
The original instrument was prepared by Jeanne Johnston. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl M. Serrett.

SB 317 Engrossed

DIGEST
2016 Regular Session

Donahue

Present law (R.S. 17:252) requires each local public school board to develop a master plan for each school under its jurisdiction for improving student behavior and discipline.

Proposed law retains present law.

Proposed law creates the Advisory Council on Student Behavior and Discipline to provide advice and guidance to the State Board of Elementary and Secondary Education (BESE) and the state Department of Education (DOE) regarding best practices in providing support to public school governing authorities in the adoption and implementation of school student behavior and discipline plans. Provides that the council be composed of 20 members as follows:

- (1) The state superintendent of education, or his designee.
- (2) Three members shall be appointed by the Louisiana Association of Principals. The association shall appoint one principal or assistant principal from the elementary, middle school and high school levels.
- (3) One member shall be a local school superintendent, appointed by the Louisiana Association of School Superintendents.
- (4) One member shall be a child welfare and attendance officer, appointed by the Louisiana Association of School Superintendents.
- (5) One member shall be a safe and drug free schools coordinator, appointed by the Louisiana Association of School Superintendents.
- (6) One member shall be a director of special education, appointed by the Louisiana Association of Special Education Administrators.
- (7) One member shall be a pupil appraisal coordinator, appointed by the Louisiana Association of School Superintendents.
- (8) Three members shall be the parent of a child who presents challenging behavior, two of whom shall be the parent of a child with exceptionalities, other than gifted and talented, all of whom shall be appointed by the Louisiana Developmental Disabilities Council.
- (9) One member appointed by the Louisiana Developmental Disabilities Council.

- (10) One member appointed by the Louisiana Advocacy Center.
- (11) One member appointed by the Louisiana School Boards Association.
- (12) One member appointed by the Louisiana Council of Juvenile and Family Court Judges.
- (13) The secretary of the Department of Health and Hospitals, or his designee.
- (14) One classroom teacher appointed by the Louisiana Federation of Teachers.
- (15) One classroom teacher appointed by the Louisiana Association of Educators.
- (16) One classroom teacher appointed by the Associated Professional Educators of Louisiana.

Further provides that:

- (1) The state superintendent of education shall convene the first meeting of the advisory council not later than September 1, 2016, and the Department of Education shall provide staff support to the council.
- (2) The council shall serve in an advisory capacity and shall comply with the Open Meetings Law.
- (3) The chair shall be elected by the members of the council.
- (4) The council shall meet at least three times annually. Meetings shall be called by the chair, who shall set the agenda.
- (5) The advisory council shall annually submit a written report to the Senate and House education committees and BESE regarding its findings and recommendations.

Present law (R.S. 17:416.21) exempts certain discipline practices from the definition of "physical restraint".

Proposed law revises the exemptions to the definition by:

- (1) Replacing the time limit of less than five minutes in an hour or class period with a period of time that is reasonable under the circumstances.
- (2) Deleting from those exclusions minimal physical contact for the purpose of safely escorting a student from one area to another.

Present law provides that if a student is involved in five incidents involving seclusion or physical restraint in a school year, the student's Individualized Education Plan team must review and revise the student's intervention plan.

Proposed law retains present law and additionally provides that after five such incidents, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint, the special education director, or his designee, shall review the student's plans every three weeks.

Present law requires each public school governing authority to adopt written guidelines and procedures regarding the use of seclusion and physical restraint of students with exceptionalities and provide such to all school employees and parents of students with an exceptionality.

Proposed law retains present law and additionally requires that the school governing authority submit such guidelines and procedures to the state Dept. of Education.

Proposed law requires BESE to adopt rules establishing guidelines and procedures for public school systems to follow regarding the reporting of incidents of seclusion and physical restraint, including specific data elements to be included in such reporting.

Present law requires school governing authorities to report all instances of the use of seclusion or physical restraint to DOE and requires the department to maintain a database of all such reported incidents and disaggregate the data by specified data elements.

Proposed law retains present law and additionally requires DOE to annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities including the specified data elements and a list of the school systems and charter schools that have complied with the prescribed reporting requirements. Requires DOE to post a copy of the report on its website and submit a written copy to the Senate and House committees on education and the Advisory Council on Student Behavior and Discipline.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:252(A)(2)(h) and 416.21(A)(3)(b), (K), (M), and (N); adds R.S. 17:253; repeals R.S. 17:416.21(L))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Expands the membership of the advisory committee from 17 to 20 and specifies that the additional members shall be teachers appointed by specific teacher groups.
2. Requires the advisory council to submit a report on its findings and recommendations to the legislative committees on education and BESE.
3. Retains the exemption for students restrained for their own protection or the protection of others, but removes the specific time limit.