

Regular Session, 2013

HOUSE BILL NO. 718 (Substitute for House Bill No. 79 by Representative Hensgens)

BY REPRESENTATIVES HENSGENS, COX, HUNTER, JEFFERSON, PRICE,
REYNOLDS, RICHARD, SMITH, AND ST. GERMAIN

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

SCHOOLS: Provides relative to school crisis management and response plans

1 AN ACT

2 To amend and reenact R.S. 17:416.16 and to enact R.S. 17:3996(B)(33), relative to school
3 crisis management and response plans; to provide relative to the preparation, content,
4 rehearsal, review, revision, approval, and provision of copies of such plans; to
5 provide relative to training; to provide relative to rules and regulations with respect
6 to public and nonpublic schools; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:416.16 is hereby amended and reenacted and R.S. 17:3996(B)(33)
9 is hereby enacted to read as follows:

10 §416.16. School crisis management and response plans

11 A.(1) For the purposes of this Section, a "crisis management and response
12 plan" means a plan to address school safety and the incidence of a shooting or other
13 violence at schools, on school buses, and at school-related activities; to respond
14 effectively to such incidents; and to ensure that every student, teacher, and school
15 employee has access to a safe, secure, and orderly school that is conducive to
16 learning. Such plans shall also address the management of any other emergency
17 situation.

18 (2) A school crisis management and response plan shall be prepared by each
19 public school principal jointly with local law enforcement, fire, public safety, and
20 emergency preparedness officials. ~~in accordance with guidelines adopted pursuant~~

1 ~~to school board policy.~~ In preparing the plan, the principal and such officials shall
2 consider and include, ~~where~~ if appropriate, input from students enrolled in the school
3 and their parents, teachers at the school, other school employees, and community
4 leaders, ~~local law enforcement, and fire, public safety, and emergency preparedness~~
5 ~~officials.~~

6 (3) The plan, which shall focus on preventing the loss of life and the injury
7 of students and teachers and other school employees, shall detail the roles and
8 responsibilities of each school employee and the relevant coordination agreements,
9 services, and security measures of a school in the event of a shooting or other violent
10 incident or emergency situation.

11 (4) The plan may ~~include provision~~ provide for the counseling of students
12 by mental health professionals in the event of a shooting or other violent incident or
13 emergency situation, encouraging peer helper programs, and identifying students
14 who may have experienced rejection or other traumatic life events.

15 B.(1) Each public school principal, jointly with local law enforcement, fire,
16 public safety, and emergency preparedness officials, shall review the plan at least
17 once annually and shall revise the plan as necessary. In reviewing and revising the
18 plan, the principal and such officials shall consider and include input, if appropriate,
19 from students enrolled in the school and their parents, teachers at the school, other
20 school employees, and community leaders. Each principal shall submit such plan in
21 writing to the local school board superintendent for approval at least once annually,
22 including upon each revision.

23 (2) ~~Not later than January 1, 2002, each city, parish, and other local public~~
24 ~~school board shall have approved a crisis management and response plan for each~~
25 ~~public school under its jurisdiction. The superintendent shall make an annual report~~
26 ~~to the public school governing authority on the status of the plan of each school~~
27 ~~under the governing authority's jurisdiction.~~

28 C. ~~Each school crisis management and response plan shall be reviewed by~~
29 ~~the public school annually and revised as necessary. Any revised school plan shall~~

1 ~~be resubmitted to the school board for review and approval of the revisions: (1)~~
2 Within the first thirty days of each school year, each public school principal shall
3 conduct a safety drill to rehearse the components of the plan. Not later than seven
4 days after the drill, the principal shall submit a written report summarizing the details
5 of the drill to the local superintendent. The superintendent may comment on the drill
6 to the principal, who may consider such comments in revising the plan.

7 (2) Each public school principal shall notify all teachers and other school
8 employees regarding revisions made to the plan.

