

2016 Regular Session

HOUSE BILL NO. 1159 (Substitute for House Bill No. 833 by Representative Leger)

BY REPRESENTATIVE LEGER

STUDENT/DISCIPLINE: Provides relative to student discipline including the creation of the Commission on Safe Supportive Discipline

1 AN ACT

2 To enact R.S. 17:251(C), 252(E), and 3996(B)(42) and to repeal R.S. 17:3996(B)(40),
3 relative to student discipline; to provide relative to out-of-school suspensions of
4 public school students; to provide for the creation of the Commission on Safe
5 Supportive Discipline by the State Board of Elementary and Secondary Education;
6 to provide for commission membership and duties; to provide for plans to be
7 submitted by local education agencies relative to suspension rates; to provide for
8 applicability of certain laws relative to discipline to charter schools; to provide for
9 legislative findings; to provide definitions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:251(C), 252(E), and 3996(B)(42) are hereby enacted to read as
12 follows:

13 §251. Short title; legislative intent; findings

14 * * *

15 C. The legislature further finds and declares that:

16 (1) Out-of-school suspensions increase the odds of students experiencing low
17 academic achievement and dropping out of school and correlate with decreased
18 academic gains. Pursuant to the findings issued in response to Senate Concurrent
19 Resolution No. 134 of the 2014 Regular Session of the Legislature, student behavior
20 will become worse, and not better, when students fall behind due to missed

1 instruction and time spent away from the structure of the classroom. In order to keep
2 students on track academically and to reinforce expectations for behavior, removing
3 them from the classroom and from school should occur only after other forms of
4 discipline have proven ineffective or when serious safety concerns exist.

5 (2) Evidence-based practices exist for responding to and preventing student
6 misconduct, in lieu of out-of-school suspensions, that promote improved outcomes
7 for students. Pursuant to the findings issued in response to Senate Resolution
8 No. 130 of the 2015 Regular Session of the Legislature, one such alternative is
9 positive behavioral interventions and supports multi-tiered system of support. When
10 implemented well, positive behavioral interventions and supports is associated with
11 positive effects on outcomes such as lower rates of office discipline referrals,
12 suspensions, and expulsions; higher attendance rates; fewer externalizing, disruptive
13 behaviors; higher academic performance; more positive school climate; staff
14 collegiality and leadership; and organizational health.

15 (3) Pursuant to the findings issued in response to Senate Concurrent
16 Resolution No. 134 of the 2014 Regular Session of the Legislature, in Louisiana,
17 African-American male students are suspended and expelled at higher rates than
18 other student populations, consistent with national trends. Students with disabilities
19 are similarly suspended and expelled at a rate exceeding the percentage of students
20 with disabilities enrolled in school.

21 §252. School master plans for supporting student behavior and discipline;
22 definitions; commission

23 * * *

24 E.(1) As used in this Subsection:

25 (a)(i) "Elementary school students" means students in kindergarten through
26 grade five.

27 (ii) "Middle school students" means students in grades six through eight.

28 (iii) "High school students" means students in grades nine through twelve.

1 **(b) "Local education agency" means a public board of education or other**
2 **public authority legally constituted within Louisiana for administrative control and**
3 **direction of or to perform a service function for public elementary or secondary**
4 **schools in a city, parish, or other local public school district or other political**
5 **subdivision, including a charter school acting as its own local education agency in**
6 **accordance with R.S. 17:3995.**

7 **(c) "Nonwhite students" means students whose race or ethnicity is officially**
8 **documented in school records as American Indian, Asian, Black, Hispanic, or**
9 **Hawaiian/Pacific Islander, and students who are designated limited English**
10 **proficient.**

11 **(d) "Positive behavioral interventions and supports" is a proactive,**
12 **team-based framework for creating and sustaining safe and effective schools, with**
13 **emphasis placed on prevention of problem behavior, development of pro-social**
14 **skills, and the use of data-based problem solving for addressing existing behavior**
15 **concerns.**

16 **(e) "Positive behavioral interventions and supports multi-tiered system of**
17 **support" means combined universal, secondary, and tertiary intervention in a**
18 **systematic manner so that the school climate is positive, prevention is in place for**
19 **all students, and those children who are at risk receive specialized interventions.**

20 **(f) "Students with disabilities" means students identified as students with**
21 **exceptionalities as defined in R.S.17:1942, not including gifted and talented students.**

22 **(2)(a) By October 31, 2016, the State Board of Elementary and Secondary**
23 **Education shall create the Commission on Safe Supportive Discipline, referred to in**
24 **this Section as "the commission", to study and implement best practices for**
25 **addressing student behavior to maximize academic outcomes, to promote a statewide**
26 **culture of support for schools to implement best practices, and to identify state and**
27 **local mental health resources to address student behavioral health needs. The state**
28 **Department of Education shall convene the commission for its first meeting and shall**
29 **provide staff to assist the commission in performing its duties.**

