

Regular Session, 2013

HOUSE BILL NO. 646

BY REPRESENTATIVE SMITH

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

STUDENT/DISCIPLINE: Provides relative to student discipline, including suspensions and expulsions, codes of conduct, and bullying

1 AN ACT
2 To amend and reenact R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), and
3 (3)(a)(introductory paragraph), (i), (vii), (xvi), and (xvii) and (C)(1), 416.4(C), and
4 416.13(A), (B), and (D)(introductory paragraph), (2)(b) through (d) and
5 (3)(introductory paragraph), (a), (c)(i), (d)(i), (iii), and (iv)(introductory paragraph),
6 (aa), and (bb), (e), (f)(i), (iii), and (v), and (g)(i), (ii), and (iii)(introductory
7 paragraph) and (aa), to enact R.S. 17:17:416(A)(1)(c)(viii) and (2)(e) and 416.22,
8 and to repeal 17:416.13(D)(3)(d)(iv)(cc) and (H), relative to student discipline; to
9 provide relative to students' removal from class, suspension, and expulsion; to
10 provide relative to other disciplinary measures; to provide relative to student codes
11 of conduct; to provide relative to policies and procedures with respect to bullying;
12 to provide relative to the indemnification of school employees; to require school
13 boards to post certain information on their websites; and to provide for related
14 matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), and (3)(a)(introductory
17 paragraph), (i), (vii), (xvi), and (xvii) and (C)(1), 416.4(C), and 416.13(A), (B), and
18 (D)(introductory paragraph), (2)(b) through (d) and (3)(introductory paragraph), (a), (c)(i),
19 (d)(i), (iii), and (iv)(introductory paragraph), (aa), and (bb), (e), (f)(i), (iii), and (v), and

1 (g)(i), (ii), and (iii)(introductory paragraph) and (aa) are hereby amended and reenacted and
2 R.S. 17:416(A)(1)(c)(viii) and (2)(e) and 416.22 are hereby enacted to read as follows:

3 §416. Discipline of students; suspension; expulsion

4 A.(1)

5 * * *

6 (c)

7 * * *

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

16 (aa) ~~In-school suspension~~ Requiring the completion of all assigned school
17 and homework which would have been assigned and completed by the student during
18 the period of discipline. The school shall supply assigned school and homework to
19 the student.

20 (bb) ~~Detention~~ Restorative practices using a school-wide approach of
21 informal and formal techniques to build a sense of school community and manage
22 conflict by repairing harm and restoring positive relationships.

23 (cc) ~~Suspension~~ Reflective activities, such as requiring the student to write
24 an essay about the student's misbehavior.

25 (dd) ~~Initiation of expulsion hearings~~ Participation in skills building and
26 resolution activities, such as social-emotional cognitive skills building, resolution
27 circles, and restorative conferencing.

28 (ee) ~~Assignment to an alternative school~~ Loss of privileges.

1 (aa) Requiring the completion of all assigned school and homework which
2 would have been assigned and completed by the student during the period of
3 discipline. The school shall supply assigned school and homework to student.

4 (bb) Restorative practices using a school-wide approach of informal and
5 formal techniques to build a sense of school community and manage conflict by
6 repairing harm and restoring positive relationships.

7 (cc) Reflective activities, such as requiring the student to write an essay about
8 the student's misbehavior.

9 (dd) Participation in skills building and resolution activities, such as
10 social-emotional cognitive skills building, resolution circles, and restorative
11 conferencing.

12 (ee) Loss of privileges.

13 (ff) Referral to school counselor or social worker.

14 (gg) Referral to outside intervention.

15 (hh) In-school detention or suspension, which may take place during lunch
16 time, after school, or on the weekends.

17 (ii) Only upon exhausting all options to keep students in the classroom,
18 initiation of expulsion hearings can be used as a last resort.

19 (jj) Any other disciplinary measure authorized by the principal with the
20 concurrence of the teacher or the building level committee pursuant to law and board
21 policy. To ensure equitability in applying sanctions, measures shall be applied on a
22 graduated basis determined by the nature of the offense, the disciplinary history of
23 the student, and the age and development status of the student.

