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## DIGEST

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Smith

HB No. 646

**Abstract:** Provides relative to student discipline, including removal from class, suspension, and expulsion and student codes of conduct, including bullying policies.

### Student discipline

#### Removal from class

Present law provides that a pupil in kindergarten through grade six removed from a class shall not be permitted to return for at least 30 minutes unless agreed to by the teacher. Proposed law is applicable to those in kindergarten through grade five and provides relative to certain disciplinary measures that must be taken before readmission.

Present law provides that a pupil in grades seven through 12 removed from class shall not be permitted to return during the same class period unless agreed to by the teacher. Proposed law provides this for those in grades six through 12 and authorizes subjecting such a pupil to certain disciplinary measures.

#### Suspension

Present law provides that a student who fails to comply with rules for in-school suspensions or detentions to be subject to immediate suspension. Proposed law authorizes rather than requires suspension in such cases.

Present law authorizes a principal to suspend a student who commits certain offenses. Proposed law provides that suspension shall only be used after considering non-punitive discipline alternatives and if absolutely necessary to protect safety of school community in response to a major safety concern. Requires school boards to adopt rules and regulations relative to suspensions for willful disobedience. Prohibits any removal from class or in- or out-of-school suspension for uniform-related violations or for being habitually tardy or absent. Defines "major safety concern" as a concern by the school principal that there is a threat to the physical safety of students or school employees based on a student's possession of dangerous weapons at school, on a school bus, or at a school-sponsored event or on credible threats made by a student to inflict bodily harm.

#### Expulsion

Present law provides generally relative to expulsion, including expulsion hearings. Proposed law adds that every student recommended for expulsion shall receive such a hearing within 10 school days of receiving notification of such recommendation and if it is not held within this time frame, the student shall return to school and the expulsion shall be denied. Present law requires a student recommended for expulsion to remain suspended until the hearing. Proposed law deletes present law and instead authorizes principals to require that students be educated off-campus until the hearing if there is a major safety concern.

#### Student code of conduct; bullying

Present law requires each public school governing authority to adopt a student code of conduct and that it include any necessary disciplinary action to be taken against any student who violates such code. Present law requires each governing authority to review the code and amend it as necessary by Jan. 1, 2013. Proposed law requires that this be done by Jan. 1, 2014.

Present law requires public school governing authorities to incorporate a policy prohibiting bullying into their student codes of conduct and to provide at least four hours of training on bullying per year for school employees. Proposed law provides for a minimum of four hours of training for a new employee in his first year and a minimum of two hours of training each subsequent year; authorizes but does not require such training for employees without direct student contact. Proposed law additionally requires public school governing authorities to ensure that staff has ongoing access to professional development opportunities with respect to how to address bullying and requires that certain topics be included in professional development rather than in the required four hours of training. Present law refers to "victims" of bullying; proposed law changes this term to "targets".

Present law provides generally with respect to the reporting of bullying and requires any report of bullying to remain confidential. Proposed law requires each public school governing authority to take every possible measure to ensure the privacy and confidentiality of all parties in an incident of bullying. Present law requires a written report of a bullying incident to be filed by the school employee not later than two days thereafter. Proposed law changes this deadline to 24 hours thereafter and authorizes school personnel to be represented at related hearings, investigations, or meetings by any person of their choice. Further authorizes reports to be made anonymously but prohibits disciplinary action based solely on an anonymous report, though such a report may trigger an investigation resulting in action.

Present law authorizes students, parents, and school employees to report bullying incidents directly to the public school governing authority if the school does not take timely action. Proposed law defines "timely" as not later than five days after written report of the incident.

Present law requires parental notification relative to bullying reports. Proposed law retains this requirement but grants a principal discretion relative to parental notification if he determines that it may result in the physical or emotional harm of the target of bullying. Adds that school officials shall first consider the issue of notification as they would any other decision in terms of the age, health, well-being, safety, and privacy of the students and requires that further steps be

taken as needed to ensure the continued safety of the target of bullying.

Present law requires parents of any student under 18 to be notified before the student is interviewed about a bullying incident and provides that parents shall have the opportunity to attend any interviews with their child conducted as part of the investigation. Proposed law adds that if after three attempts in a 48-hour period, the parents or legal guardians of a student cannot be reached or do not respond, the student may be interviewed, but there shall be an adult neutral party in the interview if a parent is not present.

Present law provides relative to complaints principals are required to file with a court if the parent of a student under 18 and not emancipated willfully refuses to attend a meeting on the child's behavior. Proposed law authorizes rather than requires principals to file these complaints.

Present law requires schools to take prompt and appropriate disciplinary action in response to bullying. Proposed law provides, rather than adopting a zero-tolerance policy, that schools ensure the following of certain guidelines while allowing for flexibility based on individual contexts and authorizes certain disciplinary measures.

Present law requires that schools report criminal conduct to law enforcement. Proposed law limits applicability of this requirement to when there is a serious threat to safety that cannot be handled by school-based disciplinary measures.

Present law authorizes parents to have their child transferred to another school operated by the school governing authority after four reports of bullying under certain circumstances; proposed law allows this after two such reports and prohibits the governing authority from transferring the student without parental consent.

Present law provides general requirements for the documentation of bullying incidents. Proposed law adds specific information each public school governing authority shall collect relative to such incidents.

#### School board websites; required information

Proposed law requires each public school board that maintains a website to publish on it certain information relative to disciplinary policies, state laws on suspension and expulsion, and certain other matters.

(Amends R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), and (3)(a)(intro. para.), (i), (vii), (xvi), and (xvii) and (C)(1) and 416.13(A), (B), and (D)(intro. para.), (2)(b)-(d), and (3)(intro. para.), (a), (c)(i), (d)(i), (iii), and (iv), (e), (f)(i) and (v), and (g)(i), (ii), and (iii)(intro. para.) and (aa); Adds R.S. 17:17:416(A)(1)(c)(viii) and (2)(e) and (f) and 416.22)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Increases the number of school days within which students shall receive expulsion hearings from five to 10 and authorizes principals to require that students be educated off-campus until the hearing if there is a major safety concern.
2. Revises present law requirements for training with respect to bullying for school employees based on whether they are new or continuing employees or employees without direct contact with students.
3. Deletes the following proposed law:
  - (a) Requirement that parents attend interviews conducted for bullying investigations; retains present law provision that they shall have the opportunity to attend such interviews with their child and adds circumstances under which the student may be interviewed without the parents.
  - (b) Provision authorizing parental notification upon reports of bullying; retains present law provision requiring this notification and adds a provision granting principals discretion under certain circumstances.
  - (c) Requirement that each public school governing authority determine certain data and collect certain metrics relative to bullying prevention policies.
4. Amends rather than repeals present law that provides relative to complaints filed by principals with a court if the parent of a student under 18 willfully refuses to attend a meeting on the child's behavior; authorizes rather than requires principals to file certain complaints.
5. Retains rather than deletes the following present law:
  - (a) Providing that all students shall be protected equally and without regard to the subject matter or the motivating animus of the bullying.
  - (b) Providing relative to the indemnification school of employees with respect to certain circumstances related to bullying complaints.
  - (c) Providing for the transfer of certain students who are bullying targets to a virtual school or program.