

Regular Session, 2013

HOUSE BILL NO. 646

BY REPRESENTATIVES SMITH AND WESLEY BISHOP

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENT/DISCIPLINE: Provides relative to student discipline, including suspensions and expulsions, codes of conduct, and bullying

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), and

3 (3)(a)(introductory paragraph), (i), (vii), (xvi), and (xvii) and (C)(1) and 416.13(A),

4 (B), and (D)(introductory paragraph), (2)(b) through (d), and (3)(introductory

5 paragraph), (a), (c)(i), (d)(i), (iii), and (iv), (e), (f)(i) and (v), and (g)(i), (ii), and

6 (iii)(introductory paragraph) and (aa) and to enact R.S. 17:416(A)(1)(c)(viii) and

7 (2)(e) and (f) and 416.22, relative to student discipline; to provide relative to

8 students' removal from class, suspension, and expulsion; to provide relative to other

9 disciplinary measures; to provide relative to student codes of conduct; to provide

10 relative to policies and procedures with respect to bullying; to require school boards

11 to post certain information on their websites; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), and (3)(a)(introductory

14 paragraph), (i), (vii), (xvi), and (xvii) and (C)(1) and 416.13(A), (B), and (D)(introductory

15 paragraph), (2)(b) through (d), and (3)(introductory paragraph), (a), (c)(i), (d)(i), (iii), and

16 (iv), (e), (f)(i) and (v), and (g)(i), (ii), and (iii)(introductory paragraph) and (aa) are hereby

17 amended and reenacted and R.S. 17:416(A)(1)(c)(viii) and (2)(e) and (f) and 416.22 are

18 hereby enacted to read as follows:

1 §416. Discipline of students; suspension; expulsion

2 A.(1)

3 \* \* \*

4 (c)

5 \* \* \*

6 (iii) A pupil in kindergarten through grade ~~six~~ five removed from a class  
7 pursuant to this Subparagraph shall not be permitted to return to the class for at least  
8 thirty minutes unless agreed to by the teacher initiating the disciplinary action. ~~A~~  
9 ~~pupil in grades seven through twelve removed from a class pursuant to this~~  
10 ~~Subparagraph shall not be permitted to return to the class during the same class~~  
11 ~~period unless agreed to by the teacher initiating the disciplinary action.~~ Additionally,  
12 the pupil shall not be readmitted to the class until the principal has implemented one  
13 of the following disciplinary measures:

14 (aa) ~~In-school suspension~~ Requiring the completion of all assigned school  
15 and homework which would have been assigned and completed by the student during  
16 the period of discipline. The school shall supply assigned school and homework to  
17 the student.

18 (bb) ~~Detention~~ Restorative practices using a school-wide approach of  
19 informal and formal techniques to build a sense of school community and manage  
20 conflict by repairing harm and restoring positive relationships.

21 (cc) ~~Suspension~~ Reflective activities, such as requiring the student to write  
22 an essay about the student's misbehavior.

23 (dd) ~~Initiation of expulsion hearings~~ Participation in skills building and  
24 resolution activities, such as social-emotional cognitive skills building, resolution  
25 circles, and restorative conferencing.

26 (ee) ~~Assignment to an alternative school~~ Loss of privileges.

27 (ff) ~~Requiring the completion of all assigned school and homework which~~  
28 ~~would have been assigned and completed by the student during the period of~~  
29 ~~suspension~~ Referral to school counselor or social worker.

1           (gg) ~~Any other disciplinary measure authorized by the principal with the~~  
2           ~~concurrence of the teacher or the building level committee pursuant to law and board~~  
3           ~~policy~~ Referral to outside intervention.

4           (hh) In-school detention or suspension, which may take place during lunch  
5           time, after school, or on the weekends.