24 (2) As used in this Section:

25 (a)(i) "In-school suspension" means removing a pupil from his normal
26 classroom setting but maintaining him under supervision within the school. ~~Pupils~~
27 Any pupil participating in an in-school suspension may receive credit for work
28 performed during the in-school suspension. However, any pupil who fails to comply

1 fully with the rules for in-school suspension ~~shall~~ may be subject to immediate
2 suspension.

3 (ii) Each city, ~~and parish,~~ and other local public school board shall adopt
4 rules regarding the implementation of in-school suspension ~~by no later than January~~
5 ~~1, 1995.~~

6 (b)(i) "Detention" means ~~activities, assignments,~~ any activity, assignment,
7 or work held before the normal school day, after the normal school day, or on
8 weekends.

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

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

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

17 * * *

18 (e) "Restorative practice" means an approach that emphasizes repairing harm
19 and giving equal attention to community safety, the harmed party's needs, and
20 accountability and growth for the responsible party. Restorative practices are used
21 to build a sense of school community and resolve conflict by reporting harm and
22 restoring positive relationships through the use of regular restorative circles where
23 students and educators work together to set academic goals and develop core values
24 for the classroom community and resolve conflicts.

25 (3)(a) No student shall be suspended from school unless nonexclusionary
26 discipline alternatives have been carefully considered, tried, and documented to the
27 extent reasonable and feasible. Only if after that consideration it is determined that
28 suspension from school is absolutely necessary to protect the safety of the school
29 community, and only after considering the full impact of the decision to suspend a

1 student on both the student and the community, ~~A~~ may a school principal may
2 suspend from school or suspend from riding on any school bus any student who:

3 (i)(aa) Is guilty of willful disobedience. Willful disobedience means the
4 repeated refusal to follow a reasonable request of a teacher, administrator, or other
5 school authority figure on campus.

6 (bb) Not later than August 1, 2013, for implementation beginning with the
7 2013-2014 school year, each city, parish, and other local public school board shall
8 develop and adopt rules and guidelines for suspensions warranted by willful
9 disobedience. These guidelines shall be developed in consultation with key
10 stakeholder groups.

11 * * *

12 (vii)(aa) Disturbs the school and habitually violates any rule, except that no
13 pupil shall be suspended in-school or out-of-school or removed from a classroom for
14 a school uniform-related violation.

15 * * *

16 (xvi)(aa) Is habitually tardy or absent, except that no pupil shall be
17 suspended in-school or out-of-school or removed from the classroom for being
18 habitually tardy or absent.

19 (xvii) Has engaged in bullying, except as provided in R.S. 17:416.13.

20 * * *

21 C.(1) Upon the recommendation by a principal for the expulsion of any
22 student as authorized by Subsection B ~~hereof~~, of this Section, a hearing shall be
23 conducted by the superintendent or by any other person designated so to do by the
24 superintendent to determine the facts of the case and make a finding of whether ~~or~~
25 ~~not~~ the student is guilty of conduct warranting a recommendation of expulsion.
26 Upon the conclusion of the hearing and upon a finding that the student is guilty of
27 conduct warranting expulsion, the superintendent, or his designee, shall determine
28 whether ~~such~~ the student shall be expelled from the school system or if other
29 corrective or disciplinary action shall be taken. At ~~said~~ the hearing the principal or

1 teacher concerned may be represented by any person appointed by the
 2 superintendent. The concerned teacher shall be permitted to attend ~~such~~ the hearing
 3 and shall be permitted to present information the teacher believes relevant. ~~Until~~
 4 ~~such hearing takes place the student shall remain suspended from the school.~~ Every
 5 student shall receive such expulsion hearing within five school days of receiving
 6 notification of the recommendation for expulsion. If a hearing is not conducted
 7 within five school days after the incident, the student shall return to school and the
 8 expulsion shall be denied. At ~~such~~ the hearing the student and parent or legal
 9 guardian may be represented by any person of ~~his~~ their choice.

