

2018 Regular Session

HOUSE BILL NO. 880

BY REPRESENTATIVE COX

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),
3 and (xvi) and (C)(1) and to enact R.S. 17:416(A)(1)(c)(viii), 416.22, and
4 3996(B)(13), relative to the discipline of students; to provide for the discipline of
5 certain public school students upon removal from a classroom; to provide for
6 implementation of certain disciplinary measures; to require city, parish, and other
7 local public school boards to adopt certain rules relative to suspensions; to require
8 those school boards to publish student discipline policies and other specified
9 information on their websites; to provide relative to in-school and out-of-school
10 suspensions for certain violations; to provide relative to expulsion hearings; to
11 provide for definitions; and 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 student~~ in kindergarten through grade ~~six~~ five removed from a
 2 class pursuant to this Subparagraph shall not be permitted to return to the class for
 3 at least thirty minutes unless agreed to by the teacher initiating the disciplinary
 4 action. ~~A 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 student~~ shall not be readmitted to the class until the principal has
 8 implemented one of the following disciplinary measures:

9 * * *

10 (gg) Restorative justice practices using a school-wide approach of informal
 11 and formal techniques to build a sense of school community and manage conflict by
 12 repairing harm and restoring positive relationships.

13 (hh) Loss of privileges.

14 (ii) Peer mediation.

15 (jj) Referral to school counselor or social worker.

16 (kk) Referral to response to intervention.

17 (ll) Any other disciplinary measure authorized by the principal with the
 18 concurrence of the teacher or the building level committee pursuant to law and board
 19 policy.

20 * * *

21 (v) Upon the third removal from the same classroom pursuant to this
 22 Subparagraph, the teacher and the principal shall discuss the disruptive behavior
 23 patterns of the ~~pupil student~~ and the potentially appropriate disciplinary measure
 24 before the principal implements a disciplinary measure. If appropriate, a referral of
 25 the matter may be made to an appropriate building level committee. In addition, a
 26 conference between the teacher or other appropriate school employee and the ~~pupil's~~
 27 student's parent, tutor, or legal guardian shall be required ~~prior to the pupil being~~
 28 readmitted.

29 * * *

1 (viii) A student in grades six through twelve removed from a class pursuant
2 to this Subparagraph shall not be permitted to return to the class during the same
3 class period unless agreed to by the teacher initiating the disciplinary action.
4 Additionally, the student shall not be readmitted to the class until the principal has
5 implemented one of the following measures:

6 (aa) In-school suspension.

7 (bb) Detention.

8 (cc) Suspension.

9 (dd) Initiation of expulsion hearings.

10 (ee) Assignment to an alternative school.

11 (ff) Requiring the completion of all assigned school and homework which
12 would have been assigned and completed by the student during the period of
13 suspension.

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

17 (2) As used in this Section:

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

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

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

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

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

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

9 * * *

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

12 (i) Is guilty of willful disobedience. Willful disobedience means the refusal
13 to follow a reasonable request of a teacher, administrator, or other school authority
14 on campus. No later than April 1, 2019, for implementation beginning with the
15 2019-2020 school year, each city, parish, and other local public school board shall
16 develop and adopt rules and guidelines for suspensions warranted by willful
17 disobedience. These guidelines shall be developed in consultation with
18 representatives of key stakeholder groups.

19 * * *

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

23 * * *

24 (xvi) Is habitually tardy or absent, except that no student in grades
25 kindergarten through five shall be suspended in-school or out-of-school or removed
26 from the classroom for being habitually tardy or absent.

27 * * *

28 C.(1) Upon the recommendation by a principal for the expulsion of any
29 student as authorized by Subsection B ~~hereof~~ of this Section, a hearing shall be

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

* * *

19 §416.22. Student discipline policies and procedures; other information; school board
20 websites

21 A. Each city, parish, and other local public school board that maintains a
22 website shall publish on it certain information relative to student discipline and other
23 matters in an easily understandable format. Such information shall include but not
24 be limited to the following:

- 25 (1) Disciplinary action processes and procedures applicable to students.
- 26 (2) The school board's policies and procedures.
- 27 (3) Minutes of school board meetings required to be made available to the
28 public pursuant to R.S. 42:20.
- 29 (4) Directory of schools and contact information.

- (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 12.

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 or 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, 2019, for implementation beginning with the 2019-2020 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))