6           (ii) Any other disciplinary measure authorized by the principal with the  
7           concurrence of the teacher or the building level committee pursuant to state law and  
8           school board policy. To ensure equitability in applying sanctions, measures shall be  
9           applied on a graduated basis determined by the nature of the offense, the disciplinary  
10          history of the student, and the age and development status of the student.

11                                                         \*           \*           \*

12          (v) Upon the third removal from the same classroom pursuant to this  
13          Subparagraph, the teacher and the principal shall discuss the disruptive behavior  
14          patterns of the pupil and the potentially appropriate disciplinary measure before the  
15          principal implements a disciplinary measure. If appropriate, a referral of the matter  
16          may be made to an appropriate building level committee. In addition, a conference  
17          between the teacher or other appropriate school employee and the pupil's parent,  
18          tutor, or legal guardian shall be required ~~prior to the pupil being readmitted.~~

19                                                         \*           \*           \*

20          (viii) A pupil in grades six through twelve removed from a class pursuant to  
21          this Subparagraph shall not be permitted to return to the class during the same class  
22          period unless agreed to by the teacher initiating the disciplinary action. Additionally,  
23          as appropriate, the student may be subject to one of the following disciplinary  
24          measures:

25          (aa) Requiring the completion of all assigned school and homework which  
26          would have been assigned and completed by the student during the period of  
27          discipline. The school shall supply assigned school and homework to the student.

1            (bb) Restorative practices using a school-wide approach of informal and  
2            formal techniques to build a sense of school community and manage conflict by  
3            repairing harm and restoring positive relationships.

4            (cc) Reflective activities, such as requiring the student to write an essay  
5            about the student's misbehavior.

6            (dd) Participation in skills building and resolution activities, such as  
7            social-emotional cognitive skills building, resolution circles, and restorative  
8            conferencing.

9            (ee) Loss of privileges.

10           (ff) Referral to school counselor or social worker.

11           (gg) Referral to outside intervention.

12           (hh) In-school detention or suspension, which may take place during lunch  
13           time, after school, or on the weekends.

14           (ii) Only upon exhausting all options to keep students in the classroom,  
15           initiation of expulsion hearings can be used as a last resort.

16           (jj) Any other disciplinary measure authorized by the principal with the  
17           concurrence of the teacher or the building level committee pursuant to law and board  
18           policy. To ensure equitability in applying sanctions, measures shall be applied on a  
19           graduated basis determined by the nature of the offense, the disciplinary history of  
20           the student, and the age and development status of the student.

21           (2) As used in this Section:

22           (a)(i) "In-school suspension" means removing a pupil from his normal  
23           classroom setting but maintaining him under supervision within the school. ~~Pupils~~  
24           Any pupil participating in an in-school suspension may receive credit for work  
25           performed during the in-school suspension. However, any pupil who fails to comply  
26           fully with the rules for in-school suspension ~~shall~~ may be subject to immediate  
27           suspension.

1 (ii) Each city, ~~and parish,~~ and other local public school board shall adopt  
2 rules regarding the implementation of in-school suspension ~~by no later than January~~  
3 ~~1, 1995.~~

4 (b)(i) "Detention" means ~~activities, assignments,~~ any activity, assignment,  
5 or work held before the normal school day, after the normal school day, or on  
6 weekends.

7 (ii) Failure or refusal by a pupil to participate in the assigned detention ~~shall~~  
8 may subject the pupil to immediate suspension.

9 (iii) Assignments, activities, or work which may be assigned during  
10 detention include but ~~are~~ shall not be limited to counseling, homework assignments,  
11 behavior modification programs, or other activities aimed at improving the self-  
12 esteem of the pupil.

13 (iv) Each city, ~~and parish,~~ and other local public school board shall adopt  
14 rules regarding the implementation of detention ~~by no later than January 1, 1995.~~

15 \* \* \*

16 (e) "Restorative practice" means an approach that emphasizes repairing harm  
17 and giving equal attention to community safety, the harmed party's needs, and  
18 accountability and growth for the responsible party. Restorative practices are used  
19 to build a sense of school community and resolve conflict by reporting harm and  
20 restoring positive relationships through the use of regular restorative circles where  
21 students and educators work together to set academic goals and develop core values  
22 for the classroom community and resolve conflicts.