9 D. Each plan shall provide that classroom doors with locks that are in
10 compliance with all fire safety standards promulgated by the office of state fire
11 marshal code enforcement and building safety of the Department of Public Safety
12 and Corrections shall remain locked during instructional time. Each plan shall
13 provide that a locked door shall not obstruct egress.

14 E. If a school has a resource officer as authorized in R.S. 17:416.19 or a
15 Junior Reserve Officer Training Corps instructor, he shall join the principal and local
16 law enforcement, fire, public safety, and emergency preparedness officials in
17 preparing the plan and participate in any review or revision of the plan.

18 F. Each school year, each public school principal shall be responsible for
19 providing in-service training, which may be incorporated into a meeting or training
20 session held for another purpose, for all teachers and school employees pertaining
21 to the plan and may involve local law enforcement, fire, public safety, and
22 emergency preparedness officials in the preparation and presentation of the training.

23 G. Each public school principal shall keep a copy of the approved plan in his
24 office and shall provide a copy to the following individuals, each of whom shall be
25 responsible for keeping in his respective office a copy of the plan that is readily
26 accessible in the event of a school shooting or other violent incident or emergency
27 situation:

28 (1) The president of the local school board.

29 (2) The local school superintendent.

1 (3) The chief of police of the municipality or the sheriff of the parish where
2 the school is located, as applicable, as well as the local fire chief whose office is in
3 closest geographic proximity to the school.

4 H. For the purposes of this Section, for a charter school, the "local
5 superintendent" shall mean the chief executive officer of the school or other
6 employee holding an equivalent position.

7 I.(1) The governing authority of each public elementary and secondary
8 school may adopt rules and regulations as it deems necessary to provide for the
9 implementation of the provisions of this Section.

10 (2) The State Board of Elementary and Secondary Education, in consultation
11 with the Nonpublic School Commission, shall adopt rules and regulations requiring
12 the governing authorities of nonpublic schools to address school safety. These rules
13 and regulations shall address management and response in the event of a shooting
14 or other violent incident on school campuses, school buses, and at school-related
15 activities and shall provide for a safe, secure, and orderly school that is conducive
16 to learning for every student, teacher, and school employee. These rules and
17 regulations may also address management and response in the event of any other
18 emergency situation.

19 J. In accordance with R.S. 44:3.1, school crisis management and response
20 plans shall not be subject to the Public Records Law.

21 * * *

22 §3996. Charter schools; exemptions; requirements

23 * * *

24 B. Notwithstanding any state law, rule, or regulation to the contrary and
25 except as may be otherwise specifically provided for in an approved charter, a
26 charter school established and operated in accordance with the provisions of this
27 Chapter and its approved charter and the school's officers and employees shall be
28 exempt from all statutory mandates or other statutory requirements that are

1 applicable to public schools and to public school officers and employees except for
2 the following laws otherwise applicable to public schools with the same grades:

3 * * *

4 (33) School crisis management and response plans, R.S. 17:416.16.

5 * * *

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)]

Hensgens

HB No. 718

Abstract: Provides relative to the preparation, content, rehearsal, review, revision, approval, and provision of copies of school crisis management and response plans; requires training; applicable to all public schools, including charter schools; requires State Bd. of Elementary and Secondary Education, in consultation with Nonpublic School Commission, to adopt rules and regulations relative to school safety at nonpublic schools.

Definition

Present law defines a "crisis management and response plan" as a plan to:

- (1) Address school safety and the incidence of violence, at schools, on school buses, and at school-related activities.
- (2) Respond effectively to such incidents.
- (3) Ensure that every student, teacher, and school employee has access to a safe, secure, and orderly school that is conducive to learning.

Further requires that a plan also address the management of any other emergency situation. Proposed law retains present law and specifically adds shootings to the incidences of violence a plan shall address.

Plan preparation

Present law requires each public school principal to prepare a plan in accordance with school board policy and to consider and include, if appropriate, input from students and their parents, teachers and other school employees, community leaders, local law enforcement, and fire, public safety, and emergency preparedness officials.

