

2021 Regular Session

HOUSE BILL NO. 136

BY REPRESENTATIVE CARPENTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENT/DISCIPLINE: Provides relative to suspensions and expulsions of public school students

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(3)(a)(introductory paragraph) and (b)(i), (B)(1)(b)(i)
3 and (ii)(bb) and (cc), (C)(1) and (2)(a) and (b), (D)(1), and (J)(1), to enact R.S.
4 17:416(A)(6), and to repeal R.S. 17:416(C)(2)(c), relative to discipline of students;
5 to provide relative to suspensions and expulsions; to provide for consideration of
6 personal trauma as a mitigating factor in a disciplinary action; to provide for
7 discipline of students relative to uniform violations; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:416(A)(3)(a)(introductory paragraph) and (b)(i), (B)(1)(b)(i) and
11 (ii)(bb) and (cc), (C)(1) and (2)(a) and (b), (D)(1), and (J)(1) are hereby amended and
12 reenacted and R.S. 17:416(A)(6) is hereby enacted to read as follows:

13 §416. Discipline of students; suspension; expulsion

14 A.

15 * * *

16 (3)(a) A school principal may suspend from school or suspend from riding
17 on any school bus a student in grades kindergarten through eight who acts in a way
18 that is intended to cause significant bodily harm or emotional distress to another
19 person. A school principal may suspend from school or suspend from riding on any

1 school bus any student in grades nine through twelve who:

2 * * *

3 (b)(i) Prior to any suspension, the school principal, or his designee, shall
4 advise the pupil in question of the particular misconduct of which he is accused as
5 well as the basis for such accusation and ensure that the student is assessed in
6 accordance with Paragraph (6) of this Subsection, and the pupil shall be given an
7 opportunity at that time to explain his version of the facts to the school principal or
8 his designee. In each case of suspension or expulsion the school principal, or his
9 designee, shall contact by telephone at the telephone number shown on the pupil's
10 registration card or send a certified letter at the address shown on the pupil's
11 registration card to the parent, tutor, or legal guardian of the pupil in question giving
12 notice of the suspension or expulsion, the reasons therefor and establishing a date
13 and time for a conference with the principal or his designee as a requirement for
14 readmitting the pupil provided that in the case of expulsion, the contact with the
15 parent or guardian shall include a certified letter. If the parent, tutor, or legal
16 guardian fails to attend the required conference within five school days of mailing
17 the certified letter or other contact with the parent, the truancy laws shall become
18 effective. On not more than one occasion each school year when the parent, tutor,
19 or legal guardian refuses to respond, the principal may determine whether
20 readmitting the pupil is in the best interest of the student. On any subsequent
21 occasions in the same year, the pupil shall not be readmitted unless the parent, tutor,
22 legal guardian, court, or other appointed representative responds. A pupil whose
23 presence in or about a school poses a continued danger to any person or property or
24 an ongoing threat of disruption to the academic process shall be immediately
25 removed from the school premises without the benefit of the procedure described
26 hereinabove; however, the necessary procedure shall follow as soon as is practicable.

27 * * *

28 (6) Prior to any suspension, the school principal or his designee shall ensure
29 that the student is assessed using an instrument developed by the Centers for Disease

1 Control and Prevention that is designed to determine if the student has experienced
 2 trauma. The results of the assessment shall be used to determine whether the
 3 student's behavior may be better addressed in a manner other than through
 4 suspension.

5 B.(1)

6 * * *

7 (b)(i) Notwithstanding the provisions of Subsection A of this Section, the
 8 principal shall immediately suspend a student in grades nine through twelve who is
 9 found carrying or possessing a firearm or another dangerous instrumentality other
 10 than a knife, or who possesses, distributes, sells, gives, or loans any controlled
 11 dangerous substance governed by the Uniform Controlled Dangerous Substances
 12 Law, in any form. He shall immediately recommend the student's expulsion in
 13 accordance with Subsection C of this Section.

14 (ii)

15 * * *

16 (bb) A student in grades nine through twelve who is found carrying or
 17 possessing a knife with a blade less than two inches in length may be suspended by
 18 the school principal as provided in Paragraph (A)(3) of this Section; however, in
 19 appropriate cases such student, at a minimum, shall be placed in in-school
 20 suspension.

21 (cc) The principal shall immediately suspend a student in grades nine
 22 through twelve who is found carrying or possessing a knife the blade of which equals
 23 or exceeds two inches in length. He also shall immediately recommend the student's
 24 expulsion in accordance with Subsection C of this Section, ~~except that, in the case~~
 25 ~~of a student less than eleven years of age in pre-kindergarten through grade five, the~~
 26 ~~principal may, but shall not be required to, recommend the student's expulsion in~~
 27 ~~accordance with Subsection C of this Section.~~