10 * * *

11 §416.4. Civil liability; legal defense and indemnification of all public school
 12 employees

13 * * *

14 C. Nothing in this Section shall require a school board to indemnify an
 15 employee against a judgment wherein there is a specific decree in the judgment that
 16 the action of the employee was maliciously, willfully, and deliberately intended to
 17 cause bodily harm or to harass or intimidate the student ~~or where there is a specific~~
 18 ~~decree in the judgment that the employee purposefully or with gross disregard of the~~
 19 ~~facts ignored the complaints of the student, or the student's parent or guardian, that~~
 20 ~~the student was being bullied and the bullying led to the physical harm or death of~~
 21 ~~the student.~~

22 * * *

23 §416.13. Student code of conduct; requirement; bullying; prohibition; notice;
 24 reporting; accountability

25 A. Code of Conduct. The legislature finds that every public school student
 26 in this state has the right to receive his public education in a public school
 27 educational environment that is reasonably free from substantial intimidation,
 28 harassment, or harm or threat of harm by another student. The governing authority
 29 of each public elementary and secondary school shall adopt a student code of

1 conduct for the students in the schools under its jurisdiction. The code of conduct
2 shall be in compliance with all existing rules, regulations, and policies of the school
3 board and of the State Board of Elementary and Secondary Education and all state
4 laws relative to student discipline and shall include any necessary disciplinary action
5 to be taken ~~against any student who violates the code of conduct~~ when a violation of
6 the code of conduct occurs.

7 B. (1) Bullying Policy. The governing authority of each public elementary
8 and secondary school shall adopt, and incorporate into the student code of conduct,
9 a policy prohibiting the bullying of a student by another student, which includes the
10 following definitions and the definition of bullying as provided in Subsection C of
11 this Section. This policy must be implemented in a manner that is ongoing
12 throughout the school year and integrated with a school's curriculum, a school's
13 discipline policies, and other violence prevention efforts.

14 (2) As used in this Section:

15 (a) "Restorative practice" shall have the meaning provided in R.S.
16 17:416(A)(2)(e).

17 (b) "In-school suspension" shall have the meaning provided in R.S.
18 17:416(A)(2)(a)(i).

19 (c) "Detention" shall have the meaning provided in R.S. 17:416(A)(2)(b)(i).

20 ~~(2) (3) By not later than January 1, 2013, the~~ The governing authority of
21 each public elementary and secondary school shall:

22 (a) Conduct a review of the student code of conduct required by this Section
23 and amend the code as may be necessary to assure that the policy prohibiting the
24 bullying of a student by another student specifically addresses the behavior
25 constituting bullying, the effect the behavior has on others, including bystanders, and
26 the disciplinary and criminal consequences, and includes the definition of bullying
27 as provided in Subsection C of this Section.

1 (b) Create a program to provide a minimum of four hours of training each
2 year for all school employees, including bus drivers, with respect to bullying. ~~The~~
3 ~~training shall specifically include the following:~~

4 ~~(i) How to recognize the behaviors defined as bullying in Subsection C of~~
5 ~~this Section.~~

6 The legislature finds that in addition to training, staff members require ongoing
7 professional development to build tools and knowledge needed to prevent, identify,
8 and respond to incidents of bullying. Therefore, the governing authority of each
9 public elementary and secondary school shall ensure that staff has ongoing access
10 to professional development opportunities that include information on:

11 (i) The specific dynamics of student and bullying interactions at the school.

12 (ii) Age and developmentally appropriate strategies for identifying,
13 preventing, and responding constructively to incidents of bullying.

14 (iii) Specific populations and locations that may be particularly at-risk in the
15 school's environment. Prevention strategies target students who are at risk of being
16 a bully or a bullying target and focus on physical spaces that are at risk of being the
17 site of a bullying incident. All staff shall actively seek out students who are risk of
18 being targets or bullies to probatively remedy incidents of bullying before they
19 occur.

20 (iv) Internet safety and cyber-bullying issues.

21 (v) Components and delivery of prevention curriculum.

22 ~~(ii)~~ (vi) How to identify students at each grade level in the employee's school
23 who are most likely to become victims of bullying, while not excluding any student
24 from protection from bullying.

25 ~~(iii)~~ (vii) How to use appropriate intervention and remediation techniques
26 and procedures.

27 ~~(iv)~~ (viii) The procedures by which incidents of bullying are to be reported
28 to school officials.

1 of bullying shall remain confidential. The governing authority of each public
2 elementary and secondary school shall take every possible measure to ensure the
3 privacy and confidentiality of all parties in an incident. To ensure confidentiality,
4 reports provided to outside entities shall not include identifying information about
5 the parties involved in an incident, and shall report data only in the aggregate.