Proposed law requires the principal to prepare the plan jointly with – not just consider and include input from – local law enforcement, fire, public safety, and emergency preparedness officials. Deletes the requirement that the plan be prepared in accordance with school board policy. Retains the requirement relative to the consideration and inclusion, if appropriate, of input from teachers and other school employees, students and their parents, and community leaders. Adds that if a school has a resource officer or Junior Reserve Officer Training Corps instructor, he shall join the principal and such officials in preparing the plan and participate in plan review and revision.

Plan content

Present law requires the plan to detail school employees' roles and responsibilities and coordination agreements, services, and security measures in the event of a violent incident or emergency situation.

Proposed law additionally provides that the plan:

- (1) Shall focus on preventing loss of life and injury.
- (2) Shall provide that classroom doors with locks in compliance with fire safety standards remain locked during instructional time and that locked doors shall not obstruct egress.

Present law authorizes the plan to include provision for encouraging peer helper programs and identifying students who may have experienced rejection or other traumatic life events. Proposed law additionally authorizes the plan to provide for student counseling in the event of a shooting or other violent incident or emergency situation.

Plan review, revision, and approval and reporting requirements

Present law requires each public school to review the plan annually. Proposed law specifically requires each principal, jointly with local law enforcement, fire, public safety, and emergency preparedness officials, to review the plan at least once annually and revise it as necessary and, as in initial plan preparation, to consider and include, if appropriate, input from teachers and other school employees, students and their parents, and community leaders in plan review and revision.

Present law requires each school to submit the plan and resubmit any revised plan to the local school board for approval. Proposed law requires each school principal:

- (1) To submit the plan in writing to the local school superintendent for approval, rather than the school board, at least once annually, including upon each revision.
- (2) To notify all teachers and other school employees regarding plan revisions.

Proposed law additionally requires the local superintendent to report annually to the public school governing authority on the status of the plan of each school under the governing authority's jurisdiction.

Plan rehearsal

Proposed law requires each public school principal:

- (1) To conduct a safety drill to rehearse plan components within the first 30 days of each school year.
- (2) To submit a written report summarizing drill details to the local superintendent not later than seven days after the drill; authorizes the superintendent to comment on the drill to the principal, who may incorporate such comments into a revised version of the plan.

Providing training on and distributing copies of the plan

Proposed law requires each principal to provide:

- (1) In-service training each school year, which may be incorporated into a meeting or training session held for another purpose, for all school employees pertaining to the

- plan; authorizes the principal to involve local law enforcement, fire, public safety, and emergency preparedness officials in the training.
- (2) A copy of the plan to (a) the president of the local school board, (b) the local school superintendent, and (c) the local police chief or sheriff, as applicable, as well as the local fire chief, each of whom shall be responsible for keeping a readily accessible copy of the plan in his respective office.

Rules and regulations

Proposed law authorizes the governing authority of each public elementary and secondary school to adopt rules and regulations to provide for proposed law implementation.

Proposed law requires the State Bd. of Elementary and Secondary Education, in consultation with the Nonpublic School Commission, to adopt rules and regulations requiring the governing authorities of nonpublic schools to address school safety. Provides that rules and regulations shall address management and response in the event of a shooting or other violent incident on school campuses, school buses, and at school-related activities, shall provide for a safe, secure, and orderly school that is conducive to learning, and may address management and response in the event of any other emergency situation.

Charter schools

Proposed law is applicable to all public schools, including charter schools, and for proposed law purposes, "local superintendent" of a charter school means the chief executive officer of the school or other employee holding an equivalent position.

Public Records Law

Proposed law provides that in accordance with present law (R.S. 44:3.1, which provides relative to the disclosure of certain records pertaining to security procedures), school crisis management and response plans shall not be subject to the Public Records Law.

(Amends R.S. 17:416.16; Adds R.S. 17:3996(B)(33))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Adds requirement that the State Board of Elementary and Secondary Education, in consultation with the Nonpublic School Commission, adopt rules and regulations requiring the governing authorities of nonpublic schools to address school safety.