

2021 Regular Session

HOUSE BILL NO. 411

BY REPRESENTATIVE HUGHES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENT/DISCIPLINE: Provides relative to student discipline

1 AN ACT

2 To amend and reenact R.S. 17:416 and 3996(B)(40), relative to student discipline; to provide  
3 for a comprehensive revision of student discipline laws; to provide relative to student  
4 codes of conduct, the use of and procedures for expulsion, damages to property,  
5 possession of weapons and drugs, and conferences with parents; to require certain  
6 reporting by the state Department of Education; to provide for definitions; to provide  
7 for applicability; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:416 and 3996(B)(40) are hereby amended and reenacted to read  
10 as follows:

11 §416. Discipline of students; suspension; expulsion

12 A.(1)(a) All public schools shall endeavor to address student behavior with  
13 a focus on evidence-based interventions and supports. Schools shall endeavor to  
14 prioritize classroom- and school-based interventions in lieu of out-of-school  
15 disciplinary removals to address student misconduct in order to minimize the loss of  
16 academic instructional time. Every teacher and other school employee shall  
17 endeavor to hold every student ~~to a strict accountability for any disorderly conduct~~  
18 ~~in~~ accountable for his behavior in school or on the playgrounds of the school, on the  
19 street or road while going to or returning from school, on any school bus, during  
20 intermission or recess, or at any school-sponsored activity or function. Nothing in

1 this Subparagraph shall prohibit a public school governing authority or its employees  
2 from disciplining a student in accordance with the provisions of this Section.

3 (b)(i) Each teacher may take disciplinary action to correct a student ~~who~~  
4 ~~disrupts normal classroom activities, who is disrespectful to a teacher, who willfully~~  
5 ~~disobeys a teacher, who uses abusive or foul language directed at a teacher or~~  
6 ~~another student, who engages in bullying,~~ who violates school rules; or who  
7 interferes with an orderly education process.

8 (ii) In addition to those procedures set forth in R.S. 17:416.13 regarding  
9 bullying, disciplinary action by a school employee may include but is not limited to:

10 (aa) Oral or written reprimands.

11 (bb) Referral for a counseling session which shall include but shall not be  
12 limited to conflict resolution, social responsibility, family responsibility, peer  
13 mediation, and stress management.

14 (cc) Written notification to parents of disruptive or unacceptable behavior,  
15 a copy of which shall be provided to the principal.

16 (dd) Other disciplinary measures approved by the principal and faculty of the  
17 school and in compliance with school board policy.

18 (c)(i) When a student's behavior prevents the orderly instruction of other  
19 students or poses an immediate threat to the safety or physical well being of any  
20 student or teacher, ~~when a student exhibits disrespectful behavior toward the teacher~~  
21 ~~such as using foul or abusive language or gestures directed at or threatening a student~~  
22 ~~or a teacher, or~~ when a student violates the school's code of conduct, ~~or when a~~  
23 ~~student exhibits other disruptive, dangerous, or unruly behavior, including~~  
24 ~~inappropriate physical contact, inappropriate verbal conduct, sexual or other~~  
25 ~~harassment, bullying, throwing objects, inciting other students to misbehave, or~~  
26 ~~destroying property,~~ the teacher may have the student immediately removed from his  
27 classroom and placed in the custody of the principal or his designee. ~~A student~~  
28 ~~removed from the classroom pursuant to this Subparagraph shall be assigned school~~  
29 ~~work missed and shall receive either partial or full credit for such work if it is~~

1       ~~completed satisfactorily and timely as determined by the principal or his designee,~~  
2       ~~upon the recommendation of the student's teacher; however, the teacher shall not be~~  
3       ~~required to interrupt class instruction time to prepare any such assignment.~~

4               (ii)(aa) Upon being sent to the principal's office pursuant to the provisions  
5       of this Subparagraph, the principal or his designee shall advise the pupil student of  
6       the particular misconduct of which he is accused as well as the basis for such  
7       accusation, and the pupil student shall be given an opportunity at that time to explain  
8       his version of the facts. The principal or his designee then shall conduct a counseling  
9       session with the pupil student as may be appropriate to establish a course of action,  
10      consistent with school board policy to identify and correct the behavior for which the  
11      pupil student is being disciplined.

12              (bb) The principal or his designee shall provide oral or written notification  
13      to the parent or legal guardian of any pupil student removed from the classroom  
14      pursuant to the provisions of this Subparagraph. Such notification shall include a  
15      description of any disciplinary action taken.

16              (cc) The principal or his designee may provide oral or written feedback to  
17      teachers initiating the removal of pupils students from the classroom. The principal  
18      or his designee may provide to such teachers guidance and support on practicing  
19      effective classroom management including but not limited to positive behavior  
20      supports.

21              (dd) The principal or designee shall follow all procedures set forth in R.S.  
22      17:416.13 regarding bullying.

23              (iii) A pupil student in kindergarten through grade ~~six~~ five removed from a  
24      class pursuant to this Subparagraph shall not be permitted to return to the class for  
25      at least thirty minutes unless agreed to by the teacher initiating the disciplinary  
26      action. A pupil student in grades ~~seven~~ six through twelve removed from a class  
27      pursuant to this Subparagraph shall not be permitted to return to the class during the  
28      same class period unless agreed to by the teacher initiating the disciplinary action.

1           Additionally, the ~~pupil~~ student shall not be readmitted to the class until the principal  
2           has implemented at least one of the following disciplinary measures:

3                     ~~(aa)~~ Conferencing with the principal or his designee.

4                     ~~(bb)~~ Referral to counseling.

5                     ~~(cc)~~ Peer mediation.

6                     ~~(dd)~~ Referral to the school building level committee.

7                     ~~(ee)~~ Restorative justice practices.

8                     ~~(ff)~~ Loss of privileges.

9                     ~~(gg)~~ Detention.

10                    ~~(aa)~~ (hh) In-school suspension.

11                    ~~(bb)~~ Detention.

12                    ~~(cc)~~ Suspension. (ii) Out-of-school suspension.

13                    ~~(dd)~~ (jj) Initiation of expulsion hearings.

14                    ~~(ee)~~ (kk) Assignment Referral for assignment to an alternative school setting.

15                    ~~(ff)~~ (ll) Requiring the completion of all assigned school and homework  
16                    which would have been assigned and completed by the student during the period of  
17                    out-of-school suspension.

18                    ~~(gg)~~ (mm) Any other disciplinary measure authorized by the principal with  
19                    the concurrence of the teacher or the school building level committee pursuant to law  
20                    and board policy.

