2022 Regular Session

HOUSE BILL NO. 222

### BY REPRESENTATIVE MARCELLE

# STUDENT/DISCIPLINE: Provides relative to out-of-school 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), (D)(1), and (J), to enact R.S. 17:416(A)(7),
4	and to repeal R.S. 17:416(C)(2)(b) and (c), relative to discipline of students; to
5	provide relative to out-of-school suspensions and expulsions; to provide for
6	consideration of personal trauma as a mitigating factor in a disciplinary action; to
7	provide for discipline of students relative to uniform violations; and to provide for
8	related 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), (D)(1), and (J) are hereby amended and reenacted and
12	R.S. 17:416(A)(7) is hereby enacted to read as follows:
13	§416. Discipline of students; suspension; expulsion
14	А.
15	* * *
16	(3)(a) <u>A school principal may suspend from school or suspend from riding</u>
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

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school bus any student in grades nine through twelve who:

person. A school principal may suspend from school or suspend from riding on any

(b)(i) Prior to any out-of-school suspension, assignment to alternative 4 placement, or expulsion, the school principal or his designee shall advise the student 5 6 in question of the particular misconduct of which he is accused as well as the basis 7 for such accusation and ensure that student is assessed in accordance with Paragraph 8 (7) of this Subsection, and the student shall be given an opportunity at that time to 9 explain his version of the facts to the school principal or his designee. In each case 10 of out-of-school suspension, assignment to alternative placement, or expulsion, the 11 school principal or his designee shall contact, by telephone at the telephone number 12 shown on the student's registration card or by electronic communication or a certified 13 letter sent to the address shown on the student's registration card, the parent or legal 14 guardian of the student in question giving notice of the out-of-school suspension, 15 assignment to alternative placement, or expulsion, the reasons therefor, and 16 establishing a date and time for a conference with the principal or his designee as a 17 requirement for readmitting the student. In the case of expulsion, the contact with the 18 parent or guardian shall include a certified letter. If the parent or legal guardian fails 19 to attend the required conference within five school days of mailing the certified 20 letter or other contact with the parent, the truancy laws shall become effective. On 21 not more than one occasion each school year when the parent or legal guardian 22 refuses to respond, the principal may determine whether readmitting the student is 23 in the best interest of the student. On any subsequent occasions in the same year, the 24 student shall not be readmitted unless the parent, legal guardian, court, or other 25 appointed representative responds. A student whose presence in or about a school 26 poses a continued danger to any person or property or an ongoing threat of disruption 27 to the academic process shall be immediately removed from the school premises

1	without the benefit of the procedure described in this Item; however, the necessary
2	procedure shall follow as soon as is practicable.
3	* * *
4	(7) Prior to any out-of-school suspension, assignment to alternative
5	placement, or expulsion, the school principal or his designee shall ensure that the
6	student is assessed using an instrument approved by the Louisiana Department of
7	Health that is designed to determine if the student has experienced trauma. The
8	results of the assessment shall be used to determine whether the student's behavior
9	may be better addressed in a manner other than through out-of-school suspension,
10	assignment to alternative placement, or expulsion.
11	B.(1)
12	* * *
13	(b)(i) Notwithstanding the provisions of Subsection A of this Section, the
14	principal or his designee shall immediately suspend a student in grades nine through
15	twelve who is found carrying or possessing a firearm or another dangerous
16	instrumentality other than a knife, or who possesses, distributes, sells, gives, or loans
17	any controlled dangerous substance governed by the Uniform Controlled Dangerous
18	Substances Law, in any form. The principal or his designee shall immediately
19	recommend the student's expulsion in accordance with Subsection C of this Section.
20	(ii)
21	* * *
22	(bb) A student in grades nine through twelve who is found carrying or
23	possessing a knife with a blade less than two and one-half inches in length may be
24	suspended by the school principal as provided in Paragraph (A)(3) of this Section;
25	however, in appropriate cases such student, at a minimum, shall be placed in
26	in-school suspension.
27	(cc) The principal shall immediately suspend a student in grades nine
28	through twelve who is found carrying or possessing a knife the blade of which equals
29	or exceeds two and one-half inches in length. He also shall immediately recommend

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the student's expulsion in accordance with Subsection C of this Section, except that
 in the case of a student less than eleven years of age in pre-kindergarten through
 grade five, the principal may recommend the student's expulsion in accordance with
 Subsection C of this Section.

