
HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Substitute for Original House Bill No. 833 by Representative Leger as proposed by the House Committee on Education

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

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

Be it enacted by the Legislature of Louisiana:

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

§251. Short title; legislative intent; findings

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C. The legislature further finds and declares that:

(1) Out-of-school suspensions increase the odds of students experiencing low academic achievement and dropping out of school and correlate with decreased academic gains. Pursuant to the findings issued in response to Senate Concurrent Resolution No. 134 of the 2014 Regular Session of the Legislature, student behavior will become worse, and not better, when students fall behind due to missed instruction and time spent away from the structure of the classroom. In order to keep students on track academically and to reinforce expectations for behavior, removing them from the classroom and from school should occur only after other forms of discipline have proven ineffective or when serious safety concerns exist.

(2) Evidence-based practices exist for responding to and preventing student misconduct, in lieu of out-of-school suspensions, that promote improved outcomes

for students. Pursuant to the findings issued in response to Senate Resolution No. 130 of the 2015 Regular Session of the Legislature, one such alternative is positive behavioral interventions and supports multi-tiered system of support. When implemented well, positive behavioral interventions and supports is associated with positive effects on outcomes such as lower rates of office discipline referrals, suspensions, and expulsions; higher attendance rates; fewer externalizing, disruptive behaviors; higher academic performance; more positive school climate; staff collegiality and leadership; and organizational health.

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

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

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

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E.(1) As used in this Subsection:

(a)(i) "Elementary school students" means students in kindergarten through grade five.

(ii) "Middle school students" means students in grades six through eight.

(iii) "High school students" means students in grades nine through twelve.

(b) "Local education agency" means a public board of education or other public authority legally constituted within Louisiana for administrative control and

direction of or to perform a service function for public elementary or secondary schools in a city, parish, or other local public school district or other political subdivision, including a charter school acting as its own local education agency in accordance with R.S. 17:3995.

(c) "Nonwhite students" means students whose race or ethnicity is officially documented in school records as American Indian, Asian, Black, Hispanic, or Hawaiian/Pacific Islander, and students who are designated limited English proficient.

(d) "Positive behavioral interventions and supports" is a proactive, team-based framework for creating and sustaining safe and effective schools, with emphasis placed on prevention of problem behavior, development of pro-social skills, and the use of data-based problem solving for addressing existing behavior concerns.

(e) Positive behavioral interventions and supports multi-tiered system of support means combined universal, secondary, and tertiary intervention in a systematic manner so that the school climate is positive, prevention is in place for all students, and those children who are at risk receive specialized interventions.

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

(2)(a) By October 31, 2016, the State Board of Elementary and Secondary Education shall create the Commission on Safe Supportive Discipline, referred to in this Section as "the commission", to study and implement best practices for addressing student behavior to maximize academic outcomes, to promote a statewide culture of support for schools to implement best practices, and to identify state and local mental health resources to address student behavioral health needs. The state Department of Education shall convene the commission for its first meeting and shall provide staff to assist the commission in performing its duties.

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

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

(ii) A representative of the state Department of Education knowledgeable about positive behavioral interventions and supports.

(iii) One representative of the positive behavioral interventions and supports regional facilitators.

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

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

(vi) One elementary school principal and one high school principal appointed by the membership of the Louisiana Association of Principals.

(vii) One teacher appointed by the membership of the Associated Professional Educators of Louisiana.

(viii) One school board member appointed by the membership of the Louisiana School Boards Association.

(ix) One superintendent appointed by the membership of the Louisiana Association of School Superintendents.

(x) One school psychologist appointed by the membership of the Louisiana School Psychology Association.

(xi) One social worker appointed by the membership of the National Association of Social Workers - Louisiana Chapter.

(xii) One member of the Louisiana Developmental Disabilities Council.

(xiii) Four representatives from community-based nonprofit organizations with a mission that includes addressing the needs of children and families, appointed by the state superintendent of education and reflective of multiple regions throughout the state.

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

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

(xvi) One representative of the office of behavioral health of the Department of Health and Hospitals appointed by the secretary of the Department of Health and Hospitals.

(xvii) One member of the Louisiana Association of Public Charter Schools.

(xviii) One member of the Louisiana Council of Juvenile and Family Court Judges.

(xix) One special education administrator appointed by the membership of the Louisiana Association of Special Education Administrators.

(xx) One child welfare and attendance officer appointed by the membership of the Louisiana Association of Child Welfare and Attendance Personnel.

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

(i) Hear reports from the state Department of Education on the following:

(aa) School-level discipline data and trends, disaggregated by student subgroups based on race, national origin, limited English proficient status, and disability.