21                    (iv) When a ~~pupil~~ student is removed from a classroom pursuant to this  
22                    Subparagraph, the teacher or the principal or his designee may require that the  
23                    parent, ~~tutor~~, or legal guardian of the ~~pupil~~ student have a conference with the  
24                    teacher or the principal or his designee ~~in the presence of the principal or his~~  
25                    ~~designee before the pupil is readmitted.~~ Such conference may be in person or by  
26                    telephone or other virtual means.

27                    (v) Upon the third removal from the same classroom pursuant to this  
28                    Subparagraph, the teacher and the principal shall discuss the disruptive behavior  
29                    patterns of the ~~pupil~~ student and the potentially appropriate disciplinary measure

1 before the principal implements a disciplinary measure. ~~If appropriate, a referral of~~  
2 ~~the matter may be made to an appropriate building level committee.~~ In addition, a  
3 conference between the teacher or other appropriate school employee and the ~~pupil's~~  
4 student's parent, ~~tutor,~~ or legal guardian ~~shall~~ may be required prior to the ~~pupil~~  
5 student being readmitted to that same classroom. Such conference may be in person  
6 or by telephone or other virtual means. If such conference is required by the school,  
7 the school shall give written notice to the parent.

8 (vi)(aa) For students who experience multiple behavioral incidents or  
9 disciplinary referrals, a principal or his designee may consider a referral of the matter  
10 to an appropriate school building level committee. If disruptive behavior persists,  
11 the teacher may request that the principal transfer the ~~pupil~~ student into another  
12 setting.

13 (bb) Each city, parish, or other local public school board may adopt a policy  
14 that requires the parent or legal guardian of a ~~pupil~~ student removed from the  
15 classroom pursuant to this Subparagraph to attend after school or Saturday  
16 intervention sessions with the ~~pupil~~ student. Such a policy, if adopted, shall be  
17 enumerated in the code of conduct and shall include accommodations for parents and  
18 legal guardians who demonstrate a documented inability to attend due to work or  
19 disability or other health matters pertaining to the parent or legal guardian or a  
20 family member under his care. The school board may refer a parent who fails to  
21 attend such session to the court of competent jurisdiction in accordance with Chapter  
22 2 of Title VII of the Louisiana Children's Code. Each time a parent is referred to the  
23 court of competent jurisdiction, the court may impose a fine of not less than twenty-  
24 five dollars and not more than two hundred fifty dollars, forty hours of court-  
25 approved school or community service activities, or a combination of forty hours of  
26 court-approved school or community service and attendance at a court-approved  
27 family counseling program by both a parent or legal guardian and the ~~pupil~~ student,  
28 and may suspend any recreational license issued by the Department of Wildlife and  
29 Fisheries.

1 (vii)(aa) Notwithstanding any provision of law to the contrary, whenever a  
2 ~~pupil student~~ is formally accused of violating the provisions of R.S. 14:34.3 or  
3 school disciplinary rules, or both, by committing a battery on any school employee  
4 or is formally accused of violating the provisions of R.S. 14:38.2 or school  
5 disciplinary rules, or both, by committing an assault on any school employee, the  
6 principal shall suspend the ~~pupil student~~ from school immediately and the ~~pupil~~  
7 ~~student~~ shall be removed immediately from the school premises without the benefit  
8 of the out-of-school suspension procedures provided by this Section; however, the  
9 necessary notifications and other procedures shall ~~follow~~ be implemented as soon as  
10 is practicable.

11 (bb) No ~~pupil student~~ suspended in accordance with the provisions of this  
12 Item shall be considered for readmission to the school to which the school employee,  
13 allegedly assaulted or battered, or both, by the ~~pupil student~~, is assigned until all  
14 hearings and appeals associated with the alleged violation have been exhausted.

15 (cc) Except when the school system has no other school of suitable grade  
16 level for the ~~pupil student~~ to attend, no ~~pupil student~~ found guilty by a court of  
17 competent jurisdiction of violating the provisions of R.S. 14:34.3 or 38.2, or both,  
18 or found guilty at a school system suspension hearing of committing a battery or  
19 assault on any school employee, or both, shall be assigned to attend or shall attend  
20 the school to which the school employee battered or assaulted by the ~~pupil student~~  
21 is assigned.

22 (dd) Notwithstanding any provision of R.S. 17:158 to the contrary, a school  
23 system shall not be required to provide transportation to any ~~pupil student~~ reassigned  
24 to attend a school pursuant to the provisions of this Item if providing such  
25 transportation for the ~~pupil student~~ will result in additional transportation costs to the  
26 school system.

27 (2) As used in this Section:

28 (a)(i) "In-school suspension" means removing a ~~pupil student~~ from his  
29 normal classroom setting but maintaining him under supervision within the school.

1        ~~Pupils~~ Students participating in in-school suspension ~~may~~ shall receive credit for  
2        work performed during the in-school suspension. However, any ~~pupil~~ student who  
3        fails to comply fully with the rules for in-school suspension ~~shall~~ may be subject to  
4        immediate out-of-school suspension.

5                (ii) Each city, ~~and parish,~~ or other local public school board shall adopt rules  
6        regarding the implementation of in-school suspension ~~by no later than January 1,~~  
7        ~~1995.~~

8                (b)(i) "Detention" means activities, assignments, or work held before the  
9        normal school day, after the normal school day, or on weekends.

10               (ii) Failure or refusal by a ~~pupil~~ student to participate in assigned detention  
11        ~~shall~~ may subject the ~~pupil~~ student to immediate out-of-school suspension.

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

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

18               (c) Unless otherwise defined as a permanent expulsion and except as  
19        otherwise provided by Subsections B and C of this Section, "expulsion" shall be  
20        defined as a removal from all regular school settings for a period of not less than one  
21        school semester. During an expulsion the superintendent shall place the ~~pupil~~  
22        student in an alternative school or in an alternative educational placement.

23               (d) "Bullying" is defined in R.S. 17:416.13.

24               (e) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun,  
25        submachine gun, black powder weapon, or assault rifle that is designed to fire or is  
26        capable of firing fixed cartridge ammunition or from which a shot or projectile is  
27        discharged by an explosive.

1            (f) "Out-of-school suspension" means the removal of a student from all  
2            classes of instruction on public school grounds and all other school-sponsored  
3            activities.

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

6            (i) Is guilty of willful disobedience.

7            (ii) Treats a teacher, principal, superintendent, member, or employee of the  
8            city, parish, or other local public school board with intentional disrespect.

9            (iii) Makes against any one of them an unfounded charge.

10          (iv) Uses unchaste or profane language.

