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HOUSE FLOOR AMENDMENTS

2020 Second Extraordinary Session

Amendments proposed by Representative Garofalo to Engrossed House Bill No. 83 by Representative Romero

1 AMENDMENT NO. 1

2 On page 2, at the beginning of line 3, delete "(5)" and insert "(5)(a)"

3 AMENDMENT NO. 2

4 On page 2, after line 10, delete the remainder of the page and on page 3, delete lines 1
5 through 22 and insert the following:

6 "(b) If a judgment is rendered in favor of a student who sought judicial
7 review of a decision of a school board pursuant to this Paragraph, the judgment may
8 include an award for reasonable attorney fees if the court finds any school official
9 acted in a grossly negligent manner; with deliberate disregard for the consequences
10 of his actions to the student; with willful or malicious indifference; with intent to
11 deprive the student, his parent, guardian, or tutor of due process; or initiated a charge
12 that is knowingly false. The court may award any damages appropriate under the
13 circumstances and render any other appropriate relief including but not limited to
14 requiring the school board to issue an official apology letter, which shall be provided
15 to the student, his parent, guardian, or tutor, and retained in the student's educational
16 records.

* * *

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18 K. For the purposes of this Section, "virtual instruction" means instruction
19 provided to a student through an electronic delivery medium including but not
20 limited to electronic learning platforms that connect to a student in a remote location
21 to classroom instruction. A city or parish school board discipline policy shall clearly
22 define the rules of conduct and expectations of students engaged in virtual
23 instruction, shall provide for notice of such rule and expectations to the parents and
24 guardians of students, shall include clearly defined consequences of conduct, shall
25 be narrowly tailored to address compelling government interests, and shall take into
26 consideration the students' and their families' rights to privacy and other
27 constitutional rights while at home or in a location that is not school property.

28 Section 2. Any student who has been subjected to suspension or
29 recommended for expulsion for behavior displayed while participating in virtual
30 instruction, as defined in R.S. 17:416(K) as enacted by this Act, between March 13,
31 2020, and December 31, 2020, shall be entitled to the following:

32 (a) A hearing within thirty days conducted by the school board to determine
33 whether charges should be dismissed and to provide the student with any other relief
34 including but not limited to reinstating the student's enrollment status.

35 (b) Judicial review of any decision by the school board in the district court
36 where the student's school is located.

37 (c) De novo judicial review of the school board's decision. After such
38 review, the court may determine whether the student shall be cleared of the charge,
39 whether any other conditions placed on the student shall be removed, or if the
40 student is eligible for any other relevant relief.

41 (d) Reasonable attorney fees awarded to the student, his parent, guardian, or
42 tutor to clear a student's record.

1 Section 3. The provisions of this Act shall be given prospective and
2 retroactive application."

3 AMENDMENT NO. 3

4 On page 3, line 23, delete "Section 3." and insert "Section 4."

5 AMENDMENT NO. 4

6 On page 3, line 28, delete "Section 4." and insert "Section 5."

7 AMENDMENT NO. 5

8 On page 4, line 4, delete "Section 5." and insert "Section 6."