

2024 Regular Session

HOUSE BILL NO. 322

BY REPRESENTATIVES STAGNI, AMEDEE, BAGLEY, BAYHAM, BILLINGS, CARLSON, CARVER, CHASSION, CHENEVERT, DAVIS, DICKERSON, EDMONSTON, EGAN, FREIBERG, HORTON, HUGHES, JACOB LANDRY, MACK, MARCELLE, MELERINE, OWEN, PHELPS, ROMERO, SCHAMERHORN, SCHLEGEL, TAYLOR, WILEY, AND WYBLE

STUDENT/DISCIPLINE: Provides relative to student discipline

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(1)(b)(i) and (c)(i) and (v) and 416.18(B), relative to
3 student discipline; to grant certain authority to teachers; to prohibit retaliation from
4 principals and administrators for certain disciplinary action taken; to require certain
5 disciplinary action; to provide relative to the exercise of teacher rights; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:416(A)(1)(b)(i) and (c)(i) and (v) and 416.18(B) are hereby
9 amended and reenacted to read as follows:

10 §416. Discipline of students; suspension; expulsion

11 A.(1)

12 * * *

13 (b)(i) Each teacher may take disciplinary action to correct a student who
14 violates school rules or who interferes with an orderly education process. No
15 principal or administrator shall prohibit or discourage a teacher from taking
16 disciplinary action, recommending disciplinary action, or completing a form to
17 initiate disciplinary action against a student who violates school policy or who
18 interferes with an orderly education process. No principal or administrator shall
19 retaliate or take adverse employment action against a teacher for taking disciplinary
20 action against a student. The provisions of this Item shall apply only if the

1 disciplinary action that the teacher takes is in accordance with policy adopted by the
2 public school governing authority.

3 * * *

4 (c)(i) When a student's behavior prevents the orderly instruction of other
5 students or poses an immediate threat to the safety or physical well-being of any
6 student or teacher or when a student violates the school's code of conduct, the teacher
7 ~~may~~ shall have the student immediately removed from his classroom and placed in
8 the custody of the principal or his designee.

9 * * *

10 (v) Upon the third removal from the same classroom pursuant to this
11 Subparagraph, the teacher and the principal shall discuss the disruptive behavior
12 patterns of the student and the potentially appropriate disciplinary measure before
13 the principal implements a disciplinary measure. In addition, a conference between
14 the teacher or other appropriate school employee and the student's parent or legal
15 guardian ~~may be~~ is required prior to the student being readmitted to that same
16 classroom. Such conference may be in person or by telephone or other virtual
17 means. If such conference is required by the school, the school shall give written
18 notice to the parent.

19 * * *

20 §416.18. Teacher Bill of Rights

21 * * *

22 B. No city, parish, or other local public school board shall establish policies
23 that prevent teachers from exercising the rights provided in this Section or in any
24 other provision included in R.S. 17:416 through 416.16. No principal or
25 administrator shall retaliate or take adverse employment action against a teacher for
26 exercising the rights provided in this Section. However, the provisions of this
27 Section do not authorize a teacher to violate the provisions of any discipline policy
28 adopted by the public school governing authority.

29 * * *

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 322 Reengrossed

2024 Regular Session

Stagni

Abstract: Provides for disciplinary authority to public school teachers in certain scenarios.

Present law (R.S. 17:416) provides relative to student discipline.

Present law authorizes teachers to take disciplinary action against a student who violates school rules or interferes with an orderly education process. Proposed law retains present law and further prohibits a principal or administrator from discouraging a teacher from taking disciplinary action against a student in such scenario. Prohibits retaliation and taking employment action against a teacher for taking disciplinary action that complies with policy against a student.

Present law authorizes a teacher to remove a student whose behavior prevents the orderly instruction of other students, poses an immediate threat to the safety or physical well-being of any student or teacher, or when a student violates the school's code of conduct. Proposed law instead requires such removal.

Present law authorizes, after the third removal in this manner, a conference between the teacher and student's parent before the student returns to the classroom. Proposed law instead requires this conference.

Present law (R.S. 17:416.18) provides for a Teacher Bill of Rights.

Prohibits a public school board from establishing policies that prevent teachers from exercising the rights provided in present law (R.S. 17:416 through 416.16). Proposed law further prohibits a principal or administrator from retaliating and taking employment action against a teacher for exercising rights provided in present law.

(Amends R.S. 17:416(A)(1)(b)(i) and (c)(i) and (v) and 416.18(B))

Summary of Amendments Adopted by House

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

1. Specify that proposed law prohibition on adverse employment action against a teacher for taking disciplinary action is limited to when teachers take action in accordance with public school governing authority policy.
2. Specify that teachers are not authorized to violate public school governing authority discipline policy in the exercise of their rights.