

Regular Session, 2014

SENATE BILL NO. 652

BY SENATOR GUILLORY

STUDENTS. Provides for the Classroom Protection Act. (gov sig)

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AN ACT

To enact R.S. 17:416.22, relative to teachers and classroom discipline; to provide for circumstances under which a teacher may have a student removed from the classroom; to provide for the role of law enforcement agencies; to provide for parental notification; to provide relative to referral for counseling and other services; to provide for student placement in an alternative educational setting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416.22 is hereby enacted to read as follows:

**§416.22. Classroom Protection Act**

**A. This Section shall be known and may be cited as the "Classroom Protection Act".**

**B.(1)(a) Notwithstanding any other provision of law to the contrary, including R.S. 17:416 through 416.20, a classroom teacher who is in reasonable apprehension that he or a student in his classroom is in danger of receiving a battery or other form of imminent physical harm from a student may contact law enforcement and have the student removed immediately from the classroom**

1 and placed in the custody of the appropriate law enforcement agency.

2 (b) The student's parents or other legal guardian shall be given oral  
3 notification within one hour after the student's removal from the classroom.

4 (2)(a) Upon the first removal from the classroom pursuant to the  
5 provisions of this Section, the student and his parents or other legal guardian  
6 shall be referred to the appropriate local or state agency for evaluation and  
7 counseling, including such services as may be provided through informal family  
8 services as provided pursuant to Chapter 5 of Title VII of the Louisiana  
9 Children's Code.

10 (b) Within three school days after the student has been removed from the  
11 classroom pursuant to this Section, a court hearing shall be held in a venue  
12 determined pursuant to Article 729.1 of the Louisiana Children's Code to  
13 determine whether the student shall continue to be excluded from a classroom  
14 setting and the appropriate educational setting for the student. The court shall  
15 give notice of the date and time of the hearing to the student, the student's  
16 parents or other legal guardian, and the classroom teacher who initiated the  
17 student's removal from the classroom.

18 (c) The court may also order the student and his parents or other legal  
19 guardian to participate in services available through the state's Coordinated  
20 System of Care.

21 (d) The student shall not be readmitted to the classroom from which he  
22 was removed without the permission of the teacher initiating the disciplinary  
23 action.

24 (e) The student shall be assigned school work missed while he is absent  
25 from the classroom and shall receive credit for school work if it is completed  
26 satisfactorily and timely as determined by the student's teacher.

27 (3)(a) Upon the second removal from the same classroom pursuant to  
28 the provisions of this Section, the student shall not be readmitted to the school  
29 from which he was removed and shall be placed in an alternative educational

1           **program.**

2                       **(b) The student and his parents or other legal guardian shall be referred**  
 3           **to the court of competent jurisdiction for families in need of services as**  
 4           **provided in Chapter 2 of Title VII of the Louisiana Children's Code.**

5                       **C. A student or someone who is not a student who retaliates against a**  
 6           **teacher who invokes his rights under the provisions of this Section shall be**  
 7           **subject to the appropriate criminal penalty, including R.S. 14:34.3 and 38.2.**

8           Section 2. This Act shall become effective upon signature by the governor or, if not  
 9           signed by the governor, upon expiration of the time for bills to become law without signature  
 10          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 11          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 12          effective on the day following such approval.

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The original instrument was prepared by Jeanne Johnston. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

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#### DIGEST

Guillory (SB 652)

Proposed law provides for the "Classroom Protection Act" as follows:

- (1) Provides that notwithstanding any provision of present law, a classroom teacher who is in reasonable apprehension that he or a student in his classroom is in danger of receiving a battery or other form of imminent physical harm from a student may contact law enforcement and have the student removed immediately from the classroom and placed in the custody of the appropriate law enforcement agency.
- (2) Provides that the student's parents or other legal guardian shall be given oral notification within one hour after the student's removal from the classroom.
- (3) Provides that upon the first removal from the classroom pursuant to the provisions of proposed law:
  - (a) The student and his parents or other legal guardian shall be referred to the appropriate local or state agency for evaluation and counseling, including such services as may be provided through informal family services as provided pursuant to Chapter 5 of Title VII of the Louisiana Children's Code.
  - (b) Within three school days after the student has been removed from the classroom pursuant to this Section, a court hearing shall be held in a venue determined pursuant to Article 729.1 of the Louisiana Children's Code to determine whether the student shall continue to be excluded from a classroom setting and the appropriate educational setting for the student. The court shall give notice of the date and time of the hearing to the student, the student's parents or other legal guardian, and the classroom teacher who

initiated the student's removal from the classroom.

- (c) The court may also order the student and his parents or other legal guardian to participate in services available through the state's Coordinated System of Care.
  - (d) The student shall not be readmitted to the classroom for which he was removed without the permission of the teacher initiating the disciplinary action.
  - (e) The student shall be assigned school work missed while he is absent from the classroom and shall receive credit for school work if it is completed satisfactorily and timely as determined by the student's teacher.
- (4) Provides that upon the second removal from the classroom pursuant to the provisions of proposed law:
- (a) The student shall not be readmitted to the school from which he was removed and shall be placed in an alternative educational program.
  - (b) The student and his parents or other legal guardian shall be referred to the court of competent jurisdiction for families in need of services as provided in Chapter 2 of Title VII of the Louisiana Children's Code.
- (5) Provides that a student or someone who is not a student who retaliates against a teacher who invokes his rights under the provisions of proposed law shall be subject to the appropriate criminal penalty provided in present law, including the penalties provided for assault and for battery of a school teacher.

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

(Adds R.S. 17:416.22)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Changes time for parental notification from "as soon as practicable" to "within one hour".
2. Adds requirement that within three school days after the student has been removed from the classroom that a court hearing be held in order to determine whether the student shall continue to be excluded from a classroom setting and the appropriate educational setting for the student. Further requires that the court give notice of the date and time of the hearing to the student, the student's parents or other legal guardian, and the classroom teacher who initiated the student's removal from the classroom.
3. Provides that the court may also order the student and his parents or other legal guardian to participate in services available through the state's Coordinated System of Care.
4. Upon a second offense, the student shall not be readmitted to the school rather than the class.
5. Technical.