11          (v) Is guilty of immoral or vicious practices, or of conduct or habits injurious  
12          to his associates.

13          (vi) Uses tobacco or who possesses alcoholic beverages or any controlled  
14          dangerous substance governed by the Uniform Controlled Dangerous Substances  
15          Law, in any form, in school buildings, on school grounds, or on school buses owned  
16          by, contracted to, or jointly owned by any city, ~~or parish,~~ or other local public school  
17          board.

18          (vii) Disturbs the school and habitually violates any rule.

19          (viii) Cuts, defaces, or injures any part of public school buildings, any  
20          property belonging to the buildings, or any school buses owned by, contracted to, or  
21          jointly owned by any city, ~~or parish,~~ or other local public school board.

22          (ix) Writes any profane or obscene language or draws obscene pictures in or  
23          on any school material or on any public school premises, or on any fence, pole,  
24          sidewalk, or building on the way to or from school, or on any school bus, including  
25          those owned by, contracted to, or jointly owned by any city, ~~or parish,~~ or other local  
26          public school board.

27          (x) Is found carrying firearms, knives, or other implements which can be  
28          used as weapons, the careless use of which might inflict harm or injury.



1 (xi) Throws missiles liable to injure other persons on the school grounds or  
2 while on any school bus, including those owned by, contracted to, or jointly owned  
3 by any city, ~~or parish,~~ or other local public school board.

4 (xii) Instigates or participates in fights while under school supervision.

5 (xiii) Violates traffic and safety regulations.

6 (xiv) Leaves the school premises without permission.

7 (xv) Leaves his classroom during class hours or detention without  
8 permission.

9 (xvi) Is habitually tardy or absent.

10 (xvii) Has engaged in bullying.

11 (xviii) Commits any other serious offense.

12 (b)(i) Prior to any out-of-school suspension, assignment to alternative  
13 placement, or expulsion, the school principal; or his designee; shall advise the ~~pupil~~  
14 student in question of the particular misconduct of which he is accused as well as the  
15 basis for such accusation, and the ~~pupil student~~ shall be given an opportunity at that  
16 time to explain his version of the facts to the school principal or his designee. In  
17 each case of out-of-school suspension, assignment to alternative placement, or  
18 expulsion, the school principal; or his designee; shall contact, by telephone at the  
19 telephone number shown on the ~~pupil's~~ student's registration card or ~~send by~~  
20 electronic communication or a certified letter at sent to the address shown on the  
21 ~~pupil's~~ student's registration card, ~~to the parent, tutor,~~ or legal guardian of the ~~pupil~~  
22 student in question giving notice of the out-of-school suspension, assignment to  
23 alternative placement, or expulsion, the reasons therefor, and establishing a date and  
24 time for a conference with the principal or his designee as a requirement for  
25 readmitting the ~~pupil student.~~ provided that in In the case of expulsion, the contact  
26 with the parent or guardian shall include a certified letter. If the parent, ~~tutor,~~ or  
27 legal guardian fails to attend the required conference within five school days of  
28 mailing the certified letter or other contact with the parent, the truancy laws shall  
29 become effective. On not more than one occasion each school year when the parent;

1 ~~tutor~~, or legal guardian refuses to respond, the principal may determine whether  
2 readmitting the pupil student is in the best interest of the student. On any subsequent  
3 occasions in the same year, the pupil student shall not be readmitted unless the  
4 parent, ~~tutor~~, legal guardian, court, or other appointed representative responds. A  
5 pupil student whose presence in or about a school poses a continued danger to any  
6 person or property or an ongoing threat of disruption to the academic process shall  
7 be immediately removed from the school premises without the benefit of the  
8 procedure described hereinabove; however, the necessary procedure shall follow as  
9 soon as is practicable.

10 (ii)(aa) ~~In any case where~~ If a teacher, principal, or other school employee  
11 is authorized ~~in~~ by this Section to require the parent ~~tutor~~, or legal guardian of a pupil  
12 student ~~who is under the age of eighteen and not judicially emancipated or~~  
13 ~~emancipated by marriage~~ to attend a conference or meeting regarding the pupil's  
14 student's behavior and, after notice, the parent, ~~tutor~~, or legal guardian willfully  
15 refuses to attend, the principal or his designee; shall file a complaint with a court  
16 exercising juvenile jurisdiction, pursuant to Children's Code Article 730(8) and 731.  
17 The principal may file a complaint pursuant to Children's Code Article 730(1) or any  
18 other applicable ground when, in his judgment, doing so is in the best interests of the  
19 pupil student.

20 (bb) The principal, assistant principal, or child attendance and welfare  
21 supervisor or his assistant of any school, public or nonpublic, shall be a  
22 representative of an agency having the responsibility or ability to supply services to  
23 a family as that phrase is used in Children's Code Article 731(A).

24 (c) Any parent, ~~tutor~~ or legal guardian of a pupil student suspended shall  
25 have the right to appeal to the ~~city or parish~~ local superintendent of schools or his  
26 designee, who shall conduct a hearing on the merits. The decision of the  
27 superintendent of schools on the merits of the case, as well as the term of the out-of-  
28 school suspension, shall be final, reserving to the superintendent of schools the right  
29 to remit any portion of the time of the out-of-school suspension.

1 (d) A ~~pupil~~ student suspended for damages to any property belonging to the  
2 school system or to property contracted to the school system or any property on  
3 school grounds owned by a school employee or student shall not be readmitted until  
4 payment in full has been made for such damage, an alternative restitution  
5 arrangement has been executed, an alternative payment plan has been arranged, or  
6 until directed by the superintendent of schools. If the property damaged is a school  
7 bus owned by, contracted to, or jointly owned by any ~~parish or city, parish, or other~~  
8 local public school board, a ~~pupil~~ student suspended for such damage shall not be  
9 permitted to enter or ride any school bus until payment in full has been made for  
10 such damage, an alternative restitution arrangement has been executed, an alternative  
11 payment plan has been arranged, or until directed by the superintendent of schools.

12 (e) A ~~pupil~~ student who is suspended for ten days or fewer shall be assigned  
13 school work missed while he is suspended and shall receive ~~either partial or full the~~  
14 same credit originally available for such work if it is completed satisfactorily and  
15 timely as determined by the principal or his designee, upon the recommendation of  
16 the ~~pupil's~~ student's teacher. A ~~pupil~~ student who is suspended for more than ten  
17 days, or is expelled and receives educational services at an alternative school site,  
18 shall be assigned work by a certified teacher and shall receive credit for school work  
19 if it is completed satisfactorily and timely as determined by the teacher. Such work  
20 shall be aligned with the curriculum used at the school from which the ~~pupil~~ student  
21 was suspended or expelled.