28 * * *

1 C.(1) Upon the recommendation by a principal for the expulsion of any
2 student as authorized by Subsection B hereof, a hearing shall be conducted by the
3 superintendent or by any other person designated so to do by the superintendent to
4 determine the facts of the case and make a finding of whether or not the student is
5 guilty of conduct warranting a recommendation of expulsion. The superintendent
6 or his designee shall ensure that the student is assessed using an instrument
7 developed by the Centers for Disease Control and Prevention that is designed to
8 determine if the student has experienced trauma. The results of the assessment shall
9 be used to determine whether the student's behavior may be better addressed in a
10 manner other than through expulsion. Upon the conclusion of the hearing and upon
11 a finding that the student is guilty of conduct warranting expulsion, the
12 superintendent, or his designee, shall determine whether such student shall be
13 expelled from the school system or if other corrective or disciplinary action shall be
14 taken. At said hearing the principal or teacher concerned may be represented by any
15 person appointed by the superintendent. The concerned teacher shall be permitted
16 to attend such hearing and shall be permitted to present information the teacher
17 believes relevant. Until such hearing takes place the student shall remain suspended
18 from the school. At such hearing the student may be represented by any person of
19 his choice.

20 (2)(a)(i) Notwithstanding the provisions of Subsection B of this Section, any
21 student ~~sixteen years of age or older~~ in grades nine through twelve found guilty of
22 being in possession of a firearm on school property, on a school bus, or in actual
23 possession at a school-sponsored event, pursuant to a hearing as provided for by
24 Paragraph (1) of this Subsection, shall be expelled from school for a minimum period
25 of four complete school semesters and shall be referred to the district attorney for
26 appropriate action. However, the superintendent of a city, parish, or other local
27 public school system may modify the length of such minimum expulsion
28 requirement on a case-by-case basis, provided such modification is in writing.

1 (ii) Notwithstanding the provisions of Subsection B of this Section, any
2 student ~~sixteen years of age or older~~ in grades nine through twelve found guilty of
3 possession of, or knowledge of and intentional distribution of, or possession with
4 intent to distribute any illegal narcotic, drug, or other controlled substance on school
5 property, on a school bus, or at a school sponsored event pursuant to a hearing as
6 provided for by Paragraph (1) of this Subsection shall be expelled from school for
7 a minimum period of four complete school semesters.

8 (b)(i) Any student who is ~~under sixteen years of age and~~ in grades ~~six~~ nine
9 through twelve and who is found guilty of being in possession of a firearm on school
10 property, on a school bus, or in actual possession at a school sponsored event,
11 pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be
12 expelled from school for a minimum period of four complete school semesters, and
13 shall be referred to the district attorney for appropriate action. However, the
14 superintendent of a city, parish, or other local public school system may modify the
15 length of such minimum expulsion requirement on a case-by-case basis, provided
16 such modification is in writing.

17 (ii) Any student who is ~~under sixteen years of age and~~ in grades ~~six~~ nine
18 through twelve and who is found guilty of possession of, or knowledge of and
19 intentional distribution of, or possession with intent to distribute any illegal narcotic,
20 drug, or other controlled substance on school property, on a school bus, or at a school
21 sponsored event pursuant to a hearing as provided for by Paragraph (1) of this
22 Subsection shall be expelled from school for a minimum period of two complete
23 school semesters.

24 * * *

25 D.(1) The conviction of any student in grades nine through twelve of a
26 felony or the incarceration of any student in grades nine through twelve in a juvenile
27 institution for an act which had it been committed by an adult would have constituted
28 a felony may be cause for expulsion of the student for a period of time as determined

1 by the board. The expulsion shall require the vote of two-thirds of the elected
2 members of the school board.

3 * * *

4 J.(1) Notwithstanding the provisions of this Section or any other provision
5 of law, a student ~~enrolled in grades prekindergarten through five~~ shall not be
6 suspended or expelled from school or suspended from riding on any school bus for
7 a uniform violation that is not tied to willful disregard of school policies.

8 * * *

9 Section 2. R.S. 17:416(C)(2)(c) 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 136 Original

2021 Regular Session

Carpenter

Abstract: Provides relative to reasons for out-of-school suspension and expulsion for students in grades eight and below.

Present law provides for discipline of students, including suspension and expulsion, in public elementary and secondary schools. Provides actions for which a student may be suspended or expelled and procedures related to such disciplinary measures.

Proposed law generally retains present law as applicable to students in grades nine through 12. Provides that a student in grades pre-K through eight may be suspended only for acting in a way that is intended to cause significant bodily harm or emotional distress to another person.

Proposed law requires, prior to any suspension or expulsion, that the student be assessed using an instrument developed by the Centers for Disease Control and Prevention that is designed to determine if the student has experienced trauma. Requires that the results of the assessment be used to determine whether the student's behavior may be better addressed in another manner.

Present law prohibits suspension of students in grades pre-K through five for uniform violations. Proposed law makes the prohibition applicable to all students.

(Amends R.S. 17:416(A)(3)(a)(intro. para.) and (b)(i), (B)(1)(b)(i) and (ii)(bb) and (cc), (C)(1) and (2)(a) and (b), (D)(1), and (J)(1); Adds R.S. 17:416(A)(6); Repeals R.S. 17:416(C)(2)(c))