23 (f) "Major safety concern" means a concern by the school principal that there  
24 is a threat to the physical safety of students or school employees based on a student's  
25 possession of dangerous weapons at school, on a school bus, or at a  
26 school-sponsored event or on credible threats made by a student to inflict bodily  
27 harm.

28 (3)(a) No student shall be suspended from school unless nonexclusionary  
29 discipline alternatives have been carefully considered, tried, and documented to the

1 extent reasonable and feasible. Only if after that consideration it is determined that  
2 suspension from school is absolutely necessary to protect the safety of the school  
3 community in response to a major safety concern, and only after considering the full  
4 impact of the decision to suspend a student on both the student and the community,  
5 ~~A~~ may a school principal may suspend from school or suspend from riding on any  
6 school bus any student who:

7 (i)(aa) Is guilty of willful disobedience. Willful disobedience means the  
8 repeated refusal to follow a reasonable request of a teacher, administrator, or other  
9 school authority figure on campus, on a school bus, or at a school-sponsored event.

10 (bb) Not later than August 1, 2013, for implementation beginning with the  
11 2013-2014 school year, each city, parish, and other local public school board shall  
12 develop and adopt rules and guidelines for suspensions warranted by willful  
13 disobedience. These guidelines shall be developed in consultation with key  
14 stakeholder groups, including parents and teachers.

15 \* \* \*

16 (vii) Disturbs the school and habitually violates any rule, except that no pupil  
17 shall be suspended in-school or out-of-school or removed from a classroom for a  
18 school uniform-related violation.

19 \* \* \*

20 (xvi) Is habitually tardy or absent, except that no pupil shall be suspended  
21 in-school or out-of-school or removed from the classroom for being habitually tardy  
22 or absent.

23 (xvii) Has engaged in bullying, except as provided in R.S. 17:416.13.

24 \* \* \*

25 C.(1) Upon the recommendation by a principal for the expulsion of any  
26 student as authorized by Subsection B ~~hereof~~, of this Section, a hearing shall be  
27 conducted by the superintendent or by any other person designated so to do by the  
28 superintendent to determine the facts of the case and make a finding of whether ~~or~~  
29 ~~not~~ the student is guilty of conduct warranting a recommendation of expulsion.

1           Upon the conclusion of the hearing and upon a finding that the student is guilty of  
 2           conduct warranting expulsion, the superintendent, or his designee, shall determine  
 3           whether ~~such~~ the student shall be expelled from the school system or if other  
 4           corrective or disciplinary action shall be taken. At ~~said~~ the hearing the principal or  
 5           teacher concerned may be represented by any person appointed by the  
 6           superintendent. The concerned teacher shall be permitted to attend ~~such~~ the hearing  
 7           and shall be permitted to present information the teacher believes relevant. Until  
 8           such hearing takes place the principal may require that a student be educated off-  
 9           campus if there is a major safety concern. ~~Until such hearing takes place the student~~  
 10          ~~shall remain suspended from the school.~~ Every student shall receive such expulsion  
 11          hearing within ten school days of receiving notification of the recommendation for  
 12          expulsion. If a hearing is not conducted within ten school days after the incident, the  
 13          student shall return to school and the expulsion shall be denied. At ~~such~~ the hearing  
 14          the student and parent or legal guardian may be represented by any person of ~~his~~  
 15          their choice.

