2023 Regular Session

HOUSE BILL NO. 353

### BY REPRESENTATIVE MARCELLE

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

STUDENTS: Provides relative to student behavior, discipline, and behavioral and mental health

1	AN ACT	
2	To amend and reenact R.S. 17:226(A)(1), 253(B)(introductory paragraph) and (2) and (C),	
3	271.1(B)(2), 280.1(A), 282.4(C)(1)(d) and (F), and 404(A), to enact R.S.	
4	17:271.1(B)(5), 416(A)(2)(g), 416.22, and 437.2(F) and R.S. 40:31.3(B)(6), and to	
5	repeal R.S. 17:253(B)(3) through (25), relative to student behavior, discipline, and	
6	health; to provide relative to exemptions from compulsory attendance requirements	
7	for behavioral and mental health reasons; to provide relative to the membership of	
8	the Advisory Council on Student Behavior and Discipline; to provide relative to	
9	required instruction on mental health and eating disorders; to provide relative to	
10	programs on suicide prevention and substance abuse prevention; to define willful	
11	disobedience and require the State Board of Elementary and Secondary Education	
12	to adopt related rules; to require the state Department of Education to develop and	
13	administer a pilot program for implementing screening for adverse childhood	
14	experiences; to require the registration of school health centers with the office of	
15	public health; and to provide for related matters.	
16	Be it enacted by the Legislature of Louisiana:	
17	Section 1. R.S. 17:226(A)(1), 253(B)(introductory paragraph) and (2) and (C),	
18	271.1(B)(2), 280.1(A), 282.4(C)(1)(d) and (F), and 404(A) are hereby amended and	
19	reenacted and R.S. 17:271.1(B)(5), 416(A)(2)(g), 416.22, and 437.2(F) are hereby enacted	
20	to read as follows:	

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1	§226. Exemptions from compulsory attendance			
2	A. The following classes of children provided for in this Section shall be			
3	exempted from the provisions of this Subpart:			
4	(1)(a) Children mentally, physically, or emotionally incapacitated to perform			
5	school duties, and children unable to profit from further school experience, such			
6	exemptions to be certified in writing by a psychiatrist, psychologist, recognized			
7	evaluation center or clinic, or other professionally qualified person or agency			
8	designated by the city, parish, or other local public school board.			
9	(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,			
10	a student may be absent for up to three days in any school year related to the			
11	student's mental or behavioral health, and such absences shall not require a			
12	certification in writing in order to be excused. The student shall be given the			
13	opportunity to make up any school work missed during such absences. Following			
14	the second day of absence in any school year, the student shall be referred to the			
15	appropriate school support personnel for help addressing the underlying issue, which			
16	may include referral to medical services outside of the school setting.			
17	* * *			
18	§253. Advisory Council on Student Behavior and Discipline			
19	* * *			
20	B. The advisory council shall be composed of <u>a maximum of</u> twenty-nine			
21	members as follows:			
22	* * *			
23	(2) Three members shall be appointed by the Louisiana Association of			
24	Principals. The association shall appoint one principal or assistant principal from the			
25	elementary, middle school, and high school levels. Other members appointed by the			
26	superintendent or his designee who represent organizations as provided in State			
27	Board of Elementary and Secondary Education rules and who may be removed by			
28	the superintendent or his designee with or without cause.			
29	* * *			

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1	C. The state superintendent of education shall convene the first meeting of		
2	the advisory council not later than September 1, 2016, and the state Department of		
3	Education shall provide staff support to the council.		
4	* * *		
5	§271.1. Mental health; required instruction		
6	* * *		
7	B. The instruction shall include, at minimum, information on the following:		
8	* * *		
9	(2) The relationship and the difference between mental health and physical		
10	health.		
11	* * *		
12	(5) The management of stress and anxiety.		
13	* * *		
14	§280.1. Eating disorder awareness and prevention; required instruction		
15	A. Each public school governing authority shall provide age- and grade-		
16	appropriate instruction relative to eating disorder awareness and prevention. Such		
17	instruction shall be integrated into the curriculum of an existing required course,		
18	such as health education, physical education, or another required course deemed		
19	appropriate by the governing authority. The instruction shall include providing the		
20	website and phone number of at least one national organization specializing in eating		
21	disorders for adolescents. Each public school governing authority shall also post this		
22	contact information on its website.		
23	* * *		
24	§282.4. Youth suicide prevention programs; student safety and violence and social		
25	isolation prevention training; policies; intent; rules; services; funding		
26	* * *		
27	C. Any city, parish, or other local public school system offering a youth		
28	suicide prevention program established pursuant to this Section shall do so in		
29	accordance with such rules and regulations adopted by the state board and shall		

