

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:

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 a maximum of 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 * * *

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

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

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 A.

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 §416.22. Willful disobedience

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.

for purposes of present law and requires public school governing authorities to incorporate proposed law into their student codes of conduct and inform students and parents of proposed law. 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 proposed law implementation.

Present law provides for in-service training for school employees on adverse childhood experiences (known as ACEs). Proposed law 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.

Present law 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. Proposed law 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))