\* \* \*

17          §416.13. Student code of conduct; requirement; bullying; prohibition; notice;  
 18                  reporting; accountability

19                  A. Code of Conduct. The legislature finds that every public school student  
 20          in this state has the right to receive his public education in a public school  
 21          educational environment that is reasonably free from substantial intimidation,  
 22          harassment, or harm or threat of harm by another student. The governing authority  
 23          of each public elementary and secondary school shall adopt a student code of  
 24          conduct for the students in the schools under its jurisdiction. The code of conduct  
 25          shall be in compliance with all existing rules, regulations, and policies of the school  
 26          board and of the State Board of Elementary and Secondary Education and all state  
 27          laws relative to student discipline and shall include any necessary disciplinary action  
 28          to be taken ~~against any student who violates the code of conduct~~ when a violation of  
 29          the code of conduct occurs.

1 B.(1) Bullying Policy. The governing authority of each public elementary  
2 and secondary school shall adopt, and incorporate into the student code of conduct,  
3 a policy prohibiting the bullying of a student by another student, which includes the  
4 following definitions and the definition of bullying as provided in Subsection C of  
5 this Section. This policy must be implemented in a manner that is ongoing  
6 throughout the school year and integrated with a school's curriculum, a school's  
7 discipline policies, and other violence prevention efforts.

8 (2) As used in this Section:

9 (a) "Restorative practice" shall have the meaning provided in R.S.  
10 17:416(A)(2)(e).

11 (b) "In-school suspension" shall have the meaning provided in R.S.  
12 17:416(A)(2)(a)(i).

13 (c) "Detention" shall have the meaning provided in R.S. 17:416(A)(2)(b)(i).

14 ~~(2)(3) By not later than January 1, 2013, the~~ The governing authority of each  
15 public elementary and secondary school shall:

16 (a) Conduct a review of the student code of conduct required by this Section  
17 and amend the code as may be necessary to assure that the policy prohibiting the  
18 bullying of a student by another student specifically addresses the behavior  
19 constituting bullying, the effect the behavior has on others, including bystanders, and  
20 the disciplinary and criminal consequences, and includes the definition of bullying  
21 as provided in Subsection C of this Section.

22 (b) Create a program to provide ~~a minimum of four hours of training each~~  
23 ~~year~~ for all school employees, including bus drivers, with respect to bullying. Each  
24 new employee shall receive a minimum of four hours of training in his first year, and  
25 each employee shall receive a minimum of two hours of training each subsequent  
26 year. An employee who is determined by the superintendent not to have direct  
27 contact with students may but shall not be required to receive this training. The  
28 ~~training shall specifically include the following:~~



1           ~~(i) How to recognize the behaviors defined as bullying in Subsection C of~~  
2           ~~this Section.~~

3           The legislature finds that in addition to training, staff members require ongoing  
4           professional development to build tools and knowledge needed to prevent, identify,  
5           and respond to incidents of bullying. Therefore, the governing authority of each  
6           public elementary and secondary school shall ensure that staff has ongoing access  
7           to professional development opportunities that include information on:

8                   (i) The specific dynamics of student and bullying interactions at the school.

9                   (ii) Age and developmentally appropriate strategies for identifying,  
10                  preventing, and responding constructively to incidents of bullying.

11                  (iii) Specific populations and locations that may be particularly at risk in the  
12                  school's environment. Prevention strategies target students who are at risk of being  
13                  a bully or a bullying target and focus on physical spaces that are at risk of being the  
14                  site of a bullying incident. All staff shall actively seek out students who are at risk  
15                  of being targets or bullies to probatively remedy incidents of bullying before they  
16                  occur.

17                  (iv) Internet safety and cyber bullying issues.

18                  (v) Components and delivery of prevention curriculum.

19                  ~~(ii)~~(vi) How to identify students at each grade level in the employee's school  
20                  who are most likely to become victims of bullying, while not excluding any student  
21                  from protection from bullying.

22                  ~~(iii)~~(vii) How to use appropriate intervention and remediation techniques and  
23                  procedures.

24                  ~~(iv)~~(viii) The procedures by which incidents of bullying are to be reported  
25                  to school officials.

