

Regular Session, 2012

ACT No. 831

HOUSE BILL NO. 1209 (Substitute for House Bill No. 312 by Representative Richard)

BY REPRESENTATIVES RICHARD, ADAMS, ARNOLD, BADON, BERTHELOT, BILLIOT, WESLEY BISHOP, BROADWATER, HENRY BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANEY, COX, DIXON, EDWARDS, GAINES, GISCLAIR, GUILLORY, HOLLIS, HUNTER, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, JONES, LEGER, LIGI, MORENO, PIERRE, PRICE, REYNOLDS, SHADOIN, SMITH, ST. GERMAIN, THIBAUT, THIERRY, THOMPSON, ALFRED WILLIAMS, PATRICK WILLIAMS, AND WILLMOTT AND SENATORS ALARIO, ALLAIN, APPEL, BROOME, BROWN, CLAITOR, CORTEZ, CROWE, DORSEY-COLOMB, GUILLORY, KOSTELKA, LAFLEUR, LONG, MILLS, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

To amend and reenact R.S. 17:416(A)(2)(c) and 416.2(A) and (D) and to repeal R.S. 17:416.2(B) and (F), relative to students suspended or expelled from school; to provide relative to placement of students in alternative education programs; to require attendance of students placed in alternative schools or alternative education programs; to require parents, tutors, and guardians of the students to assure attendance, and to provide for enforcement and penalties for violations; to provide relative to such programs, including provisions for agreements for provision of education services to certain students; to remove the exclusion of certain students from the requirement for supervision of expelled and suspended students; to repeal provisions relative to waivers from a requirement for alternative education programs and provisions prohibiting return of certain students to alternative education programs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416(A)(2)(c) and 416.2(A) and (D) are hereby amended and reenacted to read as follows:

§416. Discipline of pupils; suspension; expulsion

A.

* * *

(2) As used in this Section:

* * *

(c) Unless otherwise defined as a permanent expulsion and except as otherwise provided by Subsections B and C of this Section, ~~an expulsion~~ "expulsion" shall be defined as a removal from all regular school settings for a period of not less than one school semester, ~~during which time~~ During an expulsion the city, parish, or other local public school board superintendent shall place the pupil in an alternative school or in an alternative ~~school setting~~ educational placement.

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§416.2. Supervision of suspended or expelled students; alternative education programs

A.(1) Any student suspended or expelled from school pursuant to the provisions of R.S. 17:416, ~~other than a student expelled pursuant to the provisions of R.S. 17:416(B) and (C)(2)~~, shall remain under the supervision of the governing authority of the city, parish, or other local public school system taking such action using alternative education programs for suspended and expelled students. Alternative education programs of any local public school shall be approved by the State Board of Elementary and Secondary Education; however, no school system shall be liable for any student attending an alternative education program at a location other than a school site.

(2) A student expelled pursuant to the provisions of R.S. 17:416(B) and (C)(2) may ~~only~~ be readmitted only to a city, parish, or other local public school; ~~including an alternative education program~~, in the school system from which he was expelled prior to the completion of the specified period of expulsion, in accordance with the provisions of R.S. 17:416(C)(2)(d).

(3)(a) Any student placed in an alternative school or an alternative education program, including but not limited to any student receiving education services pursuant to an agreement subject to Paragraph (D)(2) of this Section, shall attend and participate in such school, program, or education services.

(b) The parent, tutor, or legal guardian of any such student shall ensure attendance as required by this Paragraph and any violation of this Subparagraph shall be subject to the provisions of R.S. 17:221(A)(2) and (3).

(c) Visiting teachers or supervisors of child welfare and attendance, with the approval of the superintendent of the local public school system, shall file proceedings in court to enforce the provisions of this Paragraph.

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D.(1) The State Board of Elementary and Secondary Education shall adopt the necessary rules and regulations to provide for the implementation of the provisions of this Section.

(2) Such rules and regulations shall include provisions for cases in which a school governing authority enters into an agreement with an education service provider for the education of a student who meets any of the following criteria:

(a) Has been adjudicated delinquent by a court having juvenile jurisdiction
as defined in Article 302 of the Louisiana Children's Code.

(b) Has been adjudicated by a court as a member of a family in need of services and is assigned by the office of juvenile justice to a community-based program or facility.

(c) Is in the custody of the office of juvenile justice as a result of an adjudication and is assigned by the office of juvenile justice to a community-based program or facility.

(d) Is a student who has been suspended or expelled pursuant to the provisions of R.S. 17:416(B) or (C)(2).

1 (3) Rules and regulations pursuant to Paragraph (2) of this Subsection shall
2 include all of the following:

3 (a) Such services shall be provided to the school governing authority at the
4 actual costs incurred by the provider, not to exceed for each student the pro rata share
5 of the combined state and local per pupil amount of the minimum foundation
6 program for such governing authority.

7 (b) In an effort to support the on-time graduation of students who are
8 suspended, expelled, or at high risk for dropping out or entry into the juvenile justice
9 system, academic, behavioral, and mental health interventions must be provided.
10 Interventions offered shall include but not be limited to the following:

11 (i) Academic interventions and supports:

12 (aa) Targeted academic interventions focused on assessed needs in math and
13 reading using an evidence-based and research-supported curriculum.

14 (bb) Use of validated monthly assessments to monitor individual student
15 academic progress.

16 (cc) Implementation of research-supported instructional strategies such as
17 differentiated instruction, experiential education, project-based learning, and
18 computer-assisted instruction to support assessed needs and content mastery.

19 (dd) Opportunities to participate in credit recovery to support progression
20 towards on-time graduation.

21 (ee) On-site access to at least one career or vocational certification option.

22 (ii) Behavioral interventions and supports:

23 (aa) Positive behavioral supports with a high ratio of positive reinforcement
24 over punishment.

25 (bb) Behavioral shaping steps aligned to assessed behavioral needs and
26 goals.

27 (cc) Mentoring and frequent behavioral feedback focused on individualized
28 shaping steps for students enrolled.

1 (dd) Successive approximations and reinforcements to develop more
2 complex social behaviors.

3 (iii) Mental health interventions and supports:

4 (aa) Evidence-based cognitive behavioral interventions to address, anger,
5 impulsivity, and aggression.

6 (bb) Interventions to address past childhood traumas, including forms of
7 abuse and neglect, being a victim of or a witness to violence, and involvement in
8 natural disasters.

9 (cc) Interventions to address substance use and to prevent substance abuse.

10 (dd) Interventions to build life skills and social skills in order to increase
11 employability and success in the community.

12 (4) Nothing in this Section shall prevent any nonprofit organization that
13 provides alternative education services to a school governing authority from applying
14 to operate a charter school pursuant to R.S. 17:3983.

15 (5) The governing authority of a Type 5 charter school shall receive approval
16 from the superintendent of the Recovery School District before entering into an
17 agreement with an educational service provider for alternative education services
18 pursuant to the provisions of this Section, and any such agreement shall not be
19 subject to the provisions of Subparagraph (3)(a) of this Subsection.

20 (6) Any agreement in effect on the effective date of this Paragraph and any
21 prospective agreement between the Recovery School District and an educational
22 service provider for alternative education shall not be subject to Subparagraph (3)(a)
23 of this Subsection, but shall be approved by the state superintendent of education.

24 * * *

25 Section 2. R.S. 17:416.2(B) and (F) are hereby repealed in their entirety.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____