6 (c) School personnel. Any teacher, counselor, bus driver, or other school
7 employee, whether full or part time, and any parent chaperoning or supervising a
8 school function or activity, who witnesses bullying or who learns of bullying from
9 a student pursuant to Subparagraph (b) of this Paragraph, shall report the incident to
10 a school official. A verbal report shall be submitted by the school employee or the
11 parent on the same day as the employee or parent witnessed or otherwise learned of
12 the bullying incident and a written report shall be filed no later than ~~two days~~twenty-
13 four hours thereafter. School personnel called to attend a hearing, investigation, or
14 meeting that shall lead to discipline of either students or school personnel may be
15 represented at said hearing, investigation, or meeting by any person of their choice.

16 (d) Retaliation. Retaliation against or harassment or intimidation of any
17 person who reports bullying in good faith, who is thought to have reported bullying,
18 who files a complaint, or who otherwise participates in an investigation or inquiry
19 concerning allegations of bullying is prohibited conduct and subject to discipline.
20 School and district resources shall not be used to prohibit or dissuade any person
21 who meets the specifications of this Subparagraph from properly documenting and
22 reporting incidents of bullying.

23 * * *

24 (3) Investigation Procedure. ~~By not later than January 1, 2013, the~~ The State
25 Board of Elementary and Secondary Education shall develop and adopt a procedure
26 for the investigation of reports of bullying of a student by another student. The
27 procedure shall include the following:

28 (a) Scope of investigation. An investigation shall include an interview of the
29 reporter, the victim, the alleged bully, and any witnesses, and shall include obtaining

1 copies or photographs of any audio-visual evidence. A written record of the
2 investigation shall be kept pursuant to Subparagraph (g) of this Paragraph. Reports
3 of bullying by students, parents, legal guardians, and community members may be
4 made anonymously, but disciplinary action shall not be taken by a governing
5 authority solely on the basis of an anonymous report, though such a report may
6 trigger an investigation that shall provide actionable information.

7 * * *

8 (c) Appeal. (i) If the school official does not take timely and effective
9 action pursuant to this Section, which means not later than five school days after the
10 date of the written report of the incident, the student, parent, or school employee may
11 report the bullying incident to the city, parish, or other local school board or local
12 school governing authority. The school board or school governing authority shall
13 begin an investigation of any complaint that is properly reported and that alleges
14 conduct prohibited in this Section the next business day during which school is in
15 session after the report is received by a school board or governing authority official.

16 * * *

17 (d) Parental Notification. (i) Upon receiving a report of bullying, the school
18 official shall notify the student's parent or legal guardian according to the definition
19 of notice created by the state Department of Education. Prior to notification of any
20 parent, legal guardian, or student regarding any incident of bullying, school officials
21 must consider the issue of notification as they would any other educationally relevant
22 decision, considering the age, health, well-being, safety, and privacy of any students
23 involved in the incident. Once an investigation is concluded, the school shall take
24 further steps as needed to ensure the continued safety of the target.

25 * * *

26 (iii) Before any student under the age of eighteen is interviewed, his parent
27 or legal guardian shall be notified by the school official of the allegations made and
28 ~~shall have the opportunity to attend any interviews with their child~~ conducted as part
29 of the investigation.

1 (iv) The State Board of Elementary and Secondary Education, in
2 collaboration with the state Department of Education, shall develop a procedure for
3 meetings with the parent or legal guardian of the ~~victim~~ target and the parent or legal
4 guardian of the alleged perpetrator. This procedure shall include:

5 (aa) Separate meetings with the parents or legal guardians of the ~~victim~~
6 target and the parents or legal guardians of the alleged perpetrator.

7 (bb) Notification of parents or legal guardians of the ~~victim~~ target and of the
8 alleged perpetrator of the available potential consequences, penalties, and counseling
9 options.

