

Regular Session, 2009

SENATE BILL NO. 223

BY SENATORS CLAITOR, APPEL, CROWE, KOSTELKA, LONG, MICHOT, SMITH
AND WALSWORTH AND REPRESENTATIVES HENRY BURNS,
TIM BURNS, CHAMPAGNE, CONNICK, CORTEZ, DOVE, FOIL,
LITTLE, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE
SMITH, PATRICIA SMITH AND THIBAUT

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

STUDENTS. Provides relative to the removal of students from the classroom for certain inappropriate behavior and for parental notification and involvement. (8/15/09)

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(1)(c)(i), (ii), and (vi) and (3)(e), relative to the

3 discipline of pupils; to provide relative to circumstances under which pupils may be

4 removed from the classroom; to require principals to provide parental notification

5 and guidance to teachers when a pupil is removed from the classroom; to authorize

6 school boards to adopt policies relative to parental attendance at certain intervention

7 sessions and consequences for parents who fail to comply; to require that certain

8 students be assigned and required to complete missed school work under certain

9 circumstances; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:416(A)(1)(c)(i), (ii), and (vi) and (3)(e) are hereby amended and

12 reenacted to read as follows:

13 §416. Discipline of pupils; suspension; expulsion

14 A. (1)

15 * * *

16 (c)(i) When a pupil's behavior prevents the orderly instruction of other pupils;

17 or poses an immediate threat to the safety or physical well being of any pupil or

1 teacher, ~~or~~ when a pupil exhibits disrespectful behavior toward the teacher such as
2 using foul or abusive language or gestures directed at ~~a teacher~~ or threatening a
3 pupil or a teacher, when a pupil violates the school's code of conduct, or when
4 a pupil exhibits other disruptive, dangerous, or unruly behavior, including
5 inappropriate physical contact, inappropriate verbal conduct, sexual or other
6 harassment, throwing objects, inciting other pupils to misbehave, or destroying
7 property, the teacher may have the pupil immediately removed from his classroom
8 and placed in the custody of the principal or his designee. A pupil removed from the
9 classroom pursuant to this Subparagraph shall ~~not receive credit for~~ be assigned
10 school work missed and shall receive credit for such work if it is completed
11 satisfactorily and timely as determined by the principal or his designee.

12 (ii)(aa) Upon being sent to the principal's office pursuant to the provisions
13 of this Subparagraph, the principal or his designee shall advise the pupil of the
14 particular misconduct of which he is accused as well as the basis for such accusation,
15 and the pupil shall be given an opportunity at that time to explain his version of the
16 facts. The principal or his designee then shall conduct a counseling session with the
17 pupil as may be appropriate to establish a course of action, consistent with school
18 board policy to identify and correct the behavior for which the pupil is being
19 disciplined.

20 (bb) The principal or his designee shall provide oral or written
21 notification to the parent or legal guardian of any pupil removed from the
22 classroom pursuant to the provisions of this Subparagraph. Such notification
23 shall include a description of any disciplinary action taken.

24 (cc) The principal or his designee shall provide oral or written feedback
25 to the teacher initiating the removal of the pupil from the classroom. The
26 principal or his designee shall provide to such teacher guidance and support on
27 practicing effective classroom management, including, but not limited to,
28 positive behavior supports.

29 * * *

1 (vi)(aa) If disruptive behavior persists, the teacher may request that the
2 principal transfer the pupil into another setting.

3 (bb) Each city, parish, or other local public school board may adopt a
4 policy that requires the parent or legal guardian of a pupil removed from the
5 classroom pursuant to this Subparagraph to attend after school or Saturday
6 intervention sessions with the pupil. The school board may refer a parent who
7 fails to attend such session to the court of competent jurisdiction in accordance
8 with Chapter 2 of Title VII of the Louisiana Children's Code. Each time a
9 parent is referred to the court of competent jurisdiction, the court may impose
10 a fine of not less than twenty-five dollars and not more than two hundred fifty
11 dollars, forty hours of court-approved school or community service activities,
12 or a combination of forty hours of court-approved school or community service
13 and attendance at a court-approved family counseling program by both a
14 parent or legal guardian and the pupil, and may suspend any state-issued
15 recreational license by the Department of Wildlife and Fisheries.

