

2016 Regular Session

HOUSE BILL NO. 833

BY REPRESENTATIVE LEGER

STUDENT/DISCIPLINE: Provides relative to student discipline including the creation of the Commission on Safe Supportive Discipline

1 AN ACT

2 To enact R.S. 17:251(C), 252(E), and 3996(B)(42), relative to student discipline; to provide  
3 relative to out-of-school suspensions of public school students; to provide for the  
4 creation of the Commission on Safe Supportive Discipline by the state Department  
5 of Education; to provide for commission membership and duties; to provide for plans  
6 to be submitted by local educational agencies relative to suspension rates; to provide  
7 for legislative findings; to provide definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:251(C), 252(E), and 3996(B)(42) are hereby enacted to read as  
10 follows:

11 §251. Short title; legislative intent; findings

12 \* \* \*

13 C. The legislature further finds and declares that:

14 (1) Out-of-school suspensions increase the odds of students experiencing low  
15 academic achievement and dropping out of school and correlate with decreased  
16 academic gains. Pursuant to the findings issued in response to Senate Concurrent  
17 Resolution No. 134 of the 2014 Regular Session, student behavior will become  
18 worse, and not better, when students fall behind due to missed instruction and time  
19 spent away from the structure of the classroom. In order to keep students on track  
20 academically and to reinforce expectations for behavior, removing them from the

1 classroom and from school should occur only after other forms of discipline have  
2 proven ineffective or when serious safety concerns exist.

3 (2) Evidence-based practices exist for responding to and preventing student  
4 misconduct, in lieu of out-of-school suspensions, that promote increased outcomes  
5 for students. Pursuant to the findings issued in response to Senate Resolution No.  
6 130 of the 2015 Regular Session, one such alternative is Positive Behavioral  
7 Interventions and Supports Multi-Tiered System of Support. When implemented  
8 well, Positive Behavioral Interventions and Supports is associated with positive  
9 effects on outcomes such as lower rates of office discipline referrals, suspensions,  
10 and expulsions; higher attendance rates; fewer externalizing, disruptive behaviors;  
11 higher academic performance; more positive school climate; staff collegiality and  
12 leadership; and organizational health.

13 (3) Pursuant to the findings issued in response to Senate Concurrent  
14 Resolution No. 134 of the 2014 Regular Session, in Louisiana, African-American  
15 male students are suspended and expelled at higher rates than other student  
16 populations, consistent with national trends. Students with disabilities are similarly  
17 suspended and expelled at a rate exceeding the percentage of students with  
18 disabilities enrolled in school.

19 (4) Pursuant to the findings of Senate Concurrent Resolution No. 134 of the  
20 2014 Regular Session, an overwhelming percent of out-of-school suspensions in  
21 Louisiana are for non-violent, minor disruptions such as tardiness or disrespect.  
22 Louisiana data reflects that one of the biggest disciplinary infractions resulting in  
23 suspensions out of school is "willful disobedience."

24 §252. School master plans for supporting student behavior and discipline;  
25 definitions; commission

26 \* \* \*

27 E.(1) As used in this Subsection:

1           (a) "Benchmarks of Quality" means one of several instruments that can be  
2           used to monitor stages and fidelity of implementation of Positive Behavioral  
3           Interventions and Supports.

4           (b) "Implicit bias" means the attitudes or stereotypes that affect our  
5           understanding, actions, and decisions in an unconscious manner. These biases,  
6           which encompass both favorable and unfavorable assessments, are activated  
7           involuntarily and without an individual's awareness or intentional control.

8           (c) "Local Educational Agency," means a public board of education or other  
9           public authority legally constituted within Louisiana for administrative control and  
10          direction of or to perform a service function for public elementary or secondary  
11          schools in a city, parish, or other local public school district or other political  
12          subdivision, including Type 1B, 2, and 5 charter schools in accordance with R.S.  
13          17:3995(H).

14          (d) "Non-white students" means students whose race or ethnicity is officially  
15          documented in school records as American Indian, Asian, Black, Hispanic, or  
16          Hawaiian/Pacific Islander, and students who are designated Limited English  
17          Proficient.

18          (e) "Positive Behavioral Interventions and Supports" is a proactive,  
19          team-based framework for creating and sustaining safe and effective schools, with  
20          emphasis placed on prevention of problem behavior, development of pro-social  
21          skills, and the use of data-based problem solving for addressing existing behavior  
22          concerns. School-wide Positive Behavioral Interventions increases the capacity of  
23          schools to educate all students using research-based, school-wide, classroom, and  
24          individualized interventions.