10 * * *

11 (e) Disciplinary Action. School discipline policies shall be aimed at creating
12 a positive school climate, supporting the social and emotional development of
13 students, and teaching non-violence and respect for all members of the school
14 community. By viewing social development as a critical aspect of discipline, the
15 state, districts, and schools shall anticipate and respond to school disciplinary matters
16 in a manner that is consistent with a student's sense of dignity and self-worth. The
17 purpose of discipline shall be to understand and address the causes of behavior,
18 resolve conflicts, repair the harm done, restore relationships, and integrate students
19 into the school community. Particular attention and intervention support shall be
20 provided to vulnerable families and at-risk students. If the school has received a
21 report of bullying, has determined that an act of bullying has occurred, and after
22 meeting with the parent or legal guardian of the students involved, the school official
23 shall:

24 (i) Take prompt and appropriate disciplinary action, pursuant to R.S. 17:416
25 and 416.1, against the student that the school official determines has engaged in
26 conduct which constitutes bullying, if appropriate. Rather than adopting a
27 zero-tolerance policy that prescribes discipline for any bullying-related infraction,
28 school officials shall ensure that staff follow particular guidelines while allowing for
29 flexibility to adapt sanctions to individual contexts. To ensure equitability in

1 applying sanctions, measures shall be applied on a graduated basis determined by the
2 nature of offense, the disciplinary history of the student, and the age and
3 developmental status of the student involved. Responses to incidents of bullying may
4 include but are not limited to the following:

5 (aa) Writing letters of caution or reprimand.

6 (bb) Deprivation of the student privileges.

7 (cc) Bans on participating in optional school activities.

8 (dd) Deprivation of non-essential school services.

9 (ee) In-school detention or in-school suspension.

10 (ff) Implementation of restorative practices.

11 (gg) Referral to school counselor or social worker for skill building activities
12 or sensitivity training.

13 (hh) Referral to outside intervention.

14 (ii) Separating the parties.

15 (ii) Report criminal conduct to law enforcement, only when there is a serious
16 threat to safety that cannot be handled by school-based disciplinary procedures, if
17 appropriate. Disruptive students should receive appropriate redirection and support
18 from in-school and community resources prior to consideration of suspension,
19 expulsion, involvement of police, or referral to court. The response to school
20 disruptions should be reasonable, consistent, and fair with appropriate consideration
21 of relevant factors such as age of the student and the nature and severity of the
22 incident.

23 (f) Parental Relief. (i) If a parent, legal guardian, teacher, or other school
24 official has made ~~four~~ two or more reports of separate instances of bullying, as
25 provided in Paragraph (2) of this Subsection, and no investigation pursuant to
26 Paragraph (3) of this Subsection has occurred, the parent or legal guardian with
27 responsibility for decisions regarding the education of the ~~victim~~ target about whom
28 the report or reports have been made may exercise an option to have the student
29 enroll in or attend another school operated by the governing authority of the public

1 elementary or secondary school in which the student was enrolled on the dates when
2 ~~at least three of~~ the reports were submitted. The governing authority shall not
3 transfer the student without explicit permission and consent of parent or legal
4 guardian.

5 * * *

6 (iii) The governing authority of the public elementary or secondary school
7 in which the student is enrolled shall make a seat available at another public
8 elementary or secondary school under its jurisdiction within ten school days of the
9 parent or legal guardian's request for a transfer. If the governing authority has no
10 other school under its jurisdiction serving the grade level of the victim, within fifteen
11 school days of receiving the request, the superintendent or director of the governing
12 authority shall:

13 ~~(aa) Inform the student and his parent or legal guardian and facilitate the~~
14 ~~student's enrollment in a statewide virtual school.~~

15 ~~(bb) Offer the student a placement in a full-time virtual program or virtual~~
16 ~~school under the jurisdiction of the school's governing authority.~~

17 ~~(cc) Enter~~ enter into a memorandum of understanding with the
18 superintendent or director of another governing authority to secure a placement and
19 provide for the transfer of the student to a school serving the grade level of the
20 victim under the jurisdiction of the governing authority, pursuant to R.S. 17:105 and
21 105.1.

22 * * *

23 (v) At the end of any school year, the parent or legal guardian may make a
24 request to the governing authority of the school at which the student was enrolled
25 when ~~at least three of~~ the two most recent reports were filed to transfer the student
26 back to the school. The governing authority shall make a seat available at the school
27 at which the student was originally enrolled. No other schools shall qualify for
28 transfer under this Subparagraph.

