
DIGEST

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HB 83 Reengrossed

2020 Second Extraordinary Session

Romero

Abstract: Provides for judicial review of certain student discipline cases; requires public school governing authorities to develop protocol for discipline of students participating in virtual instruction.

Present law provides for the discipline of students for disorderly conduct in school, on school playgrounds, while going to and from school, or during intermission or recess. Proposed law retains present law.

Present law, upon the recommendation of a principal for the expulsion of a student, provides for a hearing by the school board to determine the facts of the case and if the student's conduct warrants expulsion. Proposed law retains present law. Proposed law makes present law applicable even when a student's penalty is reduced to a suspension.

Present law authorizes a parent or tutor to appeal an expulsion to the district court for the parish in which the student's school is located. Proposed law makes present law applicable even when a student's penalty is reduced to a suspension.

Proposed law provides that a judgment may include awarding of damages and reasonable attorney fees if a court finds a school official's actions meet specified criteria.

Present law requires each public school board to review its discipline policies at least annually. Requires each public school board to have established a discipline policy review committee. Proposed law retains present law and requires such committees to meet no later than Dec. 31, 2020, and update all policies and procedures relative to conduct that occurs at home or any location that is not school property while a student is engaged in virtual instruction.

Proposed law provides for discipline procedures for students engaged in virtual instruction from Mar. 13, 2020, through Dec. 31, 2020.

Proposed law provides for prospective and retroactive applicability.

Proposed law may be cited as the "Ka'Mauri Harrison Act".

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

(Amends R.S. 17:416(C)(4) and (5); Adds R.S. 17:416(K))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Add provision that proposed law shall be known as the "Ka'Mauri Harrison Act".

The House Floor Amendments to the engrossed bill:

1. Broaden the definition of "virtual instruction" to mean instruction provided electronically to a student from any remote location, not just school property.
2. Change "attorney fees" to "reasonable attorney fees".
3. Limit applicability of certain disciplinary processes to instances of discipline for conduct by students engaged in virtual instruction between March 13, 2020, and Dec. 31, 2020.