22 (f) When a ~~pupil~~ student is suspended for a second time within one school  
23 year, the principal may require that a counseling session be held with the parent and  
24 ~~pupil~~ student by the school counselor if a counselor is assigned or available to that  
25 school. In the event there is no school counselor ~~available, assigned to that school,~~  
26 the principal may require a conference between the parent, ~~pupil~~ student, and all the  
27 ~~pupil's~~ student's teachers and the principal or other administrator.

28 (4) The governing authority of each public elementary and secondary school  
29 shall adopt such rules and regulations as it deems necessary to implement the

1 provisions of this Subsection and of R.S. 17:416.13. Such rules and regulations shall  
2 include but not be limited to the following provisions:

3 (a) A procedure permitting any teacher or other school employee to report  
4 any violation of the provisions of this Subsection to the appropriate school principal.  
5 The procedure shall provide for the uniform use throughout the school system of two  
6 forms to report incidents of alleged discipline violations. One form shall be used to  
7 report only school transportation-related incidents and one form shall be used to  
8 report all other incidents.

9 (i) The form for reporting a transportation-related incident shall provide for  
10 the following information:

11 (aa) Bus number and name of operator.

12 (bb) ~~Pupil~~ Student name and grade level.

13 (cc) School name and name of the principal.

14 (dd) Date of the incident and whether it occurred on the way to or on the way  
15 from the school or school function.

16 (ee) A menu of check-off items to indicate the nature of the incident,  
17 including fighting or bullying at the bus stop, fighting or bullying on the bus,  
18 smoking on the bus, leaving the bus without permission, boarding the bus at the  
19 incorrect stop, showing disrespect toward the operator, committing an immoral or  
20 vicious act, throwing objects within the bus or out of bus windows or doors, refusing  
21 to occupy an assigned seat, using profane language, showing willful disobedience,  
22 defacing the bus, carrying objects or implements which can be used as weapons, or  
23 committing some other undesignated violation.

24 (ff) Space to provide specific remarks and comments concerning the incident  
25 and alleged discipline violation.

26 (gg) Space to indicate a ~~pupil's~~ student's prior history of discipline violations  
27 related to school transportation incidents.

28 (hh) A statement to be signed and dated by the bus operator or other school  
29 employee, if applicable, that the named ~~pupil~~ student is causing a discipline problem,

1 that disciplinary action against the ~~pupil~~ student is recommended, and that the  
2 signatory desires to be informed of action taken on the incident report or the reasons  
3 for not taking action.

4 (ii) A space to report action taken on the incident report, including a menu  
5 of check off items to indicate that a parent or other person responsible for the ~~pupil's~~  
6 student's school attendance has been contacted, that a conference has been conducted  
7 with the ~~pupil's~~ student's parent or other responsible person, that the ~~pupil~~ student has  
8 been reprimanded, that the ~~pupil~~ student has been suspended from receiving school  
9 transportation services and for what period of time, that the ~~pupil~~ student has been  
10 suspended from school and for what period of time, or that some other action has  
11 been taken and an explanation of such action. The report on action taken shall be  
12 dated and signed by the school principal.

13 (jj) Space for comments and remarks by the ~~pupil~~ student or a ~~pupil's~~  
14 student's parent or other responsible person concerning the incident and action taken.

15 (kk) A menu of check off items to indicate that copies of the completed  
16 document have been supplied to the ~~pupil's~~ student's parent or other responsible  
17 person, the school's ~~pupil~~ student file, the school employee filing the incident report,  
18 the supervisor of transportation services for the school system, and the principal.

19 (ll) Such other information as may be determined by the city, ~~or~~ parish, or  
20 other local public school board.

21 (ii) The form for reporting a nontransportation-related incident shall provide  
22 for the following information:

23 (aa) School name.

24 (bb) Name and telephone number of the ~~pupil~~ student.

25 (cc) Indication of whether the ~~pupil~~ student is in regular or special education  
26 and the ~~pupil's~~ student's homeroom number.

27 (dd) Time and location of the incident.

28 (ee) Space to provide specific remarks and comments concerning the  
29 incident and alleged discipline violation.

1 (ff) A menu of check off items indicating action taken by the teacher,  
2 including having a conference with the ~~pupil student~~, assigning remedial work,  
3 referring the ~~pupil student~~ to a counselor, ~~referring the pupil to a social worker, or~~  
4 certified school psychologist, placing the ~~pupil student~~ in detention, or taking other  
5 action with an explanation of such other action.

6 (gg) A menu of check off items indicating the type and date of contact with  
7 the ~~pupil's student's~~ parent or other person responsible for the ~~pupil's student's~~ school  
8 attendance, including by phone, by letter, by school conference, or by behavior  
9 reports.

10 (hh) A space for recommendations from the teacher or other school  
11 employee initiating the incident report.

12 (ii) A statement to be signed and dated by the teacher or other school  
13 employee initiating the incident report that the named ~~pupil student~~ is causing a  
14 discipline problem, that disciplinary action against the ~~pupil student~~ is  
15 recommended, and that the signatory desires to be informed of action taken on the  
16 incident report or the reasons for not taking action.

17 (jj) A space to report action taken on the incident report, including a menu  
18 of check off items to indicate contact with the ~~pupil's student's~~ parent or other  
19 responsible person, conduct of a conference with the ~~pupil student~~ and the ~~pupil's~~  
20 student's parent or other responsible person and a summary of conference  
21 proceedings, referral to a counselor, issuance of a reprimand, placement on  
22 detention, placement on probation, suspension, or that some other action has been  
23 taken and an explanation of such action. The report on action taken shall be dated  
24 and signed by the school principal.

25 (kk) Space for comments and remarks by the ~~pupil student~~ or a ~~pupil's~~  
26 student's parent or other responsible person concerning the incident and action taken.

27 (ll) A menu of check off items to indicate that copies of the completed  
28 document have been supplied to the ~~pupil's student's~~ parent or other responsible

1 person, the school's ~~pupil~~ student file, the teacher or other school employee filing the  
2 incident report, and the principal.

3 (mm) Such other information as may be determined by the city, ~~or~~ parish,  
4 or other local public school board.

5 (iii) The State Board of Elementary and Secondary Education shall develop  
6 the forms necessary to implement the provisions of this Subparagraph and such  
7 forms shall be used by each city, ~~and~~ parish, or other local public school board.

8 (b) Procedures implementing the provisions of R.S. 17:416.13 regarding  
9 bullying.

