

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
21 instruction and time spent away from the structure of the classroom. In order to keep
22 students on track academically and to reinforce expectations for behavior, removing

1 them from the classroom and from school should occur only after other forms of
2 discipline have proven ineffective or when serious safety concerns exist.

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

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

19 §252. School master plans for supporting student behavior and discipline;
20 definitions; commission

21 * * *

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

23 (a)(i) "Elementary school students" means students in kindergarten through
24 grade five.

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

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

27 (b) "Local education agency" means a public board of education or other
28 public authority legally constituted within Louisiana for administrative control and
29 direction of or to perform a service function for public elementary or secondary

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 schools in a city, parish, or other local public school district or other political
2 subdivision, including a charter school acting as its own local education agency in
3 accordance with R.S. 17:3995.

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

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

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

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

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

27 (b) The commission shall be comprised of the following members:

28 (i) The president of the State Board of Elementary and Secondary Education
29 or his designee.

1 (ii) A representative of the state Department of Education knowledgeable
2 about positive behavioral interventions and supports.

3 (iii) One representative of the positive behavioral interventions and supports
4 regional facilitators.

5 (iv) One teacher appointed by the membership of the Louisiana Federation
6 of Teachers.

7 (v) One teacher appointed by the membership of the Louisiana Association
8 of Educators.

9 (vi) One elementary school principal and one high school principal
10 appointed by the membership of the Louisiana Association of Principals.

11 (vii) One teacher appointed by the membership of the Associated
12 Professional Educators of Louisiana.

13 (viii) One school board member appointed by the membership of the
14 Louisiana School Boards Association.

15 (ix) One superintendent appointed by the membership of the Louisiana
16 Association of School Superintendents.

17 (x) One school psychologist appointed by the membership of the Louisiana
18 School Psychology Association.

19 (xi) One social worker appointed by the membership of the National
20 Association of Social Workers - Louisiana Chapter.

21 (xii) One member of the Louisiana Developmental Disabilities Council.

22 (xiii) Four representatives from community-based nonprofit organizations
23 with a mission that includes addressing the needs of children and families, appointed
24 by the state superintendent of education and reflective of multiple regions throughout
25 the state.

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

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

1 (xvi) One representative of the office of behavioral health of the Department
2 of Health and Hospitals appointed by the secretary of the Department of Health and
3 Hospitals.

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

5 (xviii) One member of the Louisiana Council of Juvenile and Family Court
6 Judges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (5) If a local education agency fails to lower its out-of-school suspension
23 rates after two years of implementation of its original plan, the matter shall be
24 referred to the commission for review. The commission may identify supports and
25 resources to assist the local education agency in lowering its out-of-school
26 suspension rate and may recommend that the State Board of Elementary and
27 Secondary Education take corrective actions to address the matter including but not
28 limited to the use of specific research-based interventions.

1 (6) The state Department of Education shall annually report on its website,
2 in accordance with the federal Family Educational Rights and Privacy Act and R.S.
3 17:3913 and 3914, the following:

4 (a) Discipline data disaggregated by local education agencies and by site,
5 reporting the numbers of students referred to in-school suspension; out-of-school
6 suspension; in-school expulsion; out-of-school expulsion; or an alternative school
7 program.

8 (b) Each category of disciplinary removal data shall be further disaggregated
9 by race, national origin, limited English proficient status, and disability.

10 (c) The state Department of Education's determinations of those local
11 education agencies required to submit plans regarding their out-of-school suspension
12 rates, pursuant to Paragraph (4) of this Subsection.

13 (d) The rate of students suspended out of school three or more times at the
14 state, local education agency, and individual school levels.

15 (7) The state Department of Education may audit school compliance with
16 reporting out-of-school suspensions in the student information system if any of the
17 following occurs:

18 (a) The department receives a report from a parent that his child was
19 suspended out of school without documentation.

20 (b) The department identifies a statistically significant change in a school's
21 reported out-of-school suspension rates that cannot be explained by data on other
22 disciplinary removals.

23 (c) A school reports no out-of-school suspensions in the student information
24 system.

25 (d) The commission requests the audit.

26 * * *

27 §3996. Charter schools; exemptions; requirements

28 * * *

1 B. Notwithstanding any state law, rule, or regulation to the contrary and
 2 except as may be otherwise specifically provided for in an approved charter, a
 3 charter school established and operated in accordance with the provisions of this
 4 Chapter and its approved charter and the school's officers and employees shall be
 5 exempt from all statutory mandates or other statutory requirements that are
 6 applicable to public schools and to public school officers and employees except for
 7 the following laws otherwise applicable to public schools with the same grades:

8 * * *

9 (42) Discipline of students, R.S. 17:416.

10 * * *

11 Section 2. R.S. 17:3996(B)(40) is hereby repealed in its entirety.

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)]

HB 1159 Engrossed

2016 Regular Session

Leger

Abstract: Provides relative to rates of out-of-school suspensions of public school students, including those in charter schools. Provides for the creation of the Commission on Safe Supportive Discipline.

Proposed law provides relative to student discipline, including rates of out-of-school suspensions of public school students. Provides for the creation of the Commission on Safe Supportive Discipline by the State Board of Elementary and Secondary Education and provides for commission membership and duties. Requires the commission to annually report to the House and Senate education committees.

Proposed law provides for reports by the state Dept. of Education to the commission relative to student discipline data and trends and related national comparisons. Further requires the department to report discipline data and rates on its website. Requires the department to annually identify public school suspension rates as specified in proposed law. Requires the department to annually notify each local education agency that it determines has disproportionate rates of student suspension. Provides for a plan to be submitted by each such local education agency to lower its suspension rates. Provides for plan components and implementation. Requires the local education agency to report to the department on such plan implementation and student suspension rates and academic achievement. Provides for audits by the state Dept. of Education under specified circumstances.

Proposed law makes present law student discipline provisions, including provisions for student suspensions and expulsions, applicable to charter schools.

(Adds R.S. 17:251(C), 252(E), and 3996(B)(42)); Repeals R.S. 17:3996(B)(40))