(bb) The local education agencies required to submit plans and subsequent implementation of those plans pursuant to Paragraph (4) of this Subsection.

(cc) How Louisiana's school suspension rates at the state, local, and individual school levels compare to national suspension rates, with special consideration given to states with similar socio-economic factors as those of Louisiana students.

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

(iii) Solicit and receive from experts information on the implementation, cost, and available funding for practices that contribute to reduced disciplinary removals, improved school culture and academic outcomes, and effective collaboration with mental health providers.

(iv) Recommend to the State Board of Elementary and Secondary Education minimum guidelines and practices that the local education agency plans shall include. Such guidelines and practices shall include the State Board of Elementary and Secondary Education findings pursuant to Senate Resolution No. 130 of the 2015 Regular Session of the Legislature, other nationally recognized evidence-based alternatives to suspensions, the cost of implementing each guideline and practice, and the identification of any available funding for such implementation.

(d) The commission shall submit annual reports to the House Committee on Education and the Senate Committee on Education on its findings pursuant to its activities described in Subparagraph (c) of this Paragraph.

(3) Beginning at the conclusion of the 2017-2018 school year, and annually thereafter, the state Department of Education shall identify every school that suspends:

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

(b) Nonwhite students at one and one half times the state average suspension rate for all students.

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

(4) Beginning July 1, 2018, and by July first annually thereafter, the state Department of Education shall notify each local education agency that it determines has disproportionate suspension rates.

(a) Each notified local education agency shall have twenty business days from the date of receipt of the state Department of Education's determination to respond or object to the determination.

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

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

(d) Each plan shall include timelines and staffing specific to implementing each of the components of the plan.

(e) Each plan shall provide for implementation over a two-year period.

(f) Each local education agency shall submit an interim report to the state Department of Education within thirty days after one full year of plan implementation including details of the implementation, current suspension rates and academic achievement results, and a response to any information requested by the commission.

(g) Each local education agency shall submit a final report to the state Department of Education within thirty days after the two-year implementation including details of the implementation, current suspension rates and academic achievement results, and a response to any information requested by the commission.

(5) If a local education agency fails to lower its suspension rates after two years of implementation of its original plan, the local education agency shall continue implementation of its plan for a subsequent two-year period with the following additions:

(a) Hiring an expert, independent consultant to assist with implementation of the plan.

(i) The consultant shall have demonstrated, school-based experience and expertise in the development and implementation of the evidence-based programs selected by the local education agency in its plan.

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

(b) A commitment to hire new or train existing student support services staff within schools where disproportionality exists, consisting of additional school

psychologists, counselors, social workers, and qualified paraprofessionals, documented by a proposed budget for hiring new staff or training existing staff.

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

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

(a) Discipline data disaggregated by local education agencies and by site, reporting the numbers of students referred to in-school suspension; out-of-school suspension; in-school expulsion; out-of-school expulsion; or an alternative school program.

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

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

(d) The rate of students suspended out of school three or more times at the state, local education agency, and individual school levels.

(7) The state Department of Education may audit school compliance with reporting out-of-school suspensions in the student information system if any of the following occurs:

(a) The department receives a report from a parent that his child was suspended out of school without documentation.

(b) The department identifies a statistically significant change in a school's reported out-of-school suspension rates that cannot be explained by data on other disciplinary removals.

(c) A school reports no out-of-school suspensions in the student information system.

(d) The commission requests the audit.

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§3996. Charter schools; exemptions; requirements

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B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

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(42) Local education agency plans to address disproportionality in 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)]

HB Draft 2016 Regular Session

Abstract: Provides relative to rates of out-of-school suspensions of public school students, including those in charter schools. Provides for the creation of the Commission on Safe Supportive Discipline.

Proposed law provides relative to student discipline, including rates of out-of-school suspensions of public school students. Provides for the creation of the Commission on Safe Supportive Discipline by the State Board of Elementary and Secondary Education and provides for commission membership and duties. Requires the commission to annually report to the House and Seante education committees.

Provides for reports by the state Dept. of Education to the commission relative to student discipline data and trends and related national comparisons. Further requires the department to report discipline data and rates on its website. Requires the department to annually identify public school suspension rates as specified in proposed law. Requires the department to annually notify each local education agency that is determines has disproportionate rates of student suspension. Provides for a plan to be submitted by each such local education agency to lower its suspension rates. Provides for plan components and implementation. Requires the local education agency to report to the department on such plan implementation and student suspension rates and academic achievement. Requires a local education agency that fails to effectively implement its original plan to implement a subsequent plan and to hire an expert consultant to assist with such implementation. Provides for approval of such consultant by the department. Provides for audits by the state Dept. of Education under specified circumstances.

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