

2018 Regular Session

SENATE BILL NO. 465

BY SENATOR BISHOP

STUDENTS. Provides relative to student discipline. (8/1/18)

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§416. Discipline of students; suspension; expulsion

A.(1) * * *

1 (c) * * *

2 (iii) A pupil in kindergarten through grade ~~six~~ **five** removed from a class

3 pursuant to this Subparagraph shall not be permitted to return to the class for at least

4 thirty minutes unless agreed to by the teacher initiating the disciplinary action. ~~A~~

5 ~~pupil in grades seven through twelve removed from a class pursuant to this~~

6 ~~Subparagraph shall not be permitted to return to the class during the same class~~

7 ~~period unless agreed to by the teacher initiating the disciplinary action.~~ Additionally,

8 the pupil shall not be readmitted to the class until the principal has implemented one

9 of the following disciplinary measures:

- 10 (aa) In-school suspension.
- 11 (bb) Detention.
- 12 (cc) Suspension.
- 13 (dd) Initiation of expulsion hearings.
- 14 (ee) Assignment to an alternative school.
- 15 (ff) Requiring the completion of all assigned school and homework which
- 16 would have been assigned and completed by the student during the period of
- 17 suspension.

18 (gg) **Restorative justice practices using a school-wide approach of**

19 **informal and formal techniques to build a sense of school community and**

20 **manage conflict by repairing harm and restoring positive relationships.**

- 21 **(hh) Loss of privileges.**
- 22 **(ii) Peer mediation.**
- 23 **(jj) Referral to school counselor or social worker.**
- 24 **(kk) Referral to response to intervention.**

25 **(ll)** Any other disciplinary measure authorized by the principal with the

26 concurrence of the teacher or the building level committee pursuant to law and board

27 policy.

28 * * *

29 (v) Upon the third removal from the same classroom pursuant to this

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

7 * * *

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

13 **(aa) In-school suspension.**

14 **(bb) Detention.**

15 **(cc) Suspension.**

16 **(dd) Initiation of expulsion hearings.**

17 **(ee) Assignment to an alternative school.**

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

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

24 (2) As used in this Section:

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

1 suspension.

2 (ii) Each city, ~~and parish,~~ **and other local public** school board shall adopt
3 rules regarding the implementation of in-school suspension ~~by no later than January~~
4 ~~1, 1995.~~

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

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

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

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

16 * * *

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

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

26 * * *

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

1 **violation.**

2 * * *

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

6 * * *

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

26 * * *

27 **§416.22. Student discipline policies and procedures; other information; school**
28 **board websites**

29 **A. Each city, parish, and other local public school board that maintains**

1 a website shall publish on it certain information relative to student discipline
2 and other matters in an easily understandable format. Such information shall
3 include but not be limited to the following:

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

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

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

8 (4) Directory of schools and contact information.

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

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

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

16 (2) "Disciplinary action processes and procedures" means all written
17 disciplinary policies and procedures for students and, by not later than the
18 beginning of the 2020-2021 school year, also shall include separate links for each
19 of the following:

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

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

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

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

28 (3) "Policies and procedures" means all formal policies and procedures
29 and, by not later than the beginning of the 2018-2019 school year, also shall

1 **include summaries thereof with separate links for each of the following:**

2 **(a) Student code of conduct.**

3 **(b) Controlled and other prohibited substances or contraband policy.**

4 **(c) Dress code.**

5 **(d) Grade change process.**

6 **(e) Harassment or bullying prohibition and prevention procedures.**

7 **(f) Student rights and responsibilities.**

8 * * *

9 §3996. Charter schools; exemptions; requirements

10 * * *

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

18 * * *

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

21 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry J. Guillot.

SB 465 Original DIGEST 2018 Regular Session Bishop

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 12 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 12, 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 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.

Effective August 1, 2018.

(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))