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1	report its participation to the state Department of Education. The department shall		
2	designate such a school as a Suicide Prevention Certified School and maintain an		
3	updated list of such schools on its website. A youth suicide prevention program may		
4	include but shall not be limited to the following:		
5	(1) Classroom instruction, via in-person, video, or a combination of in-		
6	person and video training, integrated into the curricula designed to achieve any of the		
7	following objectives:		
8	* * *		
9	(d) Inform students of the available community youth suicide prevention		
10	services and post information about these services on the school system's website.		
11	* * *		
12	F.(1) Beginning not later than the 2020-2021 school year, the governing		
13	authority of each Each public and approved nonpublic secondary school that issues		
14	student identification cards shall post on its website have printed on the cards the		
15	following information:		
16	(1) (a) The National Suicide Prevention Lifeline hotline number.		
17	(2) (b) A local suicide prevention hotline number, if available.		
18	(2) The governing authority of each public and approved nonpublic		
19	secondary school that issues student identification cards shall have printed on the		
20	cards the information provided in Subparagraphs (1)(a) and (b) of this Subsection.		
21	* * *		
22	§404. Establishment of programs of substance abuse		
23	A. Each city and parish school board shall establish and maintain in every		
24	school such grade appropriate programs of alcohol, drug, and substance abuse		
25	prevention, education, information, and counseling as are developed by the section		
26	on drug free schools and communities, and approved by the State Board of		
27	Elementary and Secondary Education for inclusion in the school program as required		
28	in Subsection B of this Section. The programs shall include providing the website		
29	and phone number of at least one national organization specializing in substance		

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1	abuse for adolescents. Each school board shall also post this contact information on			
2	its website.			
3	* * *			
4	§416. Discipline of students; suspension; expulsion			
5	Α.			
6	* * *			
7	(2) As used in this Section:			
8	* * *			
9	(g) "Willful disobedience" is defined as provided in R.S. 17:416.22.			
10	* * *			
11	<u>§416.22. Willful disobedience</u>			
12	A.(1) For the purposes of this Title, "willful disobedience" means any of the			
13	following:			
14	(a) Repeatedly and purposefully shunning a school employee.			
15	(b) Open defiance of the authority of a school employee.			
16	(c) Habitual use of profanity or vulgarity.			
17	(d) Disruption of school activities.			
18	(2) This definition shall not be construed to apply to the following:			
19	(a) Single or repeated violations of the dress code.			
20	(b) The use of oral hygiene products, including but not limited to chewing			
21	gum, if the products are being used for their intended purpose and are properly			
22	disposed of after their use.			
23	(c) Any other action by a student that may result in disciplinary action			
24	according to the provisions of this Title or local disciplinary policy.			
25	B. The governing authority of each public elementary and secondary school			
26	shall:			
27	(1) Incorporate the provisions of this Section into the student code of			
28	conduct required by R.S. 17:416.13.			

1	(2) Inform each student, orally and in writing at the orientation required by $(2)$
2	R.S. 17:416.20, of the definition of and consequences of willful disobedience. A
3	copy of the written notice shall also be provided to each student's parent or legal
4	guardian.
5	C. The state Department of Education shall develop a behavior incidence
6	checklist that the governing authority of each public elementary and secondary
7	school shall use to document the details of each incident of willful disobedience.
8	Each governing authority shall report all documented incidences of willful
9	disobedience to the department.
10	D. The State Board of Elementary and Secondary Education shall adopt rules
11	in accordance with the Administrative Procedure Act for the implementation of this
12	Section.
13	* * *
14	§437.2. Adverse childhood experience education; in-service training; pilot program
15	* * *
16	F.(1) The state Department of Education shall develop and administer a pilot
17	program for the purpose of screening students for adverse childhood experiences and
18	providing related services with respect to mental and behavioral health.
19	(2) The department shall select three school systems to participate in the
20	pilot program.
21	(3) In developing and administering the program, the department shall
22	consult with experts in the fields of mental health, behavioral health, and trauma-
23	informed restorative services.
24	Section 2. R.S. 40:31.3(B)(6) is hereby enacted to read as follows:
25	§31.3. Adolescent school health initiative; health centers in schools
26	* * *
27	B. The office of public health shall:
28	* * *

