

Regular Session, 2014

HOUSE BILL NO. 777

BY REPRESENTATIVE SMITH

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), (iv), and (v), (2)(a) and (b), and
3 (3)(a)(introductory paragraph), (i), (vii), (xvi), and (xvii) and (C)(1) and 416.13(A),
4 (B), and (D)(2)(b) through (d), and (3)(a), (c)(i), (d)(i), (iii), and (iv), (e), (f)(i) and
5 (v), and (g)(i), (ii), and (iii)(introductory paragraph) and (aa) and to enact R.S.
6 17:416(A)(1)(c)(viii) and (2)(e) and (f), 416.22, and 3996(B)(34), relative to student
7 discipline; to provide relative to students' removal from class, suspension, and
8 expulsion; to provide relative to other disciplinary measures; to provide relative to
9 student codes of conduct; to provide relative to policies and procedures with respect
10 to bullying; to require school boards to post certain information on their websites;
11 and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 17:416(A)(1)(c)(iii), (iv), and (v), (2)(a) and (b), and
14 (3)(a)(introductory paragraph), (i), (vii), (xvi), and (xvii) and (C)(1) and 416.13(A), (B), and
15 (D)(2)(b) through (d), and (3)(a), (c)(i), (d)(i), (iii), and (iv), (e), (f)(i) and (v), and (g)(i), (ii),
16 and (iii)(introductory paragraph) and (aa) are hereby amended and reenacted and R.S.
17 17:416(A)(1)(c)(viii) and (2)(e) and (f), 416.22, and 3996(B)(34) are hereby enacted to read
18 as follows:

19 §416. Discipline of students; suspension; expulsion

20 A.(1)

21 * * *

1 (c)

2 * * *

3 (iii) A pupil in kindergarten through grade ~~six~~ five removed from a class
4 pursuant to this Subparagraph shall not be permitted to return to the class for at least
5 thirty minutes unless agreed to by the teacher initiating the disciplinary action. A
6 pupil in grades ~~seven~~ six through twelve removed from a class pursuant to this
7 Subparagraph shall not be permitted to return to the class during the same class
8 period unless agreed to by the teacher initiating the disciplinary action. ~~Additionally,~~
9 ~~the pupil shall not be readmitted to the class until the principal has implemented one~~
10 ~~of the following disciplinary measures:~~ A pupil in any grade who is removed from
11 class may be subject to one or more disciplinary measures, which may include but
12 shall not be limited to the following:

13 (aa) ~~In-school suspension:~~ Requiring the completion of all assigned school
14 and homework which would have been assigned and completed by the student during
15 the period of discipline. The school shall supply assigned school and homework to
16 the student; however, a teacher shall not be required to take time away from teaching
17 to prepare such assignments.

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

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

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

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

1 ~~(ff) 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 ~~suspension.~~ Referral to school counselor or school worker.

4 ~~(gg) Any other disciplinary measure authorized by the principal with the~~
5 ~~concurrence of the teacher or the building level committee pursuant to law and board~~
6 ~~policy.~~ Referral to outside intervention.

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

9 ~~(ii) Out-of-school suspension as deemed appropriate by the principal in~~
10 ~~consultation with the teacher who initiates the discipline.~~

11 ~~(jj) The initiation of expulsion hearings; however, this may be used only as~~
12 ~~a last resort after school officials have exhausted reasonable and appropriate options~~
13 ~~to keep the pupil in school.~~

14 ~~(kk) Any other disciplinary measure authorized by the principal with the~~
15 ~~concurrence of the teacher or the building level committee pursuant to state law and~~
16 ~~school board policy. To ensure equitability in applying sanctions, measures shall be~~
17 ~~applied on a graduated basis determined by the nature of the offense, the disciplinary~~
18 ~~history of the student, and the age and development status of the student.~~

19 ~~(iv) When a pupil is removed from a classroom pursuant to this~~
20 ~~Subparagraph, the teacher may require that the parent, tutor, or legal guardian of the~~
21 ~~pupil have a ~~an in-person, video, or telephone~~ conference with the teacher in the~~
22 ~~presence of the principal or his designee before the pupil is readmitted. ~~At any such~~~~
23 ~~conference, the parent or legal guardian shall provide assurance that he shall take~~
24 ~~appropriate steps to prevent the pupil's misconduct. If reasonable attempts to contact~~
25 ~~and have a conference with the parent or legal guardian are unsuccessful, the teacher~~
26 ~~and principal shall confer and may implement disciplinary measures as provided in~~
27 ~~Item (iii) of this Subparagraph.~~

