

Regular Session, 2012

HOUSE BILL NO. 312

BY REPRESENTATIVE RICHARD

STUDENT/SCH ATTENDANCE: Permits, rather than requires, school systems to retain supervision of suspended or expelled students using alternative education programs

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(2)(c) and 416.2(A)(1) and to repeal R.S. 17:416.2(B),
3 relative to supervision of students suspended or expelled from school; to permit
4 rather than require local school systems to supervise certain students suspended or
5 expelled from school using alternative education programs; to remove provisions
6 relative to a waiver from a requirement for such supervision; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:416(A)(2)(c) and 416.2(A)(1) are hereby amended and reenacted
10 to read as follows:

11 §416. Discipline of pupils; suspension; expulsion

12 A.

13 * * *

14 (2) As used in this Section:

15 * * *

16 (c) Unless otherwise defined as a permanent expulsion and except as
17 otherwise provided by Subsections B and C of this Section, ~~an expulsion~~ "expulsion"
18 shall be defined as a removal from all regular school settings for a period of not less
19 than one school semester. ~~during which time~~ During an expulsion the city, parish, or

1 other local public school board ~~shall~~ may place the pupil in an alternative school or
2 in an alternative school setting.

3 * * *

4 §416.2. Supervision of suspended or expelled students; alternative education
5 programs

6 A.(1) Any student suspended or expelled from school pursuant to the
7 provisions of R.S. 17:416, other than a student expelled pursuant to the provisions
8 of R.S. 17:416(B) ~~and or~~ (C)(2), ~~shall~~ may remain under the supervision of the
9 governing authority of the city, parish, or other local public school system taking
10 such action using alternative education programs for suspended and expelled
11 students. Alternative education programs of any local public school system shall be
12 approved by the State Board of Elementary and Secondary Education; however, no
13 school system shall be liable for any student attending an alternative education
14 program at a location other than a school site.

15 * * *

16 Section 2. R.S. 17:416.2(B) is hereby repealed in its entirety.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

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)]

Richard

HB No. 312

Abstract: Permits (rather than requires) local school systems to supervise certain students suspended or expelled from school using alternative education programs.

Present law (R.S. 17:416.2) requires local school system governing authorities to supervise any student suspended or expelled from school (pursuant to R.S. 17:416, relative to discipline of students) using alternative education programs approved by the State Board of Elementary and Secondary Education (BESE). Allows an expelled student to be readmitted

to a school, including an alternative education program, in the school system from which expelled prior to completion of his expulsion period in accordance with present law procedures (R.S. 17:416(C)(2)(d)). Specifies that no school system shall be liable for a student attending an alternative education program at a location other than a school site.

Present law provides that alternative education programs may mean programs designed to offer variations of traditional instructional programs and strategies to increase the likelihood that students who are unmotivated or unsuccessful in traditional programs or who are disruptive in the traditional school environment remain in school and obtain a high school diploma. Provides that such programs may include but are not limited to programs that hold students to strict standards of behavior in highly structured and controlled environments, sometimes referred to as "boot camps", "police schools", or "court schools".

Proposed law permits (rather than requires) local school system governing authorities to supervise suspended or expelled students using alternative education programs approved by BESE.

Present law includes procedures for a school system to obtain a waiver from such requirements but prohibits applications for such waivers beginning with the 2008-2009 school year.

Proposed law repeals present law relative to such waivers.

Present law (R.S. 17:416) provides relative to discipline of students. Defines an expulsion, for purposes of present law and with certain exceptions, as a removal from all regular school settings for a period of not less than one school semester, during which time the local public school board shall place the pupil in an alternative school or in an alternative school setting.

Proposed law changes the definition in conformity with the change in proposed law above by providing that the school board "may" rather than "shall" place the pupil in an alternative school or alternative school setting.

Proposed law otherwise retains present law relative to supervision of suspended and expelled students using alternative education programs.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:416(A)(2)(c) and 416.2(A)(1); Repeals R.S. 17:416.2(B))