10 (c) A procedure requiring that, within a reasonable period of time, a principal  
11 shall review any such report and then act upon it as provided by this Section, or R.S.  
12 17:416.13, or explain the reasons for failing to act to the local superintendent of  
13 schools or his designee and to the teacher, other school employee, student, parent,  
14 or legal guardian reporting the violation.

15 (5) The provisions of this Subsection shall not be construed to conflict with  
16 any federal or state rules or regulations or other guidelines, including but not limited  
17 to those affecting ~~special education~~ students with exceptionalities as defined in R.S.  
18 17:1943 et seq.

19 (6) In carrying out the provisions of this Section, school employees and  
20 administrators shall account for and abide by any relevant provisions contained in  
21 the Individualized Education Program, Behavior Intervention Plan, or Section 504  
22 Plan, as well as the general requirements of the federal Individuals with Disabilities  
23 Education Act.

24 B.(1)(a) Any student after being suspended for committing any of the  
25 offenses enumerated in this Section may be expelled, upon recommendation by the  
26 principal of the public school in which said student is enrolled, which recommended  
27 expulsion shall be subject to the provisions of Subsection C of this Section.

28 (b)(i) Notwithstanding the provisions of Subsection A of this Section, the  
29 principal or his designee shall immediately suspend a student who is found carrying

1 or possessing a firearm or another dangerous instrumentality other than a knife, or  
2 who possesses, distributes, sells, gives, or loans any controlled dangerous substance  
3 governed by the Uniform Controlled Dangerous Substances Law, in any form. ~~He~~  
4 The principal or his designee shall immediately recommend the student's expulsion  
5 in accordance with Subsection C of this Section.

6 (ii)(aa) Except as provided in Item (c)(i) of this Paragraph, no student shall  
7 be permitted to carry or possess a knife of any blade length.

8 (bb) A student who is found carrying or possessing a knife with a blade less  
9 than two and one-half inches in length may be suspended by the school principal as  
10 provided in Paragraph (A)(3) of this Section; however, in appropriate cases such  
11 student, at a minimum, shall be placed in in-school suspension.

12 (cc) The principal shall immediately suspend a student who is found carrying  
13 or possessing a knife the blade of which equals or exceeds two and one-half inches  
14 in length. He also shall immediately recommend the student's expulsion in  
15 accordance with Subsection C of this Section, except that; in the case of a student  
16 less than eleven years of age in pre-kindergarten through grade five, the principal  
17 may, ~~but shall not be required to,~~ recommend the student's expulsion in accordance  
18 with Subsection C of this Section.

19 (c) The provisions of this Section shall not apply to the following:

20 (i) A student carrying or possessing a firearm or knife for purposes of  
21 involvement in a school class or course or school-approved cocurricular or  
22 extracurricular activity or any other activity approved by the appropriate school  
23 officials.

24 (ii) A student possessing any controlled dangerous substance governed by  
25 the Uniform Controlled Dangerous Substances Law that has been obtained directly  
26 or pursuant to a valid prescription or order from a licensed ~~physician~~ medical  
27 provider. However, ~~such~~ the student shall carry evidence of ~~that~~ the prescription or  
28 ~~physician's~~ medical provider's order on his person at all times when in possession of  
29 any controlled dangerous substance which shall be subject to verification. Evidence



1 of the prescription or medical provider's order includes possession of the controlled  
2 dangerous substance in its original packaging as received from the pharmacy.

3 (2) Any ~~pupil~~ student who has been suspended on three occasions for  
4 committing any of the offenses enumerated in this Subsection or Subsection C of this  
5 Section during the same school year shall, upon committing the fourth such offense,  
6 be expelled from all the public schools of the city, parish, or other local public school  
7 system wherein he resided until the beginning of the next regular school year, and  
8 the ~~pupil's~~ student's reinstatement shall be subject to the review and approval of the  
9 city, parish, or other local public school board.

10 (3)(a)(i) No student who has been expelled pursuant to the provisions of this  
11 Section shall be admitted to any public school in any other ~~parish or city, parish, or~~  
12 other local public school system in the state except upon the review and approval of  
13 the school board of the school system to which he seeks admittance.

14 (ii) No student who has been expelled from any public or nonpublic school  
15 outside the state of Louisiana or any nonpublic school within Louisiana for  
16 committing any of the offenses enumerated in this Section shall be admitted to any  
17 public school in the state except upon the review and approval of the governing body  
18 of the admitting school.

19 (b) No student who has been expelled pursuant to the provisions of  
20 Paragraph (C)(2) of this Section shall be readmitted to a regular public school in the  
21 city, parish, or other local public school system from which he was expelled prior to  
22 the completion of the specified period of expulsion at the school system's alternative  
23 education setting, unless he has complied with the provisions of Subparagraph  
24 (C)(2)(d) of this Section.

25 (c) To facilitate the review and approval mandated by this Paragraph, any  
26 student who has been expelled from any public or nonpublic school within or outside  
27 the state of Louisiana shall provide to any public school or school system in the state  
28 to which the student is seeking admission information on the dates of any expulsions  
29 and the reason or reasons for which the student was expelled. Additionally, the

1 transfer of a student's records by any public school or school system in the state to  
2 any other public or nonpublic school or school system shall include information on  
3 the dates of any expulsions and the reason or reasons for which the student was  
4 expelled.

5 (d)(i) ~~In addition to any other limitations established by this Subsection on~~  
6 ~~the admission of previously expelled pupils to public elementary and secondary~~  
7 ~~schools in Louisiana, no pupil~~ No student who has been expelled from any public or  
8 nonpublic school within or outside the state of Louisiana for possessing on school  
9 property or on a school bus a firearm, knife, or other dangerous weapon or  
10 instrumentality customarily used or intended for probable use as a dangerous  
11 weapon, or for possessing, possessing with intent to distribute, or distributing,  
12 selling, giving, or loaning while on school property or on a school bus any controlled  
13 dangerous substance governed by the Uniform Controlled Dangerous Substances  
14 Law ~~shall~~ may be admitted to any public elementary or secondary school in the state,  
15 or readmitted to any such school on a probationary basis prior to the completion of  
16 the minimum period of expulsion as provided in Subsection C of this Section, until  
17 the ~~pupil~~ student produces written documentation that he and his parent or legal  
18 guardian have enrolled and participated in an appropriate rehabilitation or counseling  
19 program related to the reason or reasons for the ~~pupil's~~ student's expulsion.