16 * * *

17 (3)

18 * * *

19 (e) A pupil who is suspended ~~or expelled~~ for ten days or fewer shall receive
20 be assigned ~~no credit~~ for school work missed while he is suspended ~~or expelled~~. and
21 shall receive credit for such work if it is completed satisfactorily and timely as
22 determined by the principal or his designee. A pupil who is suspended for more
23 than ten days or is expelled and receives educational services at an alternative
24 school site shall be assigned work by a certified teacher and shall receive credit
25 for school work if it is completed satisfactorily and timely as determined by
26 such teacher. Such work shall be aligned with the curriculum used at the school
27 from which the pupil was suspended or expelled.

28 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Nancy Vicknair.

DIGEST

Present law authorizes a teacher to have a pupil immediately removed from his classroom and placed in the custody of the principal or his designee when a pupil's behavior prevents the orderly instruction of other pupils, or poses an immediate threat to the safety or physical well being of any pupil or teacher, or when a pupil exhibits disrespectful behavior toward the teacher such as using foul or abusive language directed at a teacher or threatening a teacher, and requires that a pupil who is removed from the classroom not receive credit for school work missed.

Proposed law provides that when a pupil's behavior prevents the orderly instruction of other pupils or poses an immediate threat to the safety or physical well being of any pupil or teacher, when a pupil exhibits disrespectful behavior toward the teacher such as using foul or abusive language or gestures directed at or threatening a pupil or a teacher, when a pupil violates the school's code of conduct, or when a pupil exhibits other disruptive, dangerous, or unruly behavior, including inappropriate physical contact, inappropriate verbal conduct, sexual or other harassment, throwing objects, inciting other pupils to misbehave, or destroying property, the teacher may have the pupil immediately removed from his classroom and placed in the custody of the principal or his designee.

Proposed law requires, when a pupil is removed from the classroom, that he be assigned the school work missed and receive credit for such work if it is completed satisfactorily and timely as determined by the principal or his designee.

Present law provides that upon being sent to the principal's office, the principal or his designee is required to advise the pupil of the particular misconduct of which he is accused as well as the basis for such accusation, and requires that the pupil be given an opportunity at that time to explain his version of the facts.

Present law further requires the principal or his designee to conduct a counseling session with the pupil as may be appropriate to establish a course of action, consistent with school board policy to identify and correct the behavior for which the pupil is being disciplined.

Proposed law retains present law and additionally requires the principal or his designee to provide oral or written notification to the parent or legal guardian of any pupil removed from the classroom, and requires such notification to include a description of any disciplinary action taken.

Proposed law further requires the principal or his designee to provide oral or written feedback to the teacher initiating the removal of the pupil from the classroom, and requires teacher guidance and support to such teacher on practicing effective classroom management, including, but not limited to, positive behavior supports.

Present law provides that a teacher may request that the principal transfer the pupil into another setting if disruptive behavior persists.

Proposed law authorizes each city, parish, or other local public school board to adopt a policy that requires the parent or legal guardian of a pupil removed from the classroom to attend after school or Saturday intervention sessions with the pupil.

Proposed law authorizes the school board to refer a parent who fails to attend such session to a court exercising juvenile jurisdiction in accordance with present law (La. Children's Code provisions relative to families in need of services). Proposed law provides that each time a parent is referred to the court, the court may impose a fine of not less than \$25 and

not more than \$250, 40 hours of school or court-approved community service activities, or a combination of 40 hours of school or court-approved community service and attendance at a court-approved family counseling program by both a parent or legal guardian and the pupil, and may suspend any state-issued recreational license of the parent or legal guardian issued by the Dept. of Wildlife and Fisheries.

Present law provides that a pupil who is suspended or expelled shall receive no credit for school work missed while he is suspended or expelled.

Proposed law requires that a pupil who is suspended for 10 days or fewer be assigned school work missed while he is suspended and receive credit for such work if it is completed satisfactorily and timely as determined by the principal or his designee.

Proposed law further requires that a pupil who is suspended for more than 10 days, or is expelled and receives educational services at an alternative school site, be assigned work by a certified teacher and receive credit for school work if it is completed satisfactorily and timely as determined by such teacher. Requires such work to be aligned with the curriculum used at the school from which the pupil was suspended or expelled.

Effective August 15, 2009.

(Amends R.S. 17:416(A)(1)(c)(i), (ii), and (vi) and (3)(e))