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1	(6) Require that co	enters be	register	red with the office of public health.	
2		*	*	*	

3

Section 3. R.S. 17:253(B)(3) through (25) are hereby repealed in their 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 353 Original	2023 Regular Session	Marcelle

Abstract: Provides relative to student behavior, discipline, and behavioral and mental health.

<u>Present law</u> provides for exemptions from compulsory school attendance, including when children are mentally, physically, or emotionally incapacitated to perform school duties as certified in writing. <u>Proposed law</u> adds that a student may be absent for up to three days in any school year related to the student's mental or behavioral health, that such absences shall not require a certification in writing in order to be excused, that the child may make up missed school work, and that the child shall be referred to school support personnel following the second day of absence.

<u>Present law</u> provides for the Advisory Council on Student Behavior and Discipline to have 29 members and specifies the particular membership. <u>Proposed law</u> removes the specific membership and instead provides that the council shall have a maximum of 29 members, including the state superintendent or his designee, and grants him discretion in appointing and removing the remaining members.

<u>Present law</u> requires instruction on mental health and lists the minimum information to be included. <u>Proposed law</u> adds the difference between mental and physical health and the management of stress and anxiety to the list.

<u>Present law</u> requires instruction on eating disorders. <u>Proposed law</u> requires that this instruction include providing the website and phone number of at least one national organization specializing in eating disorders for adolescents and requires public school governing authorities to also post this information on their websites.

<u>Present law</u> provides for youth suicide prevention programs, including informing students of available community youth suicide prevention services. <u>Proposed law</u> requires school systems to post this information on their websites.

<u>Present law</u> requires the governing authority of each public and approved nonpublic secondary school that issues student identification cards to have printed on the cards the National Suicide Prevention Lifeline hotline number and, if available, a local suicide prevention hotline number. <u>Proposed law</u> adds that each public and approved nonpublic school shall post this information on its website.

<u>Present law</u> requires school boards to establish substance abuse prevention programs. <u>Proposed law</u> adds that the programs shall include providing the website and phone number of at least one national organization specializing in substance abuse for adolescents and that school boards shall also post this contact information on their websites.

<u>Present law</u> provides generally relative to student discipline, including that a principal may suspend a student who is guilty of "willful disobedience". <u>Proposed law</u> defines this term

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for purposes of <u>present law</u> and requires public school governing authorities to incorporate <u>proposed law</u> into their student codes of conduct and inform students and parents of <u>proposed law</u>. Requires the state Dept. of Education (DOE) to develop a behavior incidence checklist that each governing authority shall use to document the details of each incidence of willful disobedience. Requires each governing authority to report all such documented incidences of willful disobedience to the department. Requires the State Board of Elementary and Secondary Education to adopt rules for <u>proposed law</u> implementation.

<u>Present law</u> provides for in-service training for school employees on adverse childhood experiences (known as ACEs). <u>Proposed law</u> requires DOE to develop and administer a pilot program for the purpose of implementing ACEs screening, to select three school systems to participate in the program, and consult with experts in the fields of mental health, behavioral health, and trauma-informed restorative services in developing and administering the program.

<u>Present law</u> requires the office of public health (OPH) to establish an adolescent school health initiative to facilitate and encourage development of comprehensive health centers in public middle and high schools and provides certain requirements for OPH with respect to this initiative. <u>Proposed law</u> additionally requires OPH to require such school health centers to register with OPH.

(Amends R.S. 17:226(A)(1), 253(B)(intro. para.) and (2) and (C), 271.1(B)(2), 280.1(A), 282.4(C)(1)(d) and (F), and 404(A); Adds R.S. 17:271.1(B)(5), 416(A)(2)(g), 416.22, and 437.2(F) and R.S. 40:31.3(B)(6); Repeals R.S. 17:253(B)(3)-(25))