1 (g) Documentation. (i) Prior to each academic year, the governing authority
2 of each public elementary and secondary school, in collaboration with the state
3 Department of Education, shall determine what data shall most productively assist
4 in supporting an effective school-wide bullying prevention policy. Based on this
5 feedback, the governing authority of each public elementary and secondary school
6 shall determine a set of service and incident metrics to be collected by the governing
7 authority. The governing authority shall collect the following information about
8 reported incidents of bullying:

9 (aa) Names of target, bully, and any witness with reliable contact information
10 for each.

11 (bb) Relevant information about the target, bully, and any witnesses including
12 connection of the target, bully, and any witness to the incident.

13 (cc) The nature of the bullying incident, where it took place, time of incident,
14 type of bullying, whether the incident was based on any relevant attributes, what
15 adult supervision was in place, and context of incident.

16 (ii) The state Department of Education shall develop a behavior incidence
17 checklist that the governing authority of each public elementary and secondary
18 school shall use to document the details of each reported incident of bullying.

19 (ii) The governing authority of each public elementary and secondary school
20 shall report all such documented incidences of bullying to the state Department of
21 Education as prescribed in rules adopted by the State Board of Elementary and
22 Secondary Education in accordance with the Administrative Procedure Act and
23 documented incidents in reports received by the local superintendent of schools
24 pursuant to R.S. 17:415.

25 (iii) After the investigation and meeting with the parents, pursuant to this
26 Section, a school, local school board, or other local school governing authority shall:

27 (aa) Compose a written document containing the findings of the
28 investigation, including input from the students' parents or legal guardian, and the
29 decision by the school or school system official. The document shall be placed in the

1 school records of both students. Documents shall be signed by each student's parent
2 or legal guardian, and each parent or legal guardian shall be given a copy of the
3 documents.

4 * * *

5 §416.22. School board websites; student discipline policies and procedures; other
6 information

7 A. Each city, parish, and other local public school board that maintains a
8 website shall publish on it certain information relative to student discipline and other
9 matters in an easily understandable format. Such information shall include but not
10 be limited to the following:

11 (1) Disciplinary action process and procedures applicable to students.

12 (2) The school board's policies and procedures.

13 (3) Minutes of school board meetings required to be made available to the
14 public pursuant to R.S. 42.20.

15 (4) Directory of schools and contact information.

16 (5) School calendars, including the beginning and end of each school year,
17 staff days, conference days, testing days, application-specific dates, report card
18 release dates, early days, and holidays.

19 B. For the purposes of this Section, the following terms shall have the
20 following meanings:

21 (1) "City, parish, and other local public school board" means the governing
22 authority of any public elementary or secondary school.

23 (2) "Disciplinary action processes and procedures" means all written
24 disciplinary policies and procedures for students and by not later than the beginning
25 of the 2013-2014 school year also shall include separate links for each of the
26 following:

27 (a) All state suspension and expulsion laws applicable to students.

28 (b) A disciplinary action timeline, from notice through appeal.

Present law provides that a pupil in grades seven through 12 removed from class shall not be permitted to return during the same class period unless agreed to by the teacher. Proposed law provides this for those in grades six through 12 and authorizes subjecting such a pupil to certain disciplinary measures.

Suspension

Present law provides that a student who fails to comply with rules for in-school suspensions or detentions to be subject to immediate suspension. Proposed law authorizes rather than requires suspension in such cases.

Present law authorizes a principal to suspend a student who commits certain offenses. Proposed law provides that suspension shall only be used after considering non-punitive discipline alternatives and if absolutely necessary to protect safety of school community, requires school boards to adopt rules and regulations relative to suspensions for willful disobedience, and prohibits any removal from class or in- or out-of-school suspension for uniform-related violations or for being habitually tardy or absent.

Expulsion

Present law provides generally relative to expulsion, including expulsion hearings. Proposed law adds that every student recommended for expulsion shall receive such a hearing within five school days of receiving notification of such recommendation and if it is not held within this time frame, the student shall return to school and the expulsion shall be denied. Present law requires a student recommended for expulsion to remain suspended until the hearing. Proposed law deletes present law.

Indemnification of public school employees

Present law provides that nothing in present law shall require a school board to indemnify an employee against a judgment wherein there is a specific decree in the judgment that provides either one of the following:

- (1) The action of the employee was maliciously, willfully, and deliberately intended to cause bodily harm or to harass or intimidate the student.
- (2) The employee purposefully or with gross disregard of the facts ignored the complaints of the student or the student's parent or guardian that the student was being bullied and the bullying led to the physical harm or death of the student.