25          (f) Positive Behavioral Interventions and Supports Multi-Tiered System of  
26          Support means combined universal, secondary, and tertiary intervention in a  
27          systematic manner so that school climate is positive, prevention is in place for all  
28          students, and those children who are at risk receive specialized interventions.

1           (g) "Restorative Approaches" means processes and strategies used to repair  
2           harm and build or strengthen relationships; these processes focus on methods that  
3           help people to cooperate, take personal responsibility for their actions, and resolve  
4           conflict.

5           (h) "School-Wide Evaluation Tool" means one of several instruments that  
6           can be used to monitor stages and fidelity of implementation of Positive Behavioral  
7           Interventions and Supports.

8           (i) "Students with disabilities" means students identified as students with  
9           exceptionalities as defined in R.S.17:1942 not including gifted and talented.

10           (j) "Zero Tolerance policy" means school or district policy that requires  
11           specific punishments for specific offenses, no matter how minor, in which a  
12           predetermined consequence for that offense is mandated regardless of circumstances  
13           or the disciplinary history of the offending student.

14           (2)(a) The state Department of Education shall create a Commission on Safe  
15           Supportive Discipline, hereafter referred to as "the commission", in order to study  
16           and implement best practices for addressing student behavior to maximize academic  
17           outcomes and to promote a statewide culture of support for schools to implement  
18           best practice.

19           (b) The commission shall be comprised of the following members:

20           (i) The president of the State Board of Elementary and Secondary Education  
21           or his designee.

22           (ii) A representative of the state Department of Education knowledgeable  
23           about Positive Behavioral Interventions and Supports.

24           (iii) One representative of the Positive Behavioral Interventions and Supports  
25           regional facilitators.

26           (iv) One teacher appointed by the Louisiana Federation of Teachers.

27           (v) One teacher appointed by the Louisiana Association of Educators.

28           (vi) One principal appointed by the Louisiana Association of Principals.

1           (vii) One representative appointed by the Louisiana School Boards  
2           Association.

3           (viii) One representative appointed by the Louisiana Association of School  
4           Superintendents.

5           (ix) One representative appointed by the Louisiana School Psychology  
6           Association.

7           (x) One representative appointed by the National Association of School  
8           Social Workers - Louisiana Chapter.

9           (xi) One representative appointed by the Louisiana Developmental  
10          Disabilities Council.

11          (xii) Two representatives from community-based nonprofit organizations  
12          with a mission on children and families, appointed by the state superintendent of  
13          education and reflective of multiple regions throughout the state.

14          (xiii) Two representatives from community-based nonprofit organizations  
15          with a mission inclusive of addressing the "school to prison pipeline," appointed by  
16          the state superintendent of education.

17          (xiv) One representative from a legal advocacy organization knowledgeable  
18          on school discipline issues, appointed by the state superintendent of education.

19          (xv) One representative appointed by the Director of the Children's Cabinet.

20          (c) The commission shall meet no less than two times per year to:

21           (i) Hear reports from the state Department of Education on the local  
22           educational agencies required to submit plans and subsequent implementation of  
23           those plans pursuant to Paragraph (3) of this Subsection.

24           (ii) Submit requests for follow-up information on plan implementation and  
25           provide feedback or informational resources to the local educational agencies  
26           implementing plans to address suspension rates pursuant to Paragraph (4) of this  
27           Subsection.

28           (iii) Solicit and receive from experts information on the implementation,  
29           cost, and available funding for practices that contribute to reduced disciplinary

1 removals and improved school culture and academic outcomes, and include a  
2 summary of findings in the annual report as required in Subparagraph (iv) of this  
3 Paragraph.

4 (iv) Submit annual reports to the House Committee on Education and the  
5 Senate Committee on Education regarding findings pursuant to its activities  
6 described in this Subparagraph.

7 (3)(a) By the end of the 2017-2018 school year, all public schools shall bring  
8 their rates of out-of-school suspensions for elementary, middle, and high school  
9 students at or below the national average rates of suspensions for elementary, middle,  
10 and high school students, as determined by the most recent national suspension data  
11 available.

12 (b) Beginning at the conclusion of the 2017-2018 school year, and annually  
13 thereafter, the state Department of Education shall determine every school  
14 suspending:

15 (i) Elementary, middle, and high school students, relative to the grades served  
16 by that school, at one and one half times the state average suspension rate for  
17 elementary, middle, and high school students, respectively in that school year.

18 (ii) Non-white students at one and one half times the state average  
19 suspension rate for all students.

20 (iii) Students with disabilities at one and one half times the statewide average  
21 suspension rate for all students.

