
DIGEST

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HB 91 Original

2020 Second Extraordinary Session

Amedee

Abstract: Provides for judicial review of certain student discipline cases; requires public school governing authorities to develop protocol for discipline of students participating in online instruction.

Present law provides for the discipline of students for disorderly conduct in school, on school playgrounds, while going to and from school, or during intermission or recess. Proposed law retains present law.

Present law, upon the recommendation of a principal for the expulsion of a student, provides for a hearing by the school board to determine the facts of the case and if the student's conduct warrants expulsion. Proposed law retains present law. Proposed law makes present law applicable even when a student's penalty is reduced to a suspension.

Present law authorizes a parent or tutor to appeal an expulsion to the district court for the parish in which the student's school is located. Proposed law makes present law applicable even when a student's penalty is reduced to a suspension.

Proposed law provides for discipline policies regarding students engaged in online instruction while at home or a location that is not school property and provides for judicial review of expulsions pursuant to such policies.

Proposed law provides that a judgment may include awarding of damages and attorney fees if a court finds a school official's actions meet specified criteria.

Proposed law provides for retroactive applicability to March 13, 2020.

Present law requires each public school board to review its discipline policies at least annually. Requires each public school board to have established a discipline policy review committee. Proposed law retains present law and requires such committees to meet, no later than Dec. 31, 2020, and update all policies and procedures relative to conduct that occurs at home or any location that is not school property while a student is engaged in virtual instruction.

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

(Amends R.S. 17:416(C)(4) and (5); Adds R.S. 17:416(K) and (L))