings.
- 13 (ee) Assignment to an alternative school.
- 14 (ff) Requiring the completion of all assigned school and homework which
 15 would have been assigned and completed by the student during the period of
 16 suspension.
- 17 (gg) Restorative justice practices using a school-wide approach of informal
 18 and formal techniques to build a sense of school community and manage conflict by
 19 repairing harm and restoring positive relationships.
- 20 (hh) Loss of privileges.
- 21 (ii) Peer mediation.
- 22 (jj) Referral to school counselor or social worker.
- 23 (kk) Referral to response to intervention.
- 24 (ll) Any other disciplinary measure authorized by the principal with the
 25 concurrence of the teacher or the building level committee pursuant to law and board
 26 policy.

* * *

28 (v) Upon the third removal from the same classroom pursuant to this
 29 Subparagraph, the teacher and the principal shall discuss the disruptive behavior

1 patterns of the pupil and the potentially appropriate disciplinary measure before the
2 principal implements a disciplinary measure. If appropriate, a referral of the matter
3 may be made to an appropriate building level committee. In addition, a conference
4 between the teacher or other appropriate school employee and the pupil's parent,
5 tutor, or legal guardian shall be required ~~prior to the pupil being readmitted.~~

6 * * *

7 (viii) A pupil in grades six through twelve removed from a class pursuant to
8 this Subparagraph shall not be permitted to return to the class during the same class
9 period unless agreed to by the teacher initiating the disciplinary action. Additionally,
10 the pupil shall not be readmitted to the class until the principal has implemented one
11 of the following measures:

12 (aa) In-school suspension.

13 (bb) Detention.

14 (cc) Suspension.

15 (dd) Initiation of expulsion hearings.

16 (ee) Assignment to an alternative school.

17 (ff) Requiring the completion of all assigned school and homework which
18 would have been assigned and completed by the student during the period of
19 suspension.

20 (gg) Any other disciplinary measure authorized by the principal with the
21 concurrence of the teacher or the building level committee pursuant to law and board
22 policy.

23 (2) As used in this Section:

24 (a)(i) "In-school suspension" means removing a pupil from his normal
25 classroom setting but maintaining him under supervision within the school. ~~Pupils~~
26 A pupil participating in an in-school suspension may receive credit for work
27 performed during the in-school suspension. However, any pupil who fails to comply
28 fully with the rules for in-school suspension ~~shall~~ may be subject to immediate
29 suspension.

1 (ii) Each city ~~and~~, parish, and other local public school board shall adopt
2 rules regarding the implementation of in-school suspension ~~by no later than January~~
3 ~~1, 1995.~~

4 (b)(i) "Detention" means ~~activities, assignments~~ any activity, assignment, or
5 work held before the normal school day, after the normal school day, or on
6 weekends.

7 (ii) Failure or refusal by a pupil to participate in the assigned detention ~~shall~~
8 may subject the pupil to immediate suspension.

9 (iii) Assignments, activities, or work which may be assigned during
10 detention include but ~~are~~ shall not be limited to counseling, homework assignments,
11 behavior modification programs, or other activities aimed at improving the self-
12 esteem of the pupil.

13 (iv) Each city ~~and~~, parish, and other local public school board shall adopt
14 rules regarding the implementation of detention ~~by no later than January 1, 1995.~~

15 * * *

16 (3)(a) A school principal may suspend from school or suspend from riding
17 on any school bus any student who:

18 (i) Is guilty of willful disobedience. Willful disobedience means the refusal
19 to follow a reasonable request of a teacher, administrator, or other school authority
20 on campus. No later than April 1, 2017, for implementation beginning with the
21 2017-2018 school year, each city, parish, and other local public school board shall
22 develop and adopt rules and guidelines for suspensions warranted by willful
23 disobedience. These guidelines shall be developed in consultation with
24 representatives of key stakeholder groups.

25 * * *

26 (vii) Disturbs the school and habitually violates any rule, except that no pupil
27 in grades kindergarten through five shall be suspended in-school or out-of-school or
28 removed from the classroom for a school uniform-related violation.

29 * * *

1 (xvi) Is habitually tardy or absent, except that no pupil in grades kindergarten
2 through five shall be suspended in-school or out-of-school or removed from the
3 classroom for being habitually tardy or absent.