28 ~~(v) Upon the third removal from the same classroom pursuant to this~~
29 ~~Subparagraph, the teacher and the principal shall discuss the disruptive behavior~~

1 patterns of the pupil and the potentially appropriate disciplinary measure before the
 2 principal implements a disciplinary measure. If appropriate, a referral of the matter
 3 may be made to an appropriate building level committee. In addition, a conference
 4 between the teacher or other appropriate school employee and the pupil's parent,
 5 tutor, or legal guardian shall be required ~~prior to the pupil being readmitted.~~ If
 6 reasonable attempts to contact and have a conference with the parent or legal
 7 guardian are unsuccessful, the teacher and principal shall confer and may implement
 8 disciplinary measures as provided in Item (iii) of this Subparagraph.

* * *

10 (viii) The principal shall enforce the right of a teacher to have an orderly
 11 classroom and shall give precedence to the rights of other students not to be deprived
 12 of instruction because of the actions of a disruptive or uncooperative student. If the
 13 principal has not enforced the rights of a teacher to have an orderly classroom, the
 14 teacher shall have the option to present a grievance in accordance with the grievance
 15 procedures provided in R.S. 17:100.4.

16 (2) As used in this Section:

17 (a)(i) "In-school suspension" means removing a pupil from his normal
 18 classroom setting but maintaining him under supervision within the school. ~~Pupils~~
 19 Any pupil participating in an in-school suspension may receive credit for work
 20 performed during the in-school suspension. However, any pupil who fails to comply
 21 fully with the rules for in-school suspension ~~shall~~ may be subject to immediate
 22 suspension.

23 (ii) Each city, ~~and parish,~~ and other local public school board shall adopt
 24 rules regarding the implementation of in-school suspension ~~by no later than January~~
 25 ~~1, 1995.~~

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

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

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

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

9 * * *

10 (e) "Restorative approaches" and "restorative practices" are processes used
11 to build, strengthen, and repair relationships. Restorative approaches focus on
12 methods that help people to cooperate, to take responsibility for their behavior, to
13 resolve conflict, and to improve communication. Restorative practices include both
14 preventative, community-building processes and incident-focused responsive
15 interventions.

16 (f) "Major safety concern" means a concern by the school principal that there
17 is a threat to the physical safety of students or school employees based on a student's
18 possession of dangerous weapons at school, on a school bus, or at a school-
19 sponsored event, or on credible threats made by a student to inflict bodily harm.

20 (3)(a) Except in the case of a major safety concern, no student shall be
21 suspended from school unless nonexclusionary discipline alternatives have been
22 carefully considered, tried, and documented to the extent reasonable and feasible.
23 If after this consideration, the principal determines that suspension from school is
24 necessary, ~~A school~~ the principal may suspend from school or suspend from riding
25 on any school bus any student who:

26 (i) Is guilty of willful disobedience. Willful disobedience means the
27 repeated refusal to follow a reasonable request of a teacher, administrator, or other
28 school authority figure on campus, on a school bus, or at a school-sponsored event.

29 * * *

1 (vii) Disturbs the school and habitually violates any rule; however, no pupil
2 except one who is required to wear a military uniform shall be suspended in-school
3 or out-of-school or removed from a classroom for a school uniform-related violation.

4 * * *

5 (xvi) Is habitually tardy or absent, except that no pupil shall be suspended
6 in-school or out-of-school or removed from the classroom solely for being habitually
7 tardy or absent.