26                  ~~(v)~~(ix) Information on suicide prevention, including the relationship between  
27                  suicide risk factors and bullying. This content shall be based on information  
28                  supported by peer-reviewed research conducted in compliance with accepted

1 scientific methods and recognized as accurate by leading professional organizations  
2 and agencies with relevant experience.

3 (c) The governing authority of each public elementary and secondary school  
4 shall provide to all personnel whose duties consistently bring them in contact with  
5 students training on prevention curriculum, as well as procedures for responding to  
6 and reporting an incident of bullying. Staff shall learn to engage with each other and  
7 students reflectively to build a school-wide atmosphere of respect. Staff tasked with  
8 carrying out investigations into an incident of bullying shall receive additional  
9 training on how to carry out these investigations as well as additional training on  
10 how to provide immediate support for targets of bullying and witnesses during or  
11 after an incident.

12 \* \* \*

13 D. ~~Prior to January 1, 2013, the~~ The State Board of Elementary and  
14 Secondary Education, in collaboration with the state Department of Education, shall  
15 develop and adopt rules and regulations to implement the provisions of this Section  
16 relative to the procedures and processes to be used to report and investigate bullying  
17 and which shall include but not be limited to:

18 \* \* \*

19 (2) Reporting.

20 \* \* \*

21 (b) Students and parents. Any student who believes that he has been, or is  
22 currently, the victim of bullying, or any student, or any parent or legal guardian, who  
23 witnesses bullying or has good reason to believe bullying is taking place, may report  
24 the situation to a school official. A student, or parent or legal guardian, may also  
25 report concerns regarding bullying to a teacher, counselor, other school employee,  
26 or to any parent chaperoning or supervising a school function or activity. Any report  
27 of bullying shall remain confidential. The governing authority of each public  
28 elementary and secondary school shall take every possible measure to ensure the  
29 privacy and confidentiality of all parties in an incident. To ensure confidentiality,

1 reports provided to outside entities shall not include identifying information about  
2 the parties involved in an incident, and shall report data only in the aggregate.

3 (c) School personnel. Any teacher, counselor, bus driver, or other school  
4 employee, whether full or part time, and any parent chaperoning or supervising a  
5 school function or activity, who witnesses bullying or who learns of bullying from  
6 a student pursuant to Subparagraph (b) of this Paragraph, shall report the incident to  
7 a school official. A verbal report shall be submitted by the school employee or the  
8 parent on the same day as the employee or parent witnessed or otherwise learned of  
9 the bullying incident and a written report shall be filed no later than ~~two days~~ twenty-  
10 four hours thereafter. School personnel called to attend a hearing, investigation, or  
11 meeting that shall lead to discipline of either students or school personnel may be  
12 represented at said hearing, investigation, or meeting by any person of their choice.

13 (d) Retaliation. Retaliation against or harassment or intimidation of any  
14 person who reports bullying in good faith, who is thought to have reported bullying,  
15 who files a complaint, or who otherwise participates in an investigation or inquiry  
16 concerning allegations of bullying is prohibited conduct and subject to discipline.  
17 School and district resources shall not be used to prohibit or dissuade any person  
18 who meets the specifications of this Subparagraph from properly documenting and  
19 reporting incidents of bullying.

20 \* \* \*

21 (3) Investigation Procedure. ~~By not later than January 1, 2013, the~~ The State  
22 Board of Elementary and Secondary Education shall develop and adopt a procedure  
23 for the investigation of reports of bullying of a student by another student. The  
24 procedure shall include the following:

25 (a) Scope of investigation. An investigation shall include an interview of the  
26 reporter, the victim, the alleged bully, and any witnesses, and shall include obtaining  
27 copies or photographs of any audio-visual evidence. A written record of the  
28 investigation shall be kept pursuant to Subparagraph (g) of this Paragraph. Reports  
29 of bullying by students, parents, legal guardians, and community members may be

1 made anonymously, but disciplinary action shall not be taken by a governing  
2 authority solely on the basis of an anonymous report, though such a report may  
3 trigger an investigation that shall provide actionable information.

