

2018 Regular Session

SENATE BILL NO. 301

BY SENATOR MILKOVICH

TEACHERS. Provides relative to Teacher Bill of Rights. (gov sig)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To amend and reenact R.S. 17:416.18(A) and (B), relative to the Teacher Bill of Rights; to provide the right of a teacher to use physical force to protect himself or others on the school grounds; to provide the right of a teacher to request classroom security under certain circumstances; to prohibit the development of policies that suspend or discipline a teacher for using such force; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416.18(A) and (B) are hereby amended and reenacted to read as follows:

§416.18. Teacher Bill of Rights

A. Respecting the authority of teachers is essential to creating an environment conducive to learning, effective instruction in the classroom, and proper administration of city, parish, and other local public schools. To maintain and protect that authority, it is important that teachers, administrators, parents, and students are fully informed of the various rights conferred upon teachers pursuant to this Section, which are:

- (1) A teacher has the right to teach free from the fear of frivolous lawsuits,

1 including the right to qualified immunity and to a legal defense, and to
2 indemnification by the employing school board, pursuant to R.S. 17:416.1(C), 416.4,
3 416.5, and 416.11, for actions taken in the performance of duties of the teacher's
4 employment.

5 (2) A teacher has the right to appropriately discipline students in accordance
6 with R.S. 17:223 and 416 through 416.16 and any city, parish, or other local public
7 school board regulation.

8 (3) A teacher has the right to remove any persistently disruptive student from
9 his classroom when the student's behavior prevents the orderly instruction of other
10 students or when the student displays impudent or defiant behavior and to place the
11 student in the custody of the principal or his designee pursuant to
12 R.S. 17:416(A)(1)(c).

13 (4) **A teacher has the right to use reasonable physical force against a**
14 **student in order to protect himself or another person on the school grounds**
15 **from imminent physical injury.**

16 (5) **A teacher may remove, or request law enforcement to remove, a**
17 **student from the school grounds if, in his professional judgment, the student**
18 **may cause serious physical injury to himself or others on the school grounds.**

19 (6) A teacher has the right to have his or her professional judgment and
20 discretion respected by school and district administrators in any disciplinary action
21 taken by the teacher in accordance with school and district policy and with
22 R.S. 17:416(A)(1)(c).

23 ~~(5)(7)~~ A teacher has the right to teach in a safe, secure, and orderly
24 environment that is conducive to learning and free from recognized dangers or
25 hazards that are causing or likely to cause serious injury in accordance with
26 R.S. 17:416.9 and 416.16.

27 (8) **A teacher has the right to request the school principal to provide**
28 **security in his classroom when, in his professional judgment, imminent risks**
29 **exist that may cause serious physical injury to himself or others in his**

1 **classroom.**

2 ~~(6)~~**(9)** A teacher has the right to be treated with civility and respect as
3 provided in R.S. 17:416.12.

4 ~~(7)~~**(10)** A teacher has the right to communicate with and to request the
5 participation of parents in appropriate student disciplinary decisions pursuant to
6 R.S. 17:235.1 and 416(A).

7 ~~(8)~~**(11)** A teacher has the right to complete only paperwork that is not
8 excessively burdensome and that, if required by law or regulation, adheres to the law
9 or regulation and does not result in overly cumbersome interpretations of that law or
10 regulation.

11 ~~(9)~~**(12)** A beginning teacher has the right to receive leadership and support
12 in accordance with R.S. 17:3881, including the assignment of a qualified,
13 experienced mentor who commits to helping him become a competent, confident
14 professional in the classroom and offers support and assistance as needed to meet
15 performance standards and professional expectations.

16 ~~(10)~~**(13)** A teacher has the right to be afforded time during the school day or
17 week to collaborate with other teachers.

18 B. No city, parish, or other local public school board shall ~~establish policies~~
19 **adopt a policy** that:

20 **(1) prevent Prevents** teachers from exercising the rights provided in this
21 Section or in any other provision included in R.S. 17:416 through 416.16.

22 **(2) Provides for the suspension or discipline of a teacher for:**

23 **(a) Using reasonable physical force against a student in order to protect**
24 **himself or another person on the school grounds from imminent physical injury.**

25 **(b) Removing, or requesting law enforcement to remove, a student from**
26 **the school grounds if, in his professional judgment, the student may cause**
27 **serious physical injury to himself or others on the school grounds.**

28 **(c) Requesting the school principal to provide security in his classroom**
29 **when, in his professional judgment, imminent risks exists that may cause**

1 **serious physical injury to himself or others in his classroom.**

2 * * *

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Cheryl Serrett.

DIGEST

SB 301 Original 2018 Regular Session Milkovich

Present law provides for the Teacher Bill of Rights.

Proposed law retains present law and adds the following:

- (1) A teacher has the right to use reasonable physical force in order to protect himself or another person on the school grounds from imminent physical injury.
- (2) A teacher may remove, or request law enforcement to remove, a student from the school grounds if, in his professional judgment, the student may cause serious physical injury to himself or others on the school grounds.
- (3) A teacher has the right to request the school principal to provide security in his classroom when, in his professional judgment, imminent risks exist that may cause serious physical injury to himself or others in his classroom.

Present law provides that a city, parish, or other local public school board shall not establish policies to prevent a teacher from exercising his rights provided.

Proposed law retains present law and additionally provides such policies shall not provide for the suspension or discipline of a teacher for:

- (1) Using reasonable physical force against a student in order to protect himself or another person on the school grounds from imminent physical injury.
- (2) For removing, or asking law enforcement to remove, a student from the school grounds.
- (3) For requesting the school principal to provide security in his classroom.

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

(Amends R.S. 17:416.18(A) and (B))