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

9 * * *

10 C.(1) Upon the recommendation by a principal for the expulsion of any
11 student as authorized by Subsection B ~~hereof~~, of this Section, a hearing shall be
12 conducted by the superintendent or by any other person designated ~~so to do~~ to do so
13 by the superintendent to determine the facts of the case and make a finding of
14 whether ~~or not~~ the student is guilty of conduct warranting a recommendation of
15 expulsion. Upon the conclusion of the hearing and upon a finding that the student
16 is guilty of conduct warranting expulsion, the superintendent, or his designee, shall
17 determine whether ~~such~~ the student shall be expelled from the school system or if
18 other corrective or disciplinary action shall be taken. At ~~said~~ the hearing the
19 principal or teacher concerned may be represented by any person appointed by the
20 superintendent. The concerned teacher shall be permitted to attend ~~such~~ the hearing
21 and shall be permitted to present information the teacher believes relevant. Until
22 such hearing takes place ~~the student shall remain suspended from the school.~~ the
23 principal may require that a student be educated off-campus if there is a major safety
24 concern. Every student shall receive such expulsion hearing within ten school days
25 of receiving notification of the recommendation for expulsion. If a hearing is not
26 scheduled and held within ten school days after the incident, the student may be
27 placed in an alternative educational setting until a hearing may be held. At ~~such~~ the

1 hearing the student and parent or legal guardian may be represented by any person
2 of ~~his~~ their choice.

3 * * *

4 §416.13. Student code of conduct; requirement; bullying; prohibition; notice;
5 reporting; accountability

6 A. Code of Conduct. The legislature finds that every public school student
7 in this state has the right to receive his public education in a public school
8 educational environment that is reasonably free from substantial intimidation,
9 harassment, or harm or threat of harm by another student. The governing authority
10 of each public elementary and secondary school shall adopt a student code of
11 conduct for the students in the schools under its jurisdiction. The code of conduct
12 shall be in compliance with all existing rules, regulations, and policies of the school
13 board and of the State Board of Elementary and Secondary Education and all state
14 laws relative to student discipline and shall include any necessary disciplinary action
15 to be taken ~~against any student who violates the code of conduct~~ when a violation of
16 the code of conduct occurs.

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

24 (2) As used in this Section:

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

26 (b) "In-school suspension" shall have the meaning provided in R.S.
27 17:416(A)(2)(a)(i).

28 (c) "Restorative approaches" and "restorative practices" shall have the
29 meanings provided in R.S. 17:416(A)(2)(e).

1 ~~(2)~~ (3) The governing authority of each public elementary and secondary
2 school shall:

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

9 (b) Create a program to provide a minimum of four hours of training for new
10 employees who have contact with students and two hours of training each year for
11 all school employees who have contact with students, including bus drivers, with
12 respect to bullying.

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

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

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

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

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

29 (iv) Internet safety and cyberbullying issues.

1 (2) Reporting.

2 * * *

3 (b) Students and parents. Any student who believes that he has been, or is
4 currently, the victim of bullying, or any student, or any parent or legal guardian, who
5 witnesses bullying or has good reason to believe bullying is taking place, may report
6 the situation to a school official. A student, or parent or legal guardian, may also
7 report concerns regarding bullying to a teacher, counselor, other school employee,
8 or to any parent chaperoning or supervising a school function or activity. Any report
9 of bullying shall remain confidential. The governing authority of each public
10 elementary and secondary school shall take every possible measure to ensure the
11 privacy and confidentiality of all parties in an incident. To ensure confidentiality,
12 reports provided to outside entities shall not include identifying information about
13 the parties involved in an incident, and shall report data only in the aggregate.

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

24 (d) Retaliation. Retaliation against or harassment or intimidation of any
25 person who reports bullying in good faith, who is thought to have reported bullying,
26 who files a complaint, or who otherwise participates in an investigation or inquiry
27 concerning allegations of bullying is prohibited conduct and subject to discipline.
28 School and district resources shall not be used to prohibit or dissuade any person

1 who meets the specifications of this Subparagraph from properly documenting and
2 reporting incidents of bullying.

3 * * *

4 (3) Investigation Procedure. The State Board of Elementary and Secondary
5 Education shall develop and adopt a procedure for the investigation of reports of
6 bullying of a student by another student. The procedure shall include the following:

7 (a) Scope of investigation. An investigation shall include an interview of the
8 reporter, the victim, the alleged bully, and any witnesses, and shall include obtaining
9 copies or photographs of any audio-visual evidence. A written record of the
10 investigation shall be kept pursuant to Subparagraph (g) of this Paragraph. Reports
11 of bullying by students, parents, legal guardians, and community members may be
12 made anonymously, but disciplinary action shall not be taken by a governing
13 authority solely on the basis of an anonymous report, though such a report may
14 trigger an investigation that shall provide actionable information.