22 (4) The state Department of Education shall annually notify each local  
23 educational agency of its determination that it maintains disproportionate suspension  
24 rates by July first.

25 (a) Each notified local educational agency shall have twenty business days  
26 from the date of receipt of the determination to respond or object to the state  
27 Department of Education's findings that its suspension rates are above the relevant  
28 thresholds as provided in Paragraph (3) of this Subsection.

1           (b) Each local education agency shall have fifteen additional business days  
2           to create and submit to the state Department of Education for approval a plan to  
3           lower its suspension rates below the relevant thresholds.

4           (c) Within the thirty-five business day period, the local educational agency  
5           shall provide notice to the public of the proposed plan and its substance and provide  
6           a five day period for submission of written comment. The local educational agency  
7           shall make reasonable efforts to include public comment into the plan's content.

8           (d) Each plan shall include time lines and staffing specific to implementing  
9           various components of the plan.

10          (e) Each plan shall be written for implementation over a two year period.

11          (f) Each local educational agency shall submit an interim report detailing  
12          plan implementation, current suspension rates and academic achievement results, and  
13          responding to any information requested by the commission, to the state Department  
14          of Education within thirty days after the one full year of implementation.

15          (g) Each local educational agency shall submit a final report detailing plan  
16          implementation, current suspension rates and academic achievement results, and  
17          responding to any information requested by the commission, to the state Department  
18          of Education within thirty days after the two year mark of implementation.

19          (5) If a local educational agency has failed to lower its suspension rates  
20          below the thresholds as provided in Paragraph (3) of this Subsection after two years  
21          of implementation of its original plan, then the local educational agency shall be  
22          required to continue implementation of its plan for another two years with the  
23          following mandatory additions:

24          (a) Hiring an expert independent consultant to assist with implementation its  
25          plan.

26          (i) The consultant shall have demonstrated school-based experience and  
27          expertise in the development and implementation of district and school-wide Positive  
28          Behavioral Interventions and Supports Multi-Tiered System of Support programs  
29          and services and development of capacity-building for school personnel in

1 implementation of Positive Behavioral Interventions and Supports Multi-Tiered  
2 System of Support.

3 (ii) The state Department of Education shall approve the selection of the  
4 consultant.

5 (b) A commitment to hire and train additional student support services staff  
6 within schools where disproportionality exists, consisting of additional school  
7 psychologists, counselors, social workers, and qualified paraprofessionals,  
8 documented by a proposed budget for hiring and training scheduled for existing staff.

9 (c) Continuing the reporting requirements as provided in Subparagraphs (4)  
10 (f) and (g) of this Subsection.

11 (6) The state Department of Education shall annually report on its website,  
12 in accordance with federal Family Educational Rights and Privacy Act and R.S.  
13 17:3913 and 3914, the following:

14 (a) Discipline data disaggregated by local educational agencies and by site,  
15 reporting the numbers of students referred to in-school suspension; out-of-school  
16 suspension; in-school expulsion; out-of-school expulsion; an alternative school  
17 program; and the number of students with disabilities subjected to restraint and  
18 seclusion measures;

19 (b) Each category of disciplinary removal data shall be further disaggregated  
20 by race, national origin, limited English proficient status, and disability; and

21 (c) The state Department of Education's determinations of those local  
22 educational agencies required to submit plans regarding their suspension rates,  
23 pursuant to Paragraph (4) of this Subsection.

24 \* \* \*

25 §3996. Charter schools; exemptions; requirements

26 \* \* \*

27 B. Notwithstanding any state law, rule, or regulation to the contrary and  
28 except as may be otherwise specifically provided for in an approved charter, a  
29 charter school established and operated in accordance with the provisions of this



1 Chapter and its approved charter and the school's officers and employees shall be  
2 exempt from all statutory mandates or other statutory requirements that are  
3 applicable to public schools and to public school officers and employees except for  
4 the following laws otherwise applicable to public schools with the same grades:

5 \* \* \*

6 (42) Local educational agency plans to address disproportionality in  
7 out-of-school suspensions, R.S. 17:252(E).

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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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HB 833 Original

2016 Regular Session

Leger

**Abstract:** Provides relative to rates of out-of-school suspensions of public school students. Provides for the creation of the Commission on Safe Supportive Discipline.

Proposed law provides relative to student discipline, including out-of-school suspensions. Provides for the creation of the Commission on Safe Supportive Discipline by the state Dept. of Education and provides for commission membership and duties. Provides for plans to be submitted by local educational agencies relative to suspension rates, Provides for legislative findings. Provides definitions.

(Adds R.S. 17:251(C), 252(E), and 3996(B)(42))