4 * * *

5 C.(1) Upon the recommendation by a principal for the expulsion of any
6 student as authorized by Subsection B ~~hereof~~ of this Section, a hearing shall be
7 conducted by the superintendent or by any other person designated so to do by the
8 superintendent to determine the facts of the case and make a finding of whether ~~or~~
9 ~~not~~ the student is guilty of conduct warranting a recommendation of expulsion.
10 Upon the conclusion of the hearing and upon a finding that the student is guilty of
11 conduct warranting expulsion, the superintendent, or his designee, shall determine
12 whether ~~such~~ the student shall be expelled from the school system or if other
13 corrective or disciplinary action shall be taken. At ~~said~~ the hearing the principal or
14 teacher concerned may be represented by any person appointed by the
15 superintendent. The concerned teacher shall be permitted to attend ~~such~~ the hearing
16 and shall be permitted to present information the teacher believes relevant. ~~Until~~
17 ~~such hearing takes place the student shall remain suspended from the school.~~ A
18 student shall receive such expulsion hearing within ten days of receiving notification
19 of the recommendation for expulsion. If a hearing is not conducted within ten school
20 days after the incident, the student shall return to school or begin receiving
21 educational services at an alternative setting until the hearing takes place. At such
22 hearing the student and parent or legal guardian may be represented by any person
23 of ~~his~~ their choice.

24 * * *

25 §416.22. Student discipline policies and procedures; other information; school board
26 websites.

27 A. Each city, parish, and other local public school board that maintains a
28 website shall publish on it certain information relative to student discipline and other

1 matters in an easily understandable format. Such information shall include but not
2 be limited to the following:

3 (1) Disciplinary action processes and procedures applicable to students.

4 (2) The school board's policies and procedures.

5 (3) Minutes of school board meetings required to be made available to the
6 public pursuant to R.S. 42:20.

7 (4) Directory of schools and contact information.

8 (5) School calendars, including the beginning and end of each school year,
9 staff days, conference days, testing days, application-specific dates, report card
10 release dates, early release days, and holidays.

11 B. For purposes of this Section the following terms shall have the meaning
12 ascribed thereto:

13 (1) "City, parish, and other local public school board" means the governing
14 authority of any public elementary or secondary school.

15 (2) "Disciplinary action processes and procedures" means all written
16 disciplinary policies and procedures for students and, by not later than the beginning
17 of the 2017-2018 school year, also shall include separate links for each of the
18 following:

19 (a) All state suspension and expulsion laws applicable to students

20 (b) A disciplinary action timeline, from notice through appeal.

21 (c) Explanations of due process rights for both informal and formal hearings
22 and, in the case of formal hearings, shall also include a full explanation of the
23 disciplinary process, a complete list of the student's procedural due process rights,
24 the hearing agenda, and the appeal process.

25 (d) Rules and regulations on the use of corporal punishment to discipline
26 students.

27 (3) "Policies and procedures" means all formal policies and procedures and,
28 by not later than the beginning of the 2018-2019 school year, also shall include
29 summaries thereof with separate links for each of the following:

- 1 (a) Student code of conduct.
- 2 (b) Controlled and other prohibited substances or contraband policy.
- 3 (c) Dress code.
- 4 (d) Grade change process.
- 5 (e) Harassment or bullying prohibition and prevention procedures.
- 6 (f) Student rights and responsibilities.

7 * * *

8 §3996. Charter schools; exemptions; requirements

9 * * *

10 B. Notwithstanding any state law, rule, or regulation to the contrary and
 11 except as may be otherwise specifically provided for in an approved charter, a
 12 charter school established and operated in accordance with the provisions of this
 13 Chapter and its approved charter and the school's officers and employees shall be
 14 exempt from all statutory mandates or other statutory requirements that are
 15 applicable to public schools and to public school officers and employees except for
 16 the following laws otherwise applicable to public schools with the same grades:

17 * * *

18 (13) Publication of certain information relative to student discipline on the
 19 website of the school governing authority, R.S. 17:416.22.

20 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 372 Original 2016 Regular Session Bowie

Abstract: Provides relative to the discipline of students.

Present law provides for the discipline of students for disorderly conduct in school or on the playgrounds of the school, on the street or road while going to or returning from school, or during intermission or recess.