4 \* \* \*

5 (c) Appeal. (i) If the school official does not take timely and effective  
6 action pursuant to this Section, which means not later than five school days after the  
7 date of the written report of the incident, the student, parent, or school employee may  
8 report the bullying incident to the city, parish, or other local school board or local  
9 school governing authority. The school board or school governing authority shall  
10 begin an investigation of any complaint that is properly reported and that alleges  
11 conduct prohibited in this Section the next business day during which school is in  
12 session after the report is received by a school board or governing authority official.

13 \* \* \*

14 (d) Parental Notification. (i) Upon receiving a report of bullying, the school  
15 official shall notify the student's parent or legal guardian according to the definition  
16 of notice created by the state Department of Education; however, the principal may  
17 exercise discretion as to whether or not a student's parent or legal guardian shall be  
18 notified if he determines, upon careful deliberation of the circumstances and  
19 individuals involved, that parental notification may result in the physical or  
20 emotional harm of the target of bullying. Prior to notification of any parent, legal  
21 guardian, or student regarding any incident of bullying, school officials must  
22 consider the issue of notification as they would any other educationally relevant  
23 decision, considering the age, health, well-being, safety, and privacy of any students  
24 involved in the incident. Once an investigation is concluded, the school shall take  
25 further steps as needed to ensure the continued safety of the target.

26 \* \* \*

27 (iii) Before any student under the age of eighteen is interviewed, his parent  
28 or legal guardian shall be notified by the school official of the allegations made and  
29 shall have the opportunity to attend any interviews with ~~their~~ his child conducted as

1 part of the investigation. If, after three attempts in a forty-eight-hour period, the  
2 parents or legal guardians of a student cannot be reached or do not respond, the  
3 student may be interviewed. There shall be an adult neutral party in the interview  
4 if a parent is not present.

5 (iv) The State Board of Elementary and Secondary Education, in  
6 collaboration with the state Department of Education, shall develop a procedure for  
7 meetings with the parent or legal guardian of the ~~victim~~ target and the parent or legal  
8 guardian of the alleged perpetrator. This procedure shall include:

9 (aa) Separate meetings with the parents or legal guardians of the ~~victim~~  
10 target and the parents or legal guardians of the alleged perpetrator.

11 (bb) Notification of parents or legal guardians of the ~~victim~~ target and of the  
12 alleged perpetrator of the available potential consequences, penalties, and counseling  
13 options.

14 (cc) In any case where a teacher, principal, or other school employee is  
15 authorized in this Section to require the parent or legal guardian of a student who is  
16 under the age of eighteen and not judicially emancipated or emancipated by marriage  
17 to attend a conference or meeting regarding the student's behavior and, after notice,  
18 the parent, tutor, or legal guardian willfully refuses to attend, that the principal or his  
19 designee ~~shall~~ may file a complaint with a court exercising juvenile jurisdiction,  
20 pursuant to Children's Code Article 730(8) and 731. The principal may file a  
21 complaint pursuant to Children's Code Article 730(1) or any other applicable ground  
22 when, in his judgment, doing so is in the best interests of the student.

23 (e) Disciplinary Action. School discipline policies shall be aimed at creating  
24 a positive school climate, supporting the social and emotional development of  
25 students, and teaching nonviolence and respect for all members of the school  
26 community. By viewing social development as a critical aspect of discipline, the  
27 state, districts, and schools shall anticipate and respond to school disciplinary matters  
28 in a manner that is consistent with a student's sense of dignity and self-worth. The  
29 purpose of discipline shall be to understand and address the causes of behavior,