- 1 (b) The commission shall be comprised of the following members:
- 2 (i) The president of the State Board of Elementary and Secondary Education
- 3 or his designee.
- 4 (ii) A representative of the state Department of Education knowledgeable
- 5 about positive behavioral interventions and supports.
- 6 (iii) One representative of the positive behavioral interventions and supports
- 7 regional facilitators.
- 8 (iv) One teacher appointed by the membership of the Louisiana Federation
- 9 of Teachers.
- 10 (v) One teacher appointed by the membership of the Louisiana Association
- 11 of Educators.
- 12 (vi) One elementary school principal and one high school principal
- 13 appointed by the membership of the Louisiana Association of Principals.
- 14 (vii) One teacher appointed by the membership of the Associated
- 15 Professional Educators of Louisiana.
- 16 (viii) One school board member appointed by the membership of the
- 17 Louisiana School Boards Association.
- 18 (ix) One superintendent appointed by the membership of the Louisiana
- 19 Association of School Superintendents.
- 20 (x) One school psychologist appointed by the membership of the Louisiana
- 21 School Psychology Association.
- 22 (xi) One social worker appointed by the membership of the National
- 23 Association of Social Workers - Louisiana Chapter.
- 24 (xii) One member of the Louisiana Developmental Disabilities Council.
- 25 (xiii) Four representatives from community-based nonprofit organizations
- 26 with a mission that includes addressing the needs of children and families, appointed
- 27 by the state superintendent of education and reflective of multiple regions throughout
- 28 the state.

1 (xiv) One representative from a legal advocacy organization knowledgeable
2 on school discipline issues, appointed by the state superintendent of education.

3 (xv) One representative appointed by the director of the Children's Cabinet.

4 (xvi) One representative of the office of behavioral health of the Department
5 of Health and Hospitals appointed by the secretary of the Department of Health and
6 Hospitals.

7 (xvii) One member of the Louisiana Association of Public Charter Schools.

8 (xviii) One member of the Louisiana Council of Juvenile and Family Court
9 Judges.

10 (xix) One special education administrator appointed by the membership of
11 the Louisiana Association of Special Education Administrators.

12 (xx) One child welfare and attendance officer appointed by the membership
13 of the Louisiana Association of Child Welfare and Attendance Personnel.

14 (c) The commission shall meet no less than two times per year to:

15 (i) Hear reports from the state Department of Education on the following:

16 (aa) School-level discipline data and trends, disaggregated by student
17 subgroups based on race, national origin, limited English proficient status, and
18 disability.

19 (bb) The local education agencies required to submit plans and subsequent
20 implementation of those plans pursuant to Paragraph (4) of this Subsection.

21 (cc) How Louisiana's school suspension rates at the state, local, and
22 individual school levels compare to national suspension rates, with special
23 consideration given to states with similar socio-economic factors as those of
24 Louisiana students.

25 (ii) Submit requests for follow-up information on plan implementation and
26 provide feedback or informational resources to the local education agencies
27 implementing plans to address out-of-school suspension rates pursuant to Paragraph
28 (4) of this Subsection.

1 (iii) Solicit and receive from experts information on the implementation,
2 cost, and available funding for practices that contribute to reduced disciplinary
3 removals, improved school culture and academic outcomes, and effective
4 collaboration with mental health providers.

5 (iv) Recommend to the State Board of Elementary and Secondary Education
6 minimum guidelines and practices that the local education agency plans shall
7 include. Such guidelines and practices shall include the State Board of Elementary
8 and Secondary Education findings pursuant to Senate Resolution No. 130 of the 2015
9 Regular Session of the Legislature, other nationally recognized evidence-based
10 alternatives to out-of-school suspensions, the cost of implementing each guideline
11 and practice, and the identification of any available funding for such implementation.

12 (d) The commission shall submit annual reports to the House Committee on
13 Education and the Senate Committee on Education on its findings pursuant to its
14 activities described in Subparagraph (c) of this Paragraph.

15 (3) Beginning at the conclusion of the 2017-2018 school year, and annually
16 thereafter, the state Department of Education shall identify every school with the
17 following out-of-school suspension rates:

18 (a) Elementary, middle, and high school students, relative to the grades
19 served by that school, at one and one half times the state average out-of-school
20 suspension rate for elementary, middle, and high school students respectively, in that
21 school year.

22 (b) Nonwhite students at one and one half times the state average out-of-
23 school suspension rate for all students.

24 (c) Students with disabilities at one and one half times the statewide average
25 out-of-school suspension rate for all students.

26 (4) Beginning July 1, 2018, and by July first annually thereafter, the state
27 Department of Education shall notify each local education agency that it determines
28 has disproportionate out-of-school suspension rates.

1 (a) Each notified local education agency shall have twenty business days
2 from the date of receipt of the state Department of Education's determination to
3 respond or object to the determination.

4 (b) Each local education agency shall have fifteen additional business days
5 to create and submit to the state Department of Education for approval a plan to
6 lower its out-of-school suspension rates below the relevant thresholds.

7 (c) Within the thirty-five business day period, the local education agency
8 shall provide notice to the public of the proposed plan and its components and
9 provide a five day period for submission of written comment. The local education
10 agency shall make reasonable efforts to include public comment into the plan's
11 content.

12 (d) Each plan shall include timelines and staffing specific to implementing
13 each of the components of the plan.

14 (e) Each plan shall provide for implementation over a two-year period.

15 (f) Each local education agency shall submit an interim report to the state
16 Department of Education within thirty days after one full year of plan
17 implementation including details of the implementation, current out-of-school
18 suspension rates and academic achievement results, and a response to any
19 information requested by the commission.

20 (g) Each local education agency shall submit a final report to the state
21 Department of Education within thirty days after the two-year implementation
22 including details of the implementation, current out-of-school suspension rates and
23 academic achievement results, and a response to any information requested by the
24 commission.

25 (5) If a local education agency fails to lower its out-of-school suspension
26 rates after two years of implementation of its original plan, the matter shall be
27 referred to the commission for review. The commission may identify supports and
28 resources to assist the local education agency in lowering its out-of-school
29 suspension rate and may recommend that the State Board of Elementary and