Present law requires that a student in kindergarten through grade six removed from a class not be permitted to return to the class for at least 30 minutes unless agreed to by the teacher initiating the disciplinary action. Further requires that a student in grades seven through

twelve removed from a class not be permitted to return to the class during the same class period unless agreed to by the teacher initiating the disciplinary action.

Proposed law changes the application of present law for grade levels of students in kindergarten through grade five and students in grades six through twelve, but otherwise retains present law. Present law additionally provides that the student will not be readmitted to the class until the principal has implemented one of the following disciplinary measures:

- (1) In-school suspension.
- (2) Detention.
- (3) Suspension.
- (4) Initiation of expulsion hearings.
- (5) Assignment to an alternative school.
- (6) Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.
- (7) Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the building level committee.

Proposed law retains present law for pupils in grades six through twelve.

For students in kindergarten through grade five, proposed law also retains present law disciplinary measures, but requires such measures only be implemented for serious offenses or as a last resort. However, prior to taking such actions for all other offenses, requires the principal to implement one of the following disciplinary measures:

- (1) Restorative justice practices using a school-wide approach of informal and formal techniques to build a sense of school community and manage conflict by repairing harm and restoring positive relationships.
- (2) Loss of privileges.
- (3) Peer mediation.
- (4) Referral to school counselor social worker.
- (5) Referral to response to intervention.

Present law requires, upon the third removal from the same classroom, the teacher and the principal to discuss the disruptive behavior patterns of the student and the appropriate action before the principal implements a disciplinary measure. Provides that a referral of the matter may be made to the building level committee. Requires a conference between the teacher or other appropriate school employee and the student's parent, tutor, or legal guardian prior to the student being readmitted.

Proposed law retains the requirement that a conference take place between the parent and teacher or other school employee, but removes the requirement that the conference take place prior to the student being readmitted.

Present law authorizes a school principal to suspend from school or suspend from riding on any school bus any student who commits certain offenses. Proposed law retains all such offenses specified in present law, but requires each school board develop and adopt rules and guidelines for suspension warranted by willful disobedience not later than April 1, 2017, for

implementation beginning with the 2017-2018 school year. Further requires that the guidelines be developed in consultation with certain key stakeholder groups.

Present law authorizes suspension for disturbing the school or habitually violating any rule. Proposed law retains present law but further makes an exception that no student in grades kindergarten through grade five shall be suspended in-school or out-of-school for a school uniform related violation. Present law authorizes suspension for a student who is habitually tardy or absent. Proposed law retains present law but further makes an exception that no student in grades kindergarten through grade five shall be suspended in-school or out-of-school for such an offense.

Present law provides, upon the recommendation by a principal for the expulsion of any student, for a hearing to be conducted by the superintendent or by a designee to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. Provides that upon the conclusion of the hearing and a finding that the student is guilty of conduct warranting expulsion, the superintendent, or his designee, must determine whether such student will be expelled from the school system or if other corrective or disciplinary action should be taken. Provides for the student to remain suspended from school until such hearing takes place. Provides that the student may be represented by any person of his choice at the hearing. Proposed law removes the provision that the student remain suspended from school until the hearing takes place. Further provides that every student receive such expulsion hearing within 10 school days of receiving notification of the recommendation for expulsion. Provides that if a hearing is not conducted within 10 school days after the incident, then the student must return to school or begin receiving educational services at an alternative setting until the hearing takes place. Provides that the parent or legal guardian may also be represented by a person of choice.

Present law provides generally for the powers, duties, functions, and responsibilities of public school boards. Proposed law additionally requires the publication of student discipline policies and procedures on school board websites, including charter schools. Provides that each city, parish, and other local public school board that maintains a website shall publish on it certain information relative to student discipline and other matters in an easily understandable format. Provides definitions and provides that such information shall include:

- (1) Disciplinary action processes and procedures applicable to students.
- (2) The school board's policies and procedures.
- (3) Minutes of school board meetings required to be made available to the public.
- (4) Directory of schools and contact information.
- (5) School calendars, including the beginning and end of each school year, staff days, conference days, testing days, application-specific dates, report card release dates, early release days, and holidays.

(Amends R.S. 17:416(A)(1)(c)(iii) and (v),(2)(a) and (b), and (3)(a)(i), (vii) and (xvi) and (C)(1); Adds R.S. 17:416(A)(1)(c)(viii), 416.22, and 3996(B)(13))