Proposed law deletes (2) above and otherwise retains present law.

Student code of conduct; Bullying

Present law requires each public school governing authority to adopt a student code of conduct and that it include any necessary disciplinary action to be taken against any student who violates such code. Present law requires each governing authority to review the code and amend it as necessary by than Jan. 1, 2013. Proposed law requires that this be done by Jan. 1, 2014.

Present law requires public school governing authorities to incorporate a policy prohibiting bullying into their student codes of conduct and to provide at least four hours of training on bullying per year for school employees, which shall include certain topics. Proposed law additionally requires them to ensure that staff has ongoing access to professional development opportunities with respect to how to address bullying and requires that certain topics be included in professional development rather than in the required four hours of training. Present law refers to "victims" of bullying; proposed law changes this term to "targets".

Present law provides generally with respect to the reporting of bullying and requires any report of bullying to remain confidential. Proposed law requires each public school governing authority to take every possible measure to ensure the privacy and confidentiality of all parties in an incident of bullying. Present law requires a written report of a bullying incident to be filed by the school employee not later than two days thereafter. Proposed law changes this deadline to 24 hours thereafter and authorizes school personnel to be represented at related hearings, investigations, or meetings by any person of their choice. Further authorizes reports to be made anonymously but prohibits disciplinary action based solely on an anonymous report, though such a report may trigger an investigation resulting in action.

Present law authorizes students, parents, and school employees to report bullying incidents directly to the public school governing authority if the school does not take timely action. Proposed law defines "timely" as not later than five days after written report of the incident.

Present law requires parental notification relative to bullying reports. Proposed law adds that school officials shall first consider the issue of notification as they would any other decision in terms of the age, health, well-being, safety, and privacy of the students and requires that further steps be taken as needed to ensure the continued safety of the target of bullying. Present law requires parents of any student under 18 to be notified before the student is interviewed about a bullying incident and provides that parents shall have the opportunity to attend any interviews with their child conducted as part of the investigation. Proposed law instead requires such parents to attend any interviews conducted as part of the investigation.

Present law provides relative to complaints principals are required or authorized to file with a court if the parent of a student under 18 and not emancipated willfully refuses to attend a meeting on the child's behavior. Proposed law repeals present law.

Present law requires schools to take prompt and appropriate disciplinary action in response to bullying. Proposed law provides, rather than adopting a zero-tolerance policy, that schools ensure the following of certain guidelines while allowing for flexibility based on individual contexts and authorizes certain disciplinary measures.

Present law requires that schools report criminal conduct to law enforcement. Proposed law limits applicability of this requirement to when there is a serious threat to safety that cannot be handled by school-based disciplinary measures.

Present law authorizes parents to have their child transferred to another school operated by the school governing authority after four reports of bullying under certain circumstances; proposed law allows this after two such reports and prohibits the governing authority from transferring the student without parental consent. Present law provides that if no other school under the governing authority's jurisdiction serves the child's grade level, it shall facilitate the child's enrollment in a virtual school or program or enter into a memorandum of understanding with another governing authority to transfer the child to one of its schools. Proposed law repeals the provisions relative to the virtual school or program.

Present law provides general requirements for the documentation of bullying incidents. Proposed law adds specific information each public school governing authority shall collect relative to such incidents.

Present law, relative to construction and equal protection, provides that all students subject to present law shall be protected equally and without regard to the subject matter or the motivating animus of the bullying. Proposed law repeals present law.

School board websites; required information

Proposed law requires each public school board that maintains a website to publish on it certain information relative to disciplinary policies, state laws on suspension and expulsion, and certain other matters.

(Amends R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), and (3)(a)(intro. para.), (i), (vii), (xvi), and (xvii) and (C)(1), 416.4(C), and 416.13(A), (B), and (D)(intro. para.), (2)(b) through (d) and (3)(intro. para.), (a), (c)(i), (d)(i), (iii), and (iv)(intro. para.), (aa), and (bb), (e), (f)(i), (iii), and (v), and (g)(i), (ii), and (iii)(intro. para.) and (aa); Adds R.S. 17:17:416(A)(1)(c)(viii) and (2)(e) and 416.22; Repeals 17:416.13(D)(3)(d)(iv)(cc) and (H))