20 (ii) The rehabilitation or counseling required by the provisions of this  
21 Subparagraph shall be provided by existing or new programs approved by the  
22 juvenile or family court having jurisdiction, if applicable, or by the school system  
23 and shall be at no additional cost to the school system. Such rehabilitation or  
24 counseling programs may include the following components relative to successful  
25 programs, approaches, and activities for parental involvement which better equip  
26 parents and legal guardians to provide support for the education of their children:

27 (aa) Enhancing parenting skills and expanding curriculum offerings relative  
28 to character development, the development of a healthy self-esteem and sense of  
29 personal and social responsibility, violence prevention, and conflict resolution.

1 (bb) Raising the educational level of the parents and legal guardians of  
2 public school students through instruction in basic skills.

3 (cc) Improving developmental skills of students to prepare them for  
4 academic success.

5 (dd) Providing a role model for the child through parental interest in  
6 education.

7 (ee) Enabling parents and legal guardians to become familiar with and  
8 comfortable in the school setting.

9 (ff) Enhancing the relationship of the parent or legal guardian and child  
10 through planned, structured parent-school interaction.

11 (gg) Demonstrating to parents and legal guardians their power to affect their  
12 child's ability to learn.

13 (iii) The requirements of this Subparagraph for a student's enrollment and  
14 participation in a rehabilitation or counseling program shall be waived by the school  
15 system upon a documented showing by the student that no appropriate program is  
16 available in the area or that the student cannot enroll or participate due to financial  
17 hardship.

18 (iv) The provisions of this Subparagraph shall be applicable to ~~exceptional~~  
19 ~~children~~ students provided special education services pursuant to Part I of Chapter  
20 8 of this Title and to students who have an Individualized Education Program or a  
21 Section 504 Individualized Accommodation Plan only to the extent the provisions  
22 are not in conflict with federal rules, regulations, and guidelines applicable to the  
23 education of ~~exceptional students~~ students with exceptionalities or the provisions of  
24 the students' specific plans.

25 C.(1) Upon the recommendation by a principal for the expulsion of any  
26 student as authorized by Subsection B ~~hereof~~, of this Section or a school board's code  
27 of conduct, a hearing shall be conducted by the superintendent or his designee within  
28 fifteen school days ~~or by any other person designated so to do by the superintendent~~  
29 to determine the facts of the case and make a finding of whether or not the student

1 is guilty of conduct warranting a recommendation of expulsion. The school board  
2 must provide written notice of the hearing to the student and his parent or legal  
3 guardian, and such notice shall advise the student and his parent or legal guardian of  
4 their rights. Upon the conclusion of the hearing and upon a finding that the student  
5 is guilty of conduct warranting expulsion, the superintendent; or his designee; shall  
6 determine whether such student shall be expelled from the school system or if other  
7 corrective or disciplinary action shall be taken. At said 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 hearing and  
10 shall be permitted to present information the teacher believes relevant. Until such  
11 hearing takes place the student shall remain suspended from the school with access  
12 to classwork and the opportunity to earn academic credit. At such hearing the  
13 student may be represented by any person of his choice. A student who is expelled  
14 or suspended for longer than ten days shall be provided with academic instruction  
15 at an alternative setting in accordance with R.S. 17:416.2.

16 (2)(a)(~~†~~) Notwithstanding the provisions of Subsection B of this Section, any  
17 student sixteen years of age or older found guilty of being in possession of a firearm  
18 on school property, on a school bus, or in actual possession at a school-sponsored  
19 event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall  
20 be expelled from school for a minimum period of four complete school semesters  
21 and shall be referred to the district attorney for appropriate action. However, the  
22 superintendent ~~of a city, parish, or other local public school system~~ may modify the  
23 length of such minimum expulsion requirement on a case-by-case basis, provided  
24 such modification is in writing.

25 (~~†~~) (b) Notwithstanding the provisions of Subsection B of this Section, any  
26 student ~~sixteen years of age or older~~ in grades six through twelve found guilty of  
27 possession of, or knowledge of and intentional distribution of, or possession with  
28 intent to distribute any illegal narcotic, drug, or other controlled substance on school  
29 property, on a school bus, or at a school sponsored event pursuant to a hearing as

1 provided for by Paragraph (1) of this Subsection shall be expelled from school for  
2 a minimum period of four complete school semesters.

3 ~~(b)(i) Any student who is under sixteen years of age and in grades six~~  
4 ~~through twelve and who is found guilty of being in possession of a firearm on school~~  
5 ~~property, on a school bus, or in actual possession at a school sponsored event,~~  
6 ~~pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be~~  
7 ~~expelled from school for a minimum period of four complete school semesters, and~~  
8 ~~shall be referred to the district attorney for appropriate action. However, the~~  
9 ~~superintendent of a city, parish, or other local public school system may modify the~~  
10 ~~length of such minimum expulsion requirement on a case-by-case basis, provided~~  
11 ~~such modification is in writing.~~

12 ~~(ii) Any student who is under sixteen years of age and in grades six through~~  
13 ~~twelve and who is found guilty of possession of, or knowledge of and intentional~~  
14 ~~distribution of, or possession with intent to distribute any illegal narcotic, drug, or~~  
15 ~~other controlled substance on school property, on a school bus, or at a school~~  
16 ~~sponsored event pursuant to a hearing as provided for by Paragraph (1) of this~~  
17 ~~Subsection shall be expelled from school for a minimum period of two complete~~  
18 ~~school semesters.~~

19 (c)(i) Any case involving a student in kindergarten through grade five found  
20 guilty of being in possession of a firearm on school property, on a school bus, or in  
21 actual possession at a school-sponsored event, pursuant to a hearing as provided for  
22 by Paragraph (1) of this Subsection, shall be expelled from school for a minimum  
23 period of two complete school semesters and shall be referred to the district attorney  
24 for appropriate action. However, the superintendent of a city, parish, or other local  
25 ~~public school system~~ may modify the length of such minimum expulsion  
26 requirement on a case-by-case basis, provided such modification is in writing.

27 (ii) Any case involving a student in kindergarten through grade five found  
28 guilty of possession of, or knowledge of and intentional distribution of, or possession  
29 with intent to distribute any illegal narcotic, drug, or other controlled substance on

1 school property, on a school bus, or at a school sponsored event pursuant to a hearing  
2 as provided for by Paragraph (1) of this Subsection shall be referred to the city,  
3 parish, or other local public school board where the student attends school through  
4 a recommendation for action from the superintendent.

