

Regular Session, 2011

SENATE BILL NO. 67

BY SENATOR BROOME

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

STUDENTS. Provides relative to school discipline policies. (8/15/11)

AN ACT

To amend and reenact R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), (3)(a)(i), (vii) and (xvi), and (C)(1), and to enact R.S. 17:416(A)(1)(c)(viii), relative to the discipline of students; to provide for certain disciplinary actions; to provide for the discipline of public school students upon removal from a classroom; to provide for implementation of certain disciplinary measures; to provide for the adoption of certain guidelines for the use of in-school and out-of-school suspensions; to require city, parish and other local public school boards to adopt certain rules and definitions relative to suspensions; to provide relative to in-school and out-of-school suspensions for certain violations; to provide relative to expulsion hearings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), (3)(a)(i), (vii) and (xvi), and (C)(1) are hereby amended and reenacted, and R.S. 17:416(A)(1)(c)(viii) is hereby enacted to read as follows:

§416. Discipline of pupils; suspension; expulsion

A.(1)

* * *

(c)

* * *

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

(aa) Restorative justice practices.

(bb) Loss of privileges.

(cc) Peer mediation.

(dd) Referral to school counselor or social worker.

(ee) Referral to response to intervention.

(ff) Further disciplinary action, only to be implemented as a measure of last resort, including:

~~(aa)~~ **(I)** In-school suspension.

~~(bb)~~ **(II)** Detention.

~~(cc)~~ **(III)** Suspension.

~~(dd)~~ **(IV)** Initiation of expulsion hearings.

~~(ee)~~ **(V)** Assignment to an alternative school.

~~(ff)~~ **(VI)** Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.

~~(gg)~~ **(VII)** Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the building level committee pursuant to law and board policy.

1 (b)(i) "Detention" means ~~activities, assignments~~ **any activity, assignment,**
2 or work held before the normal school day, after the normal school day, or on
3 weekends.

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

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

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

12 * * *

13 (3)(a) A school principal may suspend from school or suspend from riding
14 on any school bus any pupil who:

15 (i)(**aa**) Is guilty of willful disobedience.

16 **(bb) No later than December 1, 2011, each city, parish, and other local**
17 **public school board shall develop and adopt a definition for willful disobedience**
18 **based on childhood and adolescent development, including rules and guidelines**
19 **for suspensions warranted by willful disobedience. These guidelines shall be**
20 **developed in consultation with representatives of key stakeholder groups, and**
21 **shall include students, parents, teachers, guidance counselors, principals,**
22 **community members, and members of school boards and superintendents, or**
23 **their designees.**

24 * * *

25 (vii)(**aa**) Disturbs the school and habitually violates any rule, **except as**
26 **otherwise provided in this Item.**

27 **(bb) No pupil in grades kindergarten through six shall be suspended in-**
28 **school or out-of-school or removed from the classroom for a school uniform**
29 **related violation.**

1 their choice.

2 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sherri H. Breaux.

DIGEST

Present law provides for the discipline of students for disorderly conduct in school or on the playgrounds of the school, on the street or road while going to or returning from school, or during intermission or recess.

Present law requires that a student in kindergarten through grade six removed from a class not be permitted to return to the class for at least 30 minutes unless agreed to by the teacher initiating the disciplinary action. Further requires that a student in grades seven through twelve removed from a class not be permitted to return to the class during the same class period unless agreed to by the teacher initiating the disciplinary action. Proposed law retains present law.

Present law additionally provides that the student will not be readmitted to the class until the principal has implemented one of the following disciplinary measures:

- (1) In-school suspension.
- (2) Detention.
- (3) Suspension.
- (4) Initiation of expulsion hearings.
- (5) Assignment to an alternative school.
- (6) Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.
- (7) Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the building level committee.

Proposed law retains present law disciplinary measures to be used as a last resort. Instead, requires the principal to implement one of the following disciplinary measures first:

- (1) Restorative justice practices.
- (2) Loss of privileges.
- (3) Peer mediation.
- (4) Referral to school counselor social worker.
- (5) Referral to response to intervention.

Present law requires, upon the third removal from the same classroom, the teacher and the principal to discuss the disruptive behavior patterns of the student and the appropriate action before the principal implements a disciplinary measure. Provides that a referral of the matter may be made to the building level committee. Requires a conference between the teacher or other appropriate school employee and the student's parent, tutor, or legal guardian prior to

the student being readmitted.

Proposed law removes the requirement that the parent-teacher conference actually take place prior to the student being readmitted, but otherwise retains present law.

Proposed law requires BESE to adopt guidelines, no later than the 2012-2013 school year, for the use of in-school and out-of-school suspensions to be implemented by school boards. Requires BESE to recommend to each school board the maximum annual cumulative number of days for out-of-school suspensions that a student may receive based on grade levels. Provides for such guidelines to be developed in consultation with certain key stakeholder groups.

Present law authorizes a school principal to suspend from school or suspend from riding on any school bus any student who commits certain offenses.

Proposed law retains all such offenses specified in present law, but requires, not later than December 1, 2011, that each school board develop and adopt a definition for willful disobedience based on childhood and adolescent development, including rules and guidelines for suspension warranted by willful disobedience. Further requires that the guidelines be developed in consultation with certain key stakeholder groups.

Present law authorizes suspension for disturbing the school or habitually violating any rule.

Proposed law retains present law but further makes an exception that no student in grades kindergarten through grade six shall be suspended in-school or out-of-school for a school uniform related violation. Further provides that a student in grades seven through twelve shall not be suspended out-of-school for a school uniform related violation.

Present law authorizes suspension for a student who is habitually tardy or absent.

Proposed law retains present law but further makes an exception that no student in grades kindergarten through grade six shall be suspended in-school or out-of-school for such an offense. Further provides that a student in grades seven through twelve shall not be suspended out-of-school for such a violation.

Present law provides, upon the recommendation by a principal for the expulsion of any student, for a hearing to be conducted by the superintendent or by a designee to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. Provides that upon the conclusion of the hearing and a finding that the student is guilty of conduct warranting expulsion, the superintendent, or his designee, must determine whether such student will be expelled from the school system or if other corrective or disciplinary action should be taken. Provides for the student to remain suspended from school until such hearing takes place. Provides that the student may be represented by any person of his choice at the hearing.

Proposed law removes the provision that the student remain suspended from school until the hearing takes place. Further provides that every student receive an expulsion hearing within 10 school days of receiving notification of the recommendation for expulsion. Provides that if a hearing is not conducted within 10 school days after the incident, then the student must return to school or begin receiving educational services at an alternative setting until the hearing takes place. Provides that the parent or legal guardian may also be represented by a person of choice.

Effective August 15, 2011.

(Amends R.S. 17:416(A)(1)(c)(iii) and (v),(2)(a) and (b), (3)(a)(i), (vii) and (xvi), and (C)(1); adds R.S. 17:416(A)(1)(c)(viii))