1 resolve conflicts, repair the harm done, restore relationships, and integrate students  
2 into the school community. Particular attention and intervention support shall be  
3 provided to vulnerable families and at-risk students. If the school has received a  
4 report of bullying, has determined that an act of bullying has occurred, and after  
5 meeting with the parent or legal guardian of the students involved, the school official  
6 shall:

7 (i) Take prompt and appropriate disciplinary action, pursuant to R.S. 17:416  
8 and 416.1, against the student that the school official determines has engaged in  
9 conduct which constitutes bullying, if appropriate. Rather than adopting a  
10 zero-tolerance policy that prescribes discipline for any bullying-related infraction,  
11 school officials shall ensure that staff follow particular guidelines while allowing for  
12 flexibility to adapt sanctions to individual contexts. To ensure equitability in  
13 applying sanctions, measures shall be applied on a graduated basis determined by the  
14 nature of offense, the disciplinary history of the student, and the age and  
15 developmental status of the student involved. Responses to incidents of bullying may  
16 include but are not limited to the following:

17 (aa) Writing letters of caution or reprimand.

18 (bb) Deprivation of the student privileges.

19 (cc) Bans on participating in optional school activities.

20 (dd) Deprivation of nonessential school services.

21 (ee) In-school detention or in-school suspension.

22 (ff) Implementation of restorative practices.

23 (gg) Referral to school counselor or social worker for skill building activities  
24 or sensitivity training.

25 (hh) Referral to outside intervention.

26 (ii) Separating the parties.

27 (ii) Report criminal conduct to law enforcement, only when there is a serious  
28 threat to safety that cannot be handled by school-based disciplinary procedures, if  
29 appropriate. Disruptive students should receive appropriate redirection and support

1 from in-school and community resources prior to consideration of suspension,  
2 expulsion, involvement of police, or referral to court. The response to school  
3 disruptions should be reasonable, consistent, and fair with appropriate consideration  
4 of relevant factors such as age of the student and the nature and severity of the  
5 incident.

6 (f) Parental Relief. (i) If a parent, legal guardian, teacher, or other school  
7 official has made ~~four~~ two or more reports of separate instances of bullying, as  
8 provided in Paragraph (2) of this Subsection, and no investigation pursuant to  
9 Paragraph (3) of this Subsection has occurred, the parent or legal guardian with  
10 responsibility for decisions regarding the education of the ~~victim~~ target about whom  
11 the report or reports have been made may exercise an option to have the student  
12 enroll in or attend another school operated by the governing authority of the public  
13 elementary or secondary school in which the student was enrolled on the dates when  
14 ~~at least three of~~ the reports were submitted. The governing authority shall not  
15 transfer the student without explicit permission and consent of parent or legal  
16 guardian.

17 \* \* \*

18 (v) At the end of any school year, the parent or legal guardian may make a  
19 request to the governing authority of the school at which the student was enrolled  
20 when ~~at least three of~~ the two most recent reports were filed to transfer the student  
21 back to the school. The governing authority shall make a seat available at the school  
22 at which the student was originally enrolled. No other schools shall qualify for  
23 transfer under this Subparagraph.

24 (g) Documentation. (i) The governing authority shall collect the following  
25 information about reported incidents of bullying:

26 (aa) Names of target, bully, and any witness with reliable contact  
27 information for each.

28 (bb) Relevant information about the target, bully, and any witnesses  
29 including connection of the target, bully, and any witness to the incident.





1           (3) Minutes of school board meetings required to be made available to the  
2 public pursuant to R.S. 42.20.

3           (4) Directory of schools and contact information.

4           (5) School calendars, including the beginning and end of each school year,  
5 staff days, conference days, testing days, application-specific dates, report card  
6 release dates, early days, and holidays.

7           B. For the purposes of this Section, the following terms shall have the  
8 following meanings:

9           (1) "City, parish, and other local public school board" means the governing  
10 authority of any public elementary or secondary school.

