

2022 Regular Session

SENATE BILL NO. 256

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 suspension.

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

9 * * *

10 §416. Discipline of students; suspension; expulsion

11 A. * * *

12 (3) * * *

13 (b)(i) Prior to any out-of-school suspension, assignment to alternative
14 placement, or expulsion, the school principal or his designee shall:

15 (aa) advise Advise the student in question of the particular misconduct of
16 which he is accused as well as the basis for such accusation, ~~and~~.

17 (bb) Give the student ~~shall be given~~ an opportunity at that time to explain his
18 version of the 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
24 out-of-school suspension, assignment to alternative placement, or expulsion.

25 (dd) In each case of out-of-school suspension, assignment to alternative
26 placement, or expulsion, ~~the school principal or his designee shall~~ contact, by
27 telephone at the telephone number shown on the student's registration card or by
28 electronic communication or a certified letter sent to the address shown on the
29 student's registration card, the parent or legal guardian of the student in question

1 giving notice of the out-of-school suspension, assignment to alternative placement,
2 or expulsion, the reasons therefor, and establishing a date and time for a conference
3 with the principal or his designee as a requirement for readmitting the student. In the
4 case of expulsion, the contact with the parent or guardian shall include a certified
5 letter. If the parent or legal guardian fails to attend the required conference within
6 five school days of **the** mailing **of** the certified letter or other contact with the parent,
7 the truancy laws shall become effective. On ~~not more than one~~ **the first** occasion
8 each school year when the parent or legal guardian refuses to respond, the principal
9 may determine whether readmitting the student is in the best interest of the student.
10 On any subsequent occasions in the same **school** year, the student shall not be
11 readmitted unless the parent, legal guardian, court, or other appointed representative
12 responds.

13 **(ii)** A student whose presence in or about a school poses a continued danger
14 to any person or property or an ongoing threat of disruption to the academic process
15 shall be immediately removed from the school premises without the benefit of the
16 procedure described in ~~this~~ Item **(i) of this Subparagraph**; however, the necessary
17 procedure shall ~~follow~~ **be followed** as soon as is practicable.

18 ~~(ii)(iii)~~(aa) If a teacher, principal, or other school employee is authorized by
19 this Section to require the parent or legal guardian of a student to attend a conference
20 or meeting regarding the student's behavior and, after notice, the parent or legal
21 guardian willfully refuses to attend, the principal or his designee shall file a
22 complaint with a court exercising juvenile jurisdiction pursuant to Children's Code
23 Articles 730(8) and 731. The principal may file a complaint pursuant to Children's
24 Code Article 730(1) or any other applicable ground when, in his judgment, doing so
25 is in the best interests of the student.

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

* * *

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

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

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

DIGEST

SB 256 Original 2022 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 proposed law.

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