

2020 Regular Session

SENATE BILL NO. 128

BY SENATOR BARROW

SCHOOLS. Requires certain assessments of a student prior to suspension from school.
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:223 and 416(A)(3)(b) and to repeal R.S. 17:223.1, relative to
3 the discipline of students; to require an assessment of a student prior to suspension;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:223, and 416(A)(3)(b) are hereby amended and reenacted to read
7 as follows:

8 §223. Discipline of pupils; suspension from school

9 A. Every teacher is authorized to hold every ~~pupil~~ student to a strict
10 accountability for any disorderly conduct in school or on the playground of the
11 school, or on any school bus going to or returning from school, or during
12 intermission or recess.

13 B. School principals may suspend from school ~~any pupil~~ a student for good
14 cause as stated in R.S. 17:416. Prior to suspending a student, the principal shall
15 ensure that the student is assessed using an instrument, such as the Adverse
16 Childhood Experiences Assessment developed by the Centers for Disease
17 Control, that is designed to determine if the student has experienced trauma.

1 The results of the assessment shall be used to determine whether the student's
2 behavior may be better addressed in a manner other than through suspension.

3 C. In all cases of suspensions, Principals the principal shall notify, in
4 writing ~~the visiting teacher or supervisor of child welfare and attendance of all~~
5 ~~suspensions. In all cases of suspensions,~~ the parent, the superintendent of schools,
6 and the visiting teacher or supervisor of child welfare and attendance ~~shall be~~
7 ~~notified in writing~~ of the facts concerning each suspension, including reasons
8 therefor and terms thereof.

9 * * *

10 §416. Discipline of students; suspension; expulsion

11 A. * * *

12 (3) * * *

13 (b)(~~r~~) Prior to any suspension, the school principal, or his designee, shall
14 ~~advise:~~

15 (i)(aa) Advise the pupil in question of the particular misconduct of which he
16 is accused as well as the basis for such accusation, ~~and the pupil shall be given.~~

17 (bb) Give the pupil an opportunity at that time to explain his version of the
18 facts to the school principal or his designee.

19 (cc) Ensure that the student is assessed using an instrument, such as the
20 Adverse Childhood Experiences Assessment developed by the Centers for
21 Disease Control, that is designed to determine if the student has experienced
22 trauma. The results of the assessment shall be used to determine whether the
23 student's behavior may be better addressed in a manner other than through
24 suspension.

25 (dd) In each case of suspension or expulsion, ~~the school principal, or his~~
26 ~~designee, shall~~ contact by telephone at the telephone number shown on the pupil's
27 registration card or send a certified letter at the address shown on the pupil's
28 registration card to the parent, tutor, or legal guardian of the pupil in question giving
29 notice of the suspension or expulsion, the reasons therefor and establishing a date

1 and time for a conference with the principal or his designee as a requirement for
2 readmitting the pupil provided that in the case of expulsion, the contact with the
3 parent or guardian shall include a certified letter. If the parent, tutor, or legal
4 guardian fails to attend the required conference within five school days of mailing
5 the certified letter or other contact with the parent, the truancy laws shall become
6 effective. On not more than one occasion each school year when the parent, tutor, or
7 legal guardian refuses to respond, the principal may determine whether readmitting
8 the pupil is in the best interest of the student. On any subsequent occasions in the
9 same year, the pupil shall not be readmitted unless the parent, tutor, legal guardian,
10 court, or other appointed representative responds.

11 **(ii)** A pupil whose presence in or about a school poses a continued danger to
12 any person or property or an ongoing threat of disruption to the academic process
13 shall be immediately removed from the school premises without the benefit of the
14 procedure described hereinabove; however, the necessary procedure shall follow as
15 soon as is practicable.

16 ~~(ii)~~**(iii)**(aa) In any case where a teacher, principal, or other school employee
17 is authorized in this Section to require the parent, tutor, or legal guardian of a pupil
18 who is under the age of eighteen and not judicially emancipated or emancipated by
19 marriage to attend a conference or meeting regarding the pupil's behavior and, after
20 notice, the parent, tutor, or legal guardian willfully refuses to attend, the principal or
21 his designee, shall file a complaint with a court exercising juvenile jurisdiction,
22 pursuant to Children's Code Article 730(8) and 731. The principal may file a
23 complaint pursuant to Children's Code Article 730(1) or any other applicable ground
24 when, in his judgment, doing so is in the best interests of the pupil.

25 (bb) The principal, assistant principal, or child attendance and welfare
26 supervisor or his assistant of any school, public or nonpublic, shall be a
27 representative of an agency having the responsibility or ability to supply services to
28 a family as that phrase is used in Children's Code Article 731(A).

29 * * *

1 Section 2. R.S. 17:223.1 is hereby repealed.

2 Section 3. The Louisiana State Law Institute is hereby authorized and directed to
3 redesignate R.S. 17:223 and 224, as designated prior to the enactment of this Act, as R.S.
4 17:416.1.1 and 416.1.2, and is further directed to redesignate any other section of law or
5 internal citations consistent with the provisions of this Act.

6 Section 4. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 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 128 Original

2020 Regular Session

Barrow

Present law provides generally for the discipline of students, including suspension.

Proposed law requires the principal, prior to suspending a student, to ensure that the student is assessed using an instrument, such as the Adverse Childhood Experiences Assessment developed by the Centers for Disease Control, that is designed to determine if the student has experienced trauma. Further requires the results of the assessment to be used to determine whether the student's behavior may be better addressed in a manner other than through suspension.

Proposed law repeals outdated law regarding in-school suspension pilot projects.

Proposed law authorizes and directs the Louisiana State Law Institute to redesignate R.S. 17:223 and 224, as designated prior to the enactment of proposed law, as R.S. 17:416.1.1 and 416.1.2, and to redesignate any other section of law or internal citations consistent with the provisions of this Act.

(Amends 17:223 and 416(A)(3)(b); repeals 17:223.1)