11           (2) "Disciplinary action processes and procedures" means all written  
12 disciplinary policies and procedures for students and by not later than the beginning  
13 of the 2013-2014 school year also shall include separate links for each of the  
14 following:

15           (a) All state suspension and expulsion laws applicable to students.

16           (b) A disciplinary action time line, from notice through appeal.

17           (c) Explanation of due process rights for both informal and formal hearings,  
18 and in the case of formal hearings, this shall also include a full explanation of the  
19 disciplinary process, a complete list of the student's procedural due process rights,  
20 the hearing agenda, and the appeal process.

21           (d) Rules and regulations on the use of corporal punishment to discipline  
22 students.

23           (3) "Policies and procedures" means all formal policies and procedures and  
24 by not later than the beginning of the 2013-2014 school year also shall include  
25 summaries thereof with separate links for each of the following:

26           (a) Student code of conduct.

27           (b) Controlled and other prohibited substances or contraband policy.

28           (c) Dress code.

29           (d) Grade change process.

1                   (e) Harassment or bullying prohibition and prevention procedures.

2                   (f) Student rights and responsibilities.

3                                         \*           \*           \*

4                 Section 2. This Act shall be known and may be cited as the "Safe and Successful  
5 Student Act".

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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)]

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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 in response to a major safety concern. Requires school boards to adopt rules and regulations relative to suspensions for willful disobedience. Prohibits any removal from class or in- or out-of-school suspension for uniform-related violations or for being habitually tardy or absent. Defines "major safety concern" as a concern by the school principal that there is a threat to the physical safety of students or school employees based on a student's possession of dangerous weapons at school, on a school bus, or at a school-sponsored event or on credible threats made by a student to inflict bodily harm.

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 10 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 and instead authorizes principals to require that students be educated off-campus until the hearing if there is a major safety concern.

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 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. Proposed law provides for a minimum of four hours of training for a new employee in his first year and a minimum of two hours of training each subsequent year; authorizes but does not require such training for employees without direct student contact. Proposed law additionally requires public school governing authorities 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 retains this requirement but grants a principal discretion relative to parental notification if he determines that it may result in the physical or emotional harm of the target of bullying. 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 adds that if after three attempts in a 48-hour period, the parents or legal guardians of a student cannot be reached or do not respond, the student may be interviewed, but there shall be an adult neutral party in the interview if a parent is not present.

Present law provides relative to complaints principals are required 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 authorizes rather than requires principals to file these complaints.

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

#### 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) and 416.13(A), (B), and (D)(intro. para.), (2)(b)-(d), and (3)(intro. para.), (a), (c)(i), (d)(i), (iii), and (iv), (e), (f)(i) 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 (f) and 416.22)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Increases the number of school days within which students shall receive expulsion hearings from five to 10 and authorizes principals to require that students be educated off-campus until the hearing if there is a major safety concern.
2. Revises present law requirements for training with respect to bullying for school employees based on whether they are new or continuing employees or employees without direct contact with students.
3. Deletes the following proposed law:
  - (a) Requirement that parents attend interviews conducted for bullying investigations; retains present law provision that they shall have the opportunity to attend such interviews with their child and adds circumstances under which the student may be interviewed without the parents.
  - (b) Provision authorizing parental notification upon reports of bullying; retains present law provision requiring this notification and adds a provision granting principals discretion under certain circumstances.
  - (c) Requirement that each public school governing authority determine certain data and collect certain metrics relative to bullying prevention policies.

4. Amends rather than repeals present law that provides relative to complaints filed by principals with a court if the parent of a student under 18 willfully refuses to attend a meeting on the child's behavior; authorizes rather than requires principals to file certain complaints.
5. Retains rather than deletes the following present law:
  - (a) Providing that all students shall be protected equally and without regard to the subject matter or the motivating animus of the bullying.
  - (b) Providing relative to the indemnification school of employees with respect to certain circumstances related to bullying complaints.
  - (c) Providing for the transfer of certain students who are bullying targets to a virtual school or program.