5 (d)(i) Any student expelled from school may be readmitted on a probationary  
6 basis to school at any time during the specified period of expulsion on such terms  
7 and conditions as may be stipulated by the city, parish, or other local public school  
8 board and agreed to in writing by the student and by the student's parent or other  
9 person responsible for the student's school attendance. ~~Such terms and conditions~~  
10 ~~may include but need not be limited to placing the student in a suitable alternative~~  
11 ~~education program as determined by the school board.~~ However, any such written  
12 agreement shall include a provision that upon the school principal or superintendent  
13 of schools making a determination that the student has violated any term or condition  
14 agreed to, the student shall be immediately removed from the school premises  
15 without the benefit of any hearing or other procedure applicable to student out-of-  
16 school suspensions and expulsions and returned to the school system's alternative  
17 school setting. As soon thereafter as possible, the principal or his designee shall  
18 provide verbal notice to the superintendent of schools of any such determination and  
19 also shall attempt to provide such verbal notice to the student's parent or other person  
20 responsible for the student's school attendance. The principal or his designee also  
21 shall provide written notice of the determination and the reasons therefor to the  
22 superintendent and to the student's parent or other responsible person.

23 (ii) Any student expelled pursuant to the provisions of this Subsection or  
24 Subsection B of this Section seeking readmission on a probationary basis prior to the  
25 end of the specified period of expulsion must also comply with the provisions of  
26 Subparagraph (B)(3)(d) of this Section.

27 (iii) The provisions of this Subparagraph shall not be applicable to any  
28 student found guilty by a court of competent jurisdiction, or adjudicated a delinquent  
29 by a court of competent jurisdiction, of a criminal violation of any provision of Title

1 14 of the Louisiana Revised Statutes of 1950 which is related to the reason for the  
2 suspension, unless the judge finds otherwise.

3 (3)(a) Any student arrested for possession of, or intentional distribution of,  
4 or possession with intent to distribute any illegal narcotic, drug, or other controlled  
5 substance on school property shall be referred by the school principal or his  
6 designee, within five days after such arrest, for testing or screening by a qualified  
7 medical professional for evidence of abuse of alcohol, illegal narcotics, drugs, or  
8 other controlled dangerous substances.

9 (b) If evidence of abuse is found, the ~~student shall be referred~~ principal or  
10 his designee shall refer the student to an alcohol and drug abuse treatment  
11 professional chosen by the student's parent or ~~tutor~~ legal guardian. If the student is  
12 found by the professional to be in need of treatment, and if the student agrees to  
13 cooperate in the recommended treatment, as certified in writing by the medical  
14 professional, such documentation may be used to initiate reopening the student's  
15 case. The school board shall take into consideration the student's agreement to  
16 receive treatment as a positive factor in the final decision relative to any final  
17 disciplinary action.

18 (4) The parent or ~~tutor~~ legal guardian of the ~~pupil~~ student who has been  
19 recommended for expulsion pursuant to this Section may, within five days after the  
20 decision is rendered, submit a request to the city, or parish, or other local public  
21 school board to review the findings of the superintendent or his designee at a time  
22 set by the school board; otherwise the decision of the superintendent shall be final.  
23 If requested, as herein provided, and after reviewing the findings of the  
24 superintendent or his designee, the school board may affirm, modify, or reverse the  
25 action previously taken. The parent or ~~tutor~~ legal guardian of the ~~pupil~~ student shall  
26 have such right of review even if the recommendation for expulsion is reduced to a  
27 suspension. Each school board's code of conduct shall include information detailing  
28 the appeal process provided in this Paragraph and Subparagraph (5)(a) of this  
29 Subsection.

1           (5)(a) The parent or ~~tutor~~ legal guardian of the ~~pupil~~ student who has been  
2 recommended for expulsion pursuant to this Section may, within ten school days,  
3 appeal to the district court for the parish in which the student's school is located, an  
4 adverse ruling of the school board in upholding the action of the superintendent or  
5 his designee. The court may reverse or revise the ruling of the school board upon a  
6 finding that the ruling of the board was based on an absence of any relevant evidence  
7 in support thereof. The parent or ~~tutor~~ legal guardian of the ~~pupil~~ student shall have  
8 such right to appeal to the district court even if the recommendation for expulsion  
9 is reduced to a suspension.

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

21           D.(1) The conviction of any student of a felony or the incarceration of any  
22 student in a juvenile institution for an act which had it been committed by an adult  
23 would have constituted a felony may be cause for expulsion of the student for a  
24 period of time as determined by the board. The expulsion shall require the vote of  
25 two-thirds of the elected members of the school board, shall not be for a period of  
26 time longer than the student's period of adjudication as determined by the applicable  
27 court presiding over the student's criminal matter, and shall run concurrent to the  
28 student's period of adjudication. If the student was serving an expulsion period when  
29 the student was incarcerated for a separate offense and the student completes the



1 period of incarceration with time left in the expulsion period, the superintendent or  
2 his designee may require the student to serve the time left in the expulsion period.

3 (2) The conviction of any student of a felony or the incarceration of any  
4 student in a juvenile institution for an act, whether said act is committed in this state  
5 or outside this state, which had it been committed by an adult would have constituted  
6 a felony in this state may be sufficient cause for any ~~public school system~~  
7 superintendent to refuse admission of said student to any school except upon review  
8 and approval of a majority of the elected members of the school board when request  
9 for admission is made to the board.

10 E. The provisions of this Section shall be applicable to ~~exceptional children~~  
11 students with exceptionalities provided special education services pursuant to Part  
12 I of Chapter 8 of this Title or to students who have an Individualized Education  
13 Program or a Section 504 Individualized Accommodation Plan to the maximum  
14 extent allowed by federal law and rules applicable to the education of ~~exceptional~~  
15 ~~children~~ students with exceptionalities in the state. No policy adopted by the State  
16 Board of Elementary and Secondary Education applicable to ~~exceptional children~~  
17 students with exceptionalities as provided in this Subsection shall be more restrictive  
18 than required by federal law and rules.

19 F. Notwithstanding any provision of this Section to the contrary, school  
20 officials shall have total discretion and shall exercise such discretion in imposing on  
21 a ~~pupil~~ student any disciplinary actions authorized by this Section for possession by  
22 a ~~pupil~~ student of a firearm or knife on school property when such firearm or knife  
23 is stored in a motor vehicle and there is no evidence of the ~~pupil's~~ student's intent to  
24 use the firearm or knife in a criminal manner.

25 G. The State Board of Elementary and Secondary Education shall formulate,  
26 develop, adopt, and fully implement ~~by not later than the beginning of the 1998-1999~~  
27 ~~school-year~~ methods and procedures for use as part of the board's school-approval  
28 process to determine whether or not state laws and board policies regarding student  
29 discipline are being fully complied with by a school's administrators, teachers, and

1 other employees. Any school determined not to be in compliance with such laws and  
2 procedures shall not be approved. The provisions of this Subsection shall not apply  
3 to ~~private~~ nonpublic schools.