6 C.(1) Upon the recommendation by a principal for the expulsion of any student as authorized by Subsection B of this Section or a school board's code of 7 8 conduct, a hearing shall be conducted by the superintendent or his designee within 9 fifteen school days to determine the facts of the case and make a finding of whether 10 or not the student is guilty of conduct warranting a recommendation of expulsion. 11 The school board must provide written notice of the hearing to the student and his 12 parent or legal guardian, and such notice shall advise the student and his parent or 13 legal guardian of their rights. The superintendent or his designee shall ensure that 14 the student is assessed using an instrument approved by the Louisiana Department 15 of Health that is designed to determine if the student has experienced trauma. The 16 results of the assessment shall be used to determine whether the student's behavior 17 may be better addressed in a manner other than through expulsion. Upon the 18 conclusion of the hearing and upon a finding that the student is guilty of conduct 19 warranting expulsion, the superintendent or his designee shall determine whether 20 such student shall be expelled from the school system or if other corrective or 21 disciplinary action shall be taken. At the hearing the principal or teacher concerned 22 may be represented by any person appointed by the superintendent. The concerned 23 teacher shall be permitted to attend such hearing and shall be permitted to present 24 information the teacher believes relevant. Until such hearing takes place the student 25 shall remain suspended from the school with access to classwork and the opportunity 26 to earn academic credit. At such hearing the student may be represented by any 27 person of his choice. A student who is expelled or suspended for longer than ten 28 days shall be provided with academic instruction at an alternative setting in 29 accordance with R.S. 17:416.2.

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1 (2)(a)(i) 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 being in possession of a firearm on school property, on a school bus, or in actual 4 possession at a school-sponsored event, pursuant to a hearing as provided for by 5 Paragraph (1) of this Subsection, shall be expelled from school for a minimum period 6 of four complete school semesters and shall be referred to the district attorney for 7 appropriate action. However, the superintendent may modify the length of such 8 minimum expulsion requirement on a case-by-case basis, provided such modification 9 is in writing.

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

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D.(1) The conviction of any student in grades nine through twelve of a 18 19 felony or the incarceration of any student in grades nine through twelve in a juvenile 20 institution for an act which had it been committed by an adult would have constituted 21 a felony may be cause for expulsion of the student for a period of time as determined 22 by the board. The expulsion shall require the vote of two-thirds of the elected 23 members of the school board, shall not be for a period of time longer than the 24 student's period of adjudication as determined by the applicable court presiding over 25 the student's criminal matter, and shall run concurrent to the student's period of 26 disposition. If the student was serving an expulsion period when the student was 27 incarcerated for a separate offense and the student completes the period of

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1	incarceration with time left in the expulsion period, the superintendent or his
2	designee may require the student to serve the time left in the expulsion period.
3	* * *
4	J. Notwithstanding the provisions of this Section or any other provision of
5	law, a student enrolled in grades prekindergarten through five shall not be suspended
6	or expelled from school or suspended from riding on any school bus for a uniform
7	violation that is not tied to willful disregard of school policies.
8	* * *
9	Section 2. R.S. 17:416(C)(2)(b) and (c) are hereby repealed in their 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 222 Original	2022 Regular Session	Marcelle
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Abstract: Provides relative to reasons for out-of-school suspension and expulsion for public school students.

<u>Present law</u> 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.

<u>Proposed law</u> generally retains <u>present law</u> 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.

<u>Proposed law</u> requires, prior to any out-of-school suspension, assignment to alternative placement, or expulsion, that the student be assessed using an instrument approved by the La. Dept. of Health that is designed to determine if the student has experienced trauma. Requires that the results be used to determine whether the student's behavior may be better addressed in another manner.

<u>Present law</u> prohibits suspension of students in grades pre-K through five for uniform violations. <u>Proposed law</u> 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), (D)(1), and (J); Adds R.S. 17:416(A)(7); Repeals R.S. 17:416(C)(2)(b) and (c))