

2021 Regular Session

HOUSE BILL NO. 136

BY REPRESENTATIVE CARPENTER

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

STUDENT/DISCIPLINE: Provides relative to suspensions and expulsions of public school students

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(3)(a)(introductory paragraph) and (b)(i), (B)(1)(b)(i)
3 and (ii)(bb) and (cc), (C)(1) and (2)(a) and (b), (D)(1), and (J)(1), to enact R.S.
4 17:416(A)(6), and to repeal R.S. 17:416(C)(2)(c), relative to discipline of students;
5 to provide relative to suspensions and expulsions; to provide for consideration of
6 personal trauma as a mitigating factor in a disciplinary action; to provide for
7 discipline of students relative to uniform violations; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:416(A)(3)(a)(introductory paragraph) and (b)(i), (B)(1)(b)(i) and
11 (ii)(bb) and (cc), (C)(1) and (2)(a) and (b), (D)(1), and (J)(1) are hereby amended and
12 reenacted and R.S. 17:416(A)(6) is hereby enacted to read as follows:

13 §416. Discipline of students; suspension; expulsion

14 A.

15 * * *

16 (3)(a) A school principal may suspend from school or suspend from riding
17 on any school bus a student in grades kindergarten through eight who acts in a way
18 that is intended to cause significant bodily harm or emotional distress to another
19 person. A school principal may suspend from school or suspend from riding on any

1 school bus any student in grades nine through twelve who:

2 * * *

3 (b)(i) Prior to any suspension, the school principal, or his designee, shall
4 advise the pupil in question of the particular misconduct of which he is accused as
5 well as the basis for such accusation and refer the student for an assessment in
6 accordance with Paragraph (6) of this Subsection, and the pupil shall be given an
7 opportunity at that time to explain his version of the facts to the school principal or
8 his designee. In each case of suspension or expulsion the school principal, or his
9 designee, shall contact by telephone at the telephone number shown on the pupil's
10 registration card or send a certified letter at the address shown on the pupil's
11 registration card to the parent, tutor, or legal guardian of the pupil in question giving
12 notice of the suspension or expulsion, the reasons therefor and establishing a date
13 and time for a conference with the principal or his designee as a requirement for
14 readmitting the pupil provided that in the case of expulsion, the contact with the
15 parent or guardian shall include a certified letter. If the parent, tutor, or legal
16 guardian fails to attend the required conference within five school days of mailing
17 the certified letter or other contact with the parent, the truancy laws shall become
18 effective. On not more than one occasion each school year when the parent, tutor,
19 or legal guardian refuses to respond, the principal may determine whether
20 readmitting the pupil is in the best interest of the student. On any subsequent
21 occasions in the same year, the pupil shall not be readmitted unless the parent, tutor,
22 legal guardian, court, or other appointed representative responds. A pupil whose
23 presence in or about a school poses a continued danger to any person or property or
24 an ongoing threat of disruption to the academic process shall be immediately
25 removed from the school premises without the benefit of the procedure described
26 hereinabove; however, the necessary procedure shall follow as soon as is practicable.

27 * * *

28 (6) Prior to any suspension, the school principal or his designee may refer
29 a student to be assessed using an instrument developed by the Centers for Disease

1 C.(1) Upon the recommendation by a principal for the expulsion of any
2 student as authorized by Subsection B hereof, a hearing shall be conducted by the
3 superintendent or by any other person designated so to do by the superintendent to
4 determine the facts of the case and make a finding of whether or not the student is
5 guilty of conduct warranting a recommendation of expulsion. The superintendent
6 or his designee may refer a student to be assessed using an instrument developed by
7 the Centers for Disease Control and Prevention that is designed to determine if the
8 student has experienced trauma. The results of the assessment shall be used to
9 determine whether the student's behavior may be better addressed in a manner other
10 than through expulsion. Upon the conclusion of the hearing and upon a finding that
11 the student is guilty of conduct warranting expulsion, the superintendent, or his
12 designee, shall determine whether such student shall be expelled from the school
13 system or if other corrective or disciplinary action shall be taken. At said hearing the
14 principal or teacher concerned may be represented by any person appointed by the
15 superintendent. The concerned teacher shall be permitted to attend such hearing and
16 shall be permitted to present information the teacher believes relevant. Until such
17 hearing takes place the student shall remain suspended from the school. At such
18 hearing the student may be represented by any person of his choice.

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

28 (ii) Notwithstanding the provisions of Subsection B of this Section, any
29 student ~~sixteen years of age or older~~ in grades nine through twelve found guilty of

1 possession of, or knowledge of and intentional distribution of, or possession with
2 intent to distribute any illegal narcotic, drug, or other controlled substance on school
3 property, on a school bus, or at a school sponsored event pursuant to a hearing as
4 provided for by Paragraph (1) of this Subsection shall be expelled from school for
5 a minimum period of four complete school semesters.

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

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

22 * * *

23 D.(1) The conviction of any student in grades nine through twelve of a
24 felony or the incarceration of any student in grades nine through twelve in a juvenile
25 institution for an act which had it been committed by an adult would have constituted
26 a felony may be cause for expulsion of the student for a period of time as determined
27 by the board. The expulsion shall require the vote of two-thirds of the elected
28 members of the school board.

29 * * *

1 J.(1) Notwithstanding the provisions of this Section or any other provision
2 of law, a student ~~enrolled in grades prekindergarten through five~~ shall not be
3 suspended or expelled from school or suspended from riding on any school bus for
4 a uniform violation that is not tied to willful disregard of school policies.

5 * * *

6 Section 2. R.S. 17:416(C)(2)(c) is hereby repealed in its entirety.

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 136 Engrossed

2021 Regular Session

Carpenter

Abstract: Provides relative to reasons for out-of-school suspension and expulsion for students in grades eight and below.

Present law provides for discipline of students, including suspension and expulsion, in public elementary and secondary schools. Provides actions for which a student may be suspended or expelled and procedures related to such disciplinary measures.

Proposed law generally retains present law as applicable to students in grades nine through 12. Provides that a student in grades pre-K through eight may be suspended only for acting in a way that is intended to cause significant bodily harm or emotional distress to another person.

Proposed law authorizes, prior to any suspension or expulsion, that the student be assessed using an instrument developed by the Centers for Disease Control and Prevention that is designed to determine if the student has experienced trauma. Requires that the results be used to determine whether the student's behavior may be better addressed in another manner.

Present law prohibits suspension of students in grades pre-K through five for uniform violations. Proposed law makes the prohibition applicable to all students.

(Amends R.S. 17:416(A)(3)(a)(intro. para.) and (b)(i), (B)(1)(b)(i) and (ii)(bb) and (cc), (C)(1) and (2)(a) and (b), (D)(1), and (J)(1); Adds R.S. 17:416(A)(6); Repeals R.S. 17:416(C)(2)(c))

Summary of Amendments Adopted by House

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

1. Change a requirement that school officials ensure that a student be assessed for trauma prior to a possible suspension or expulsion to an authorization for the official to refer a student for such an assessment.