

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 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

1 person. A school principal may suspend from school or suspend from riding on any
2 school bus any student in grades nine through twelve who:

3 * * *

4 (b)(i) Prior to any out-of-school suspension, assignment to alternative
5 placement, or expulsion, the school principal or his designee shall advise the student
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

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

5 * * *

6 C.(1) Upon the recommendation by a principal for the expulsion of any
7 student as authorized by Subsection B of this Section or a school board's code of
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.

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.

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

17 * * *

18 D.(1) The conviction of any student in grades nine through twelve of a
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

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 Engrossed

2022 Regular Session

Marcelle

Abstract: Provides relative to reasons for out-of-school suspension and expulsion for public school students.

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 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.

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), (D)(1), and (J); Adds R.S. 17:416(A)(7); Repeals R.S. 17:416(C)(2)(b) and (c))