

SENATE BILL NO. 358

BY SENATOR MIZELL

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AN ACT

To amend and reenact R.S. 17:416(C)(2)(a),(b),(c), and (d)(i), relative to mandatory expulsion; to provide with respect to grounds for expulsions for students in grades six through twelve; to prohibit tobacco, alcohol, vaping products, certain knives, and illegal narcotics on school property and buses and at school-sponsored events; to provide for conditions for which a student may be expelled; to provide for the duties of public school superintendents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416(C)(2)(a),(b),(c), and (d)(i) are hereby amended and reenacted to read as follows:

§416. Discipline of students; suspension; expulsion

\* \* \*

C. \* \* \*

(2)(a)(~~i~~) Notwithstanding the provisions of Subsection B of this Section, any student ~~sixteen years of age or older~~ **in grades six through twelve who is** found guilty of being in possession of a firearm, **a knife with a blade equal to or in excess of two and one-half inches in length, or any illegal narcotic, drug, or other controlled substance** on school property, on a school bus, or ~~in actual possession~~ at a school-sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of four complete school semesters and shall be referred to the district attorney for appropriate action. However, the superintendent may modify the length of such

1 minimum expulsion requirement on a case-by-case basis, provided such modification  
2 is in writing.

3 ~~(ii) Notwithstanding the provisions of Subsection B of this Section, any~~  
4 ~~student sixteen years of age or older found guilty of possession of, or knowledge of~~  
5 ~~and intentional distribution of, or possession with intent to distribute any illegal~~  
6 ~~narcotic, drug, or other controlled substance on school property, on a school bus, or~~  
7 ~~at a school-sponsored event pursuant to a hearing as provided for by Paragraph (1)~~  
8 ~~of this Subsection shall be expelled from school for a minimum period of four~~  
9 ~~complete school semesters.~~

10 (b)(i) ~~Any student who is under sixteen years of age and in grades six through~~  
11 ~~twelve and who is found guilty of being in possession of a firearm on school~~  
12 ~~property, on a school bus, or in actual possession at a school-sponsored event,~~  
13 ~~pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be~~  
14 ~~expelled from school for a minimum period of four complete school semesters, and~~  
15 ~~shall be referred to the district attorney for appropriate action. However, the~~  
16 ~~superintendent of a city, parish, or other local public school system may modify the~~  
17 ~~length of such minimum expulsion requirement on a case-by-case basis, provided~~  
18 ~~such modification is in writing.~~ **Notwithstanding the provisions of Subsection B**  
19 **of this Section, any student in grades six through twelve found guilty of being**  
20 **in possession of tobacco, alcohol, or vaping product on school property, on a**  
21 **school bus, or at a school-sponsored event, may be recommended for expulsion.**

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

29 (c)(i) ~~Any case involving a student in kindergarten through grade five found~~  
30 ~~guilty of being in possession of a firearm on school property, on a school bus, or in~~

1 actual possession at a school-sponsored event, pursuant to a hearing as provided for  
2 by Paragraph (1) of this Subsection, shall be expelled from school for a minimum  
3 period of two complete school semesters and shall be referred to the district attorney  
4 for appropriate action. However, the superintendent may modify the length of such  
5 minimum expulsion requirement on a case-by-case basis, provided such modification  
6 is in writing. **Notwithstanding any public school state or local policies, a public**  
7 **school student in grades six through twelve who is suspended a third time within**  
8 **the same school year for any offense, excluding those related to dress codes or**  
9 **tardiness, shall be recommended for expulsion.**

10 (ii) Any case involving a student in kindergarten through grade five found  
11 guilty of possession of, or knowledge of and intentional distribution of, or possession  
12 with intent to distribute any illegal narcotic, drug, or other controlled substance on  
13 school property, on a school bus, or at a school-sponsored event pursuant to a  
14 hearing as provided for by Paragraph (1) of this Subsection shall be referred to the  
15 city, parish, or other local public school board where the student attends school  
16 through a recommendation for action from the superintendent.

17 (d)(i) Any student expelled from school may be readmitted on a probationary  
18 basis to school at any time during the specified period of expulsion on such terms  
19 and conditions as may be stipulated by the city, parish, or other local public school  
20 **board superintendent** and agreed to in writing by the student and by the student's  
21 parent or other person responsible for the student's school attendance. However, any  
22 such written agreement shall include a provision that upon the school principal or  
23 superintendent of schools making a determination that the student has violated any  
24 term or condition agreed to, the student shall be immediately removed from the  
25 school premises without the benefit of any hearing or other procedure applicable to  
26 student out-of-school suspensions and expulsions and returned to the school system's  
27 alternative school setting. As soon thereafter as possible, the principal or his  
28 designee shall provide verbal notice to the superintendent of schools of any such  
29 determination and also shall attempt to provide such verbal notice to the student's  
30 parent or other person responsible for the student's school attendance. The principal

1 or his designee also shall provide written notice of the determination and the reasons  
2 therefor to the superintendent and to the student's parent or other responsible person.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_