4 H.(1) ~~Effective for the 1997-1998 school year and thereafter, no pupil~~ No  
5 student shall be disciplined in any manner by the governing authority of a public  
6 elementary or secondary school or by any public elementary or secondary school  
7 administrator, teacher, or other school employee for the use of force upon another  
8 person when it can be reasonably concluded that the use of such force more probably  
9 than not was committed solely for the purpose of preventing a forcible offense  
10 against the ~~pupil~~ student or a forcible offense provided that the force used must be  
11 reasonable and apparently necessary to prevent such offense.

12 (2) A ~~pupil~~ student who is the aggressor or who brings on a difficulty cannot  
13 claim the right provided by this Subsection to defend himself.

14 I.(1) ~~Effective beginning with the 1999-2000 school year and thereafter, any~~  
15 Any public school administrator and any administrator's designee who is required to  
16 make a recommendation, decide an issue, or take action in a matter involving the  
17 discipline of a ~~pupil~~ student shall both recuse themselves from doing so whenever  
18 a member of the immediate family of the school administrator or of the  
19 administrator's designee is involved in any manner in the recommendation to be  
20 made, the issue to be decided, or the action to be taken. In case of such recusal, the  
21 recommendation shall be made by, the issued decided by, or the action taken by the  
22 ~~school system~~ superintendent or an impartial designee of the superintendent.

23 (2) For the purposes of this Subsection, immediate family means the  
24 individual's children, brothers, sisters, parents, and spouse and the children, brothers,  
25 sisters, and parents of the spouse.

26 J.~~(H)~~ Notwithstanding the provisions of this Section or any other provision  
27 of law, a student enrolled in grades prekindergarten through five shall not be  
28 suspended or expelled from school or suspended from riding on any school bus for  
29 a uniform violation that is not tied to willful disregard of school policies.

1           ~~(2) Notwithstanding any other provision of law to the contrary, this~~  
2           ~~Subsection shall apply to charter schools. Furthermore, no charter school shall~~  
3           ~~suggest to a parent that it has the authority to suspend or expel a student for a~~  
4           ~~uniform violation that is not tied to willful disregard of school policies.~~

5           K. For the purposes of this Section, "virtual instruction" means instruction  
6           provided to a student through an electronic delivery medium including but not  
7           limited to electronic learning platforms that connect to a student in a remote location  
8           to classroom instruction. A city, ~~or~~ parish, or other local public school board  
9           discipline policy shall clearly define the rules of conduct and expectations of  
10          students engaged in virtual instruction, shall provide for notice of such rules and  
11          expectations to the parents and guardians of students, shall include clearly defined  
12          consequences of conduct, shall be narrowly tailored to address compelling  
13          government interests, and shall take into consideration the students' and their  
14          families' rights to privacy and other constitutional rights while at home or in a  
15          location that is not school property. The provisions of this Section herein related to  
16          mandatory recommendation for expulsion shall not be applied to virtual instruction  
17          received by a student in the student's home.

18          L. Each city, parish, or other local public school board shall maintain and  
19          administer student codes of conduct that meet the minimum requirements of the  
20          model master discipline plan as provided in R.S. 17:252. Codes of conduct shall  
21          include progressive levels of minor through major infractions and identify  
22          corresponding minor through major interventions and consequences. Before an  
23          initial referral for a student's expulsion, codes of conduct shall require the prior  
24          administration of interventions in accordance with the minor tiers in the code of  
25          conduct, except in instances where the expulsion referral is the result of accumulated  
26          minor infractions in accordance with the code of conduct, or the underlying incident  
27          seriously threatens the safety of students or staff. Expulsions shall be reserved for  
28          the major tier of behavioral infractions involving weapons, drugs, or when the safety  
29          of students and staff has been put in imminent jeopardy.

1           M. The state Department of Education shall publish annually and publish on  
 2           its website data regarding disciplinary removals, disaggregated at the state, system,  
 3           and school level and also disaggregated and capable of cross-tabulation by the  
 4           characteristics of gender, race, disability, English language learner status, and  
 5           economically disadvantaged status. In reporting such data, the department shall  
 6           shall comply with all federal and state privacy laws and shall strive to ensure that all  
 7           relevant state accountability metrics are valid and reliable.

8           N. A public school governing authority that maintains a parish-wide student  
 9           expulsion process as required by R.S. 17:10.7.1(E)(4) may maintain and develop  
 10           policies and procedures for student expulsions without regard to the requirements of  
 11           this Section.

\* \* \*

§3996. Charter schools; exemptions; requirements

\* \* \*

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

\* \* \*

(40) ~~Prohibits suspension or expulsion of students in grades prekindergarten  
 through five~~ Discipline of students, R.S. 17:416(~~F~~).

\* \* \*

## 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 411 Engrossed

2021 Regular Session

Hughes

**Abstract:** Revises school discipline laws.

Present law provides relative to student discipline. Proposed law provides a comprehensive revision of present law, applicable to all public schools, including charter schools.

Specific changes include the following:

- (1) Requires school boards to adopt student codes of conduct and generally requires that students be disciplined for violations of such codes rather than for a list of specific behaviors defined by law. Requires that such codes of conduct include progressive levels of minor through major infractions and identify corresponding minor through major interventions and consequences.
- (2) Provides additional disciplinary measures a principal may implement before returning a student to the class room.
- (3) Provides that conferences with parents may be held by telephone or virtual means.
- (4) Makes present law requirements for discussions with the student and parents prior to a suspension also applicable to assignment to alternative placements and expulsions.
- (5) Present law prohibits readmission to school of a student who damaged school property until payment has been made for the damage. Proposed law makes the provision applicable to damage to any property on school grounds or owned by an employee or student. Proposed law also authorizes readmission of the student if alternative restitution or an alternative payment plan has been arranged.
- (6) Relative to students carrying knives, increases the minimum length of a knife blade for which suspension is required from two to two and one-half inches.
- (7) Requires prescription medicines be carried in their original packaging.
- (8) Requires that expulsion hearings be held within 15 school days.
- (9) Limits the length of certain expulsions for criminal behavior to the student's period of adjudication as determined by a court.
- (10) Requires the Dept. of Education to publish data on disciplinary removals.

(Amends R.S. 17:416 and 3996(B)(40))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Exempt students receiving virtual instruction at home from mandatory recommendation for expulsion.

2. Exempt certain school boards with schools returned from the Recovery School District from the student expulsion process provided for in proposed law.