

RÉSUMÉ DIGEST

ACT 539 (HB 283)

2026 Regular Session

Newell

Criminal History Review

Existing law prohibits schools from hiring anyone who has been convicted of or pled nolo contendere to certain crimes and authorizes the hiring of a person who is otherwise prohibited from being hired if the State Bd. of Elementary and Secondary Education (BESE) approves a formal appeal request submitted by the person and issues a teaching certificate or authorization.

New law additionally provides that negligent hiring statutes or rules shall not apply to a dispute, litigation, or any allegations when a city, parish, or other local public school board or a nonpublic school or school system has hired a person as an administrator, teacher, substitute teacher, athletic director, coach, or assistant coach, if the person has a valid teaching certificate or authorization provided by BESE.

Employee Sick Leave

Existing law allows up to a year of sick leave, without loss of pay or loss of accumulated leave, for teachers and other school employees if injured or disabled while acting in their official capacity as a result of assault or battery by any student or person; circumstances vary depending on whether the employee is employed by a state special school or a local public school board and is a teacher, a bus operator, or other school employee. New law specifies that such sick leave may be used for purposes including but not limited to medical treatment, psychological treatment, and physical rehabilitation.

Student Discipline

Existing law authorizes teachers and school employees to take disciplinary action to correct a student who violates school rules. New law requires each school to annually provide written notice at the beginning of the school year to each teacher and school employee, including bus operators, of their rights to take or request disciplinary action against a student in accordance with existing law and new law. Requires that the notice include eligibility for sick and personal leave in the event that a school employee is injured by a student who committed an assault or battery against a teacher.

Existing law provides that when a student is formally accused of violating existing law or school disciplinary rules, or both, by committing a battery or an assault on any school employee, the principal shall suspend the student from school immediately and the student shall be removed immediately from the school premises. New law adds that the student may also be prohibited from returning to the school premises, as applicable.

New law applies to an incident that occurs off of school property but only if the incident is a continuation of a documented altercation that began on school property. Defines "school employee" as any person employed by the school and any substitute teacher, substitute bus operator, or school volunteer.

Existing law prohibits a student found guilty by a court of competent jurisdiction of violating existing law or found guilty at a school system suspension hearing of committing a battery or assault on any school employee, or both, from being assigned to attend or attending the school to which the school employee battered or assaulted by the student is assigned, except when the school system has no other school of suitable grade level for the student to attend.

New law requires that the student be immediately recommended for expulsion and provides that any such expulsion shall be no less than two complete school semesters in duration, during which time the superintendent shall place the student in an alternative school or in an alternative educational placement as provided in existing law and the student shall participate in an anger management program. Further provides that a student expelled as provided in new law shall not, under any circumstances, be assigned to or allowed to attend the school to which the school employee battered or assaulted by the student is assigned. Provides, however, that except as otherwise provided in existing law and new law, the discipline of a student with exceptionalities shall not conflict with existing law relative to student discipline,

existing law relative to students with exceptionalities, and federal law. Requires all documentation relative to existing law and new law to be included and maintained in student records.

Effective August 1, 2026.

(Amends R.S. 17:416(A)(1)(b)(i) and (c)(vii)(aa) and (cc); Adds R.S. 17:15(A)(1)(b)(iii), 47(C)(1)(a)(iv), 416(A)(1)(c)(vii)(ee), 500.1(C)(3), 1201(C)(3), and 1206.1(A)(3))