
DIGEST

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Smith

HB No. 646

Abstract: Provides relative to student discipline, including removal from class, suspension, and expulsion and student codes of conduct, including bullying policies.

Student discipline

Removal from class

Present law provides that a pupil in kindergarten through grade six removed from a class shall not be permitted to return for at least 30 minutes unless agreed to by the teacher. Proposed law is applicable to those in kindergarten through grade five and provides relative to certain disciplinary measures that must be taken before readmission.

Present law provides that a pupil in grades seven through 12 removed from class shall not be permitted to return during the same class period unless agreed to by the teacher. Proposed law provides this for those in grades six through 12 and authorizes subjecting such a pupil to certain disciplinary measures.

Suspension

Present law provides that a student who fails to comply with rules for in-school suspensions or detentions to be subject to immediate suspension. Proposed law authorizes rather than requires suspension in such cases.

Present law authorizes a principal to suspend a student who commits certain offenses. Proposed law provides that suspension shall only be used after considering non-punitive discipline alternatives and if absolutely necessary to protect safety of school community, requires school boards to adopt rules and regulations relative to suspensions for willful disobedience, and prohibits any removal from class or in- or out-of-school suspension for uniform-related violations or for being habitually tardy or absent.

Expulsion

Present law provides generally relative to expulsion, including expulsion hearings. Proposed law adds that every student recommended for expulsion shall receive such a hearing within five school days of receiving notification of such recommendation and if it is not held within this time frame, the student shall return to school and the expulsion shall be denied. Present law requires a

student recommended for expulsion to remain suspended until the hearing. Proposed law deletes present law.

Indemnification of public school employees

Present law provides that nothing in present law shall require a school board to indemnify an employee against a judgment wherein there is a specific decree in the judgment that provides either one of the following:

- (1) The action of the employee was maliciously, willfully, and deliberately intended to cause bodily harm or to harass or intimidate the student.
- (2) The employee purposefully or with gross disregard of the facts ignored the complaints of the student or the student's parent or guardian that the student was being bullied and the bullying led to the physical harm or death of the student.

Proposed law deletes (2) above and otherwise retains present law.

Student code of conduct: Bullying

Present law requires each public school governing authority to adopt a student code of conduct and that it include any necessary disciplinary action to be taken against any student who violates such code. Present law requires each governing authority to review the code and amend it as necessary by than Jan. 1, 2013. Proposed law requires that this be done by Jan. 1, 2014.

Present law requires public school governing authorities to incorporate a policy prohibiting bullying into their student codes of conduct and to provide at least four hours of training on bullying per year for school employees, which shall include certain topics. Proposed law additionally requires them to ensure that staff has ongoing access to professional development opportunities with respect to how to address bullying and requires that certain topics be included in professional development rather than in the required four hours of training. Present law refers to "victims" of bullying; proposed law changes this term to "targets".

Present law provides generally with respect to the reporting of bullying and requires any report of bullying to remain confidential. Proposed law requires each public school governing authority to take every possible measure to ensure the privacy and confidentiality of all parties in an incident of bullying. Present law requires a written report of a bullying incident to be filed by the school employee not later than two days thereafter. Proposed law changes this deadline to 24 hours thereafter and authorizes school personnel to be represented at related hearings, investigations, or meetings by any person of their choice. Further authorizes reports to be made anonymously but prohibits disciplinary action based solely on an anonymous report, though such a report may trigger an investigation resulting in action.

Present law authorizes students, parents, and school employees to report bullying incidents directly to the public school governing authority if the school does not take timely action.

Proposed law defines "timely" as not later than five days after written report of the incident.

Present law requires parental notification relative to bullying reports. Proposed law adds that school officials shall first consider the issue of notification as they would any other decision in terms of the age, health, well-being, safety, and privacy of the students and requires that further steps be taken as needed to ensure the continued safety of the target of bullying. Present law requires parents of any student under 18 to be notified before the student is interviewed about a bullying incident and provides that parents shall have the opportunity to attend any interviews with their child conducted as part of the investigation. Proposed law instead requires such parents to attend any interviews conducted as part of the investigation.

Present law provides relative to complaints principals are required or authorized to file with a court if the parent of a student under 18 and not emancipated willfully refuses to attend a meeting on the child's behavior. Proposed law repeals present law.

Present law requires schools to take prompt and appropriate disciplinary action in response to bullying. Proposed law provides, rather than adopting a zero-tolerance policy, that schools ensure the following of certain guidelines while allowing for flexibility based on individual contexts and authorizes certain disciplinary measures.

Present law requires that schools report criminal conduct to law enforcement. Proposed law limits applicability of this requirement to when there is a serious threat to safety that cannot be handled by school-based disciplinary measures.

Present law authorizes parents to have their child transferred to another school operated by the school governing authority after four reports of bullying under certain circumstances; proposed law allows this after two such reports and prohibits the governing authority from transferring the student without parental consent. Present law provides that if no other school under the governing authority's jurisdiction serves the child's grade level, it shall facilitate the child's enrollment in a virtual school or program or enter into a memorandum of understanding with another governing authority to transfer the child to one of its schools. Proposed law repeals the provisions relative to the virtual school or program.

Present law provides general requirements for the documentation of bullying incidents. Proposed law adds specific information each public school governing authority shall collect relative to such incidents.

Present law, relative to construction and equal protection, provides that all students subject to present law shall be protected equally and without regard to the subject matter or the motivating animus of the bullying. Proposed law repeals present law.

School board websites; required information

Proposed law requires each public school board that maintains a website to publish on it certain information relative to disciplinary policies, state laws on suspension and expulsion, and certain other matters.

(Amends R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), and (3)(a)(intro. para.), (i), (vii), (xvi), and (xvii) and (C)(1), 416.4(C), and 416.13(A), (B), and (D)(intro. para.), (2)(b) through (d) and (3)(intro. para.), (a), (c)(i), (d)(i), (iii), and (iv)(intro. para.), (aa), and (bb), (e), (f)(i), (iii), and (v), and (g)(i), (ii), and (iii)(intro. para.) and (aa); Adds R.S. 17:17:416(A)(1)(c)(viii) and (2)(e) and 416.22; Repeals 17:416.13(D)(3)(d)(iv)(cc) and (H))