15 * * *

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

24 * * *

25 (d) Parental Notification. (i) Upon receiving a report of bullying, the school
26 official shall notify the student's parent or legal guardian according to the definition
27 of notice created by the state Department of Education; however, the principal may
28 exercise discretion as to whether or not a student's parent or legal guardian shall be
29 notified if he determines, upon careful deliberation of the circumstances and

1 individuals involved, that parental notification may result in the physical or
2 emotional harm of the target of bullying. Prior to notification of any parent, legal
3 guardian, or student regarding any incident of bullying, school officials must
4 consider the issue of notification as they would any other educationally relevant
5 decision, considering the age, health, well-being, safety, and privacy of any students
6 involved in the incident. Once an investigation is concluded, the school shall take
7 further steps as needed to ensure the continued safety of the target.

8 * * *

9 (iii) Before any student under the age of eighteen is interviewed, his parent
10 or legal guardian shall be notified by the school official of the allegations made and
11 shall have the opportunity to attend any interviews with his child conducted as part
12 of the investigation. If, after three attempts in a forty-eight-hour period, the parents
13 or legal guardians of a student cannot be reached or do not respond, the student may
14 be interviewed. There shall be an adult neutral party in the interview if a parent is
15 not present.

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

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

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

25 (cc) In any case where a teacher, principal, or other school employee is
26 authorized in this Section to require the parent or legal guardian of a student who is
27 under the age of eighteen and not judicially emancipated or emancipated by marriage
28 to attend a conference or meeting regarding the student's behavior and, after notice,
29 the parent, tutor, or legal guardian willfully refuses to attend, that the principal or his

1 designee ~~shall~~ may file a complaint with a court exercising juvenile jurisdiction,
2 pursuant to Children's Code Article 730(8) and 731. The principal may file a
3 complaint pursuant to Children's Code Article 730(1) or any other applicable ground
4 when, in his judgment, doing so is in the best interests of the student.

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

18 (i) Take prompt and appropriate disciplinary action, pursuant to R.S. 17:416
19 and 416.1, against the student that the school official determines has engaged in
20 conduct which constitutes bullying, if appropriate. Rather than adopting a zero-
21 tolerance policy that prescribes discipline for any bullying-related infraction, school
22 officials shall ensure that staff follow particular guidelines while allowing for
23 flexibility to adapt sanctions to individual contexts. To ensure equitability in
24 applying sanctions, measures shall be applied on a graduated basis determined by the
25 nature of offense, the disciplinary history of the student, and the age and
26 developmental status of the student involved. Responses to incidents of bullying
27 may include but are not limited to the following:

28 (aa) Writing letters of caution or reprimand.

29 (bb) Deprivation of the student privileges.

- 1 (cc) Bans on participating in optional school activities.
- 2 (dd) Deprivation of nonessential school services.
- 3 (ee) In-school detention or in-school suspension.
- 4 (ff) Implementation of restorative approaches or restorative practices.
- 5 (gg) Referral to school counselor or social worker for skill building activities
- 6 or sensitivity training.
- 7 (hh) Separating the parties.
- 8 (ii) Report criminal conduct to law enforcement, only when there is serious
- 9 threat to safety that cannot be handled by school-based disciplinary procedures, if
- 10 appropriate. Disruptive students should receive appropriate redirection and support
- 11 from in-school and community resources prior to consideration of suspension,
- 12 expulsion, involvement of police, or referral to court. The response to school
- 13 disruptions should be reasonable, consistent, and fair with appropriate consideration
- 14 of relevant factors such as age of the student and the nature and severity of the
- 15 incident.

16 (f) Parental Relief. (i) If a parent, legal guardian, teacher, or other school

17 official has made ~~four~~ two or more reports of separate instances of bullying, as

18 provided in Paragraph (2) of this Subsection, and no investigation pursuant to

19 Paragraph (3) of this Subsection has occurred, the parent or legal guardian with

20 responsibility for decisions regarding the education of the ~~victim~~ target about whom

21 the report or reports have been made may exercise an option to have the student

22 enroll in or attend another school operated by the governing authority of the public

23 elementary or secondary school in which the student was enrolled on the dates when

24 ~~at least three of~~ the reports were submitted. The governing authority shall not

25 transfer the student without explicit permission and consent of parent or legal

26 guardian.

* * *

28 (v) At the end of any school year, the parent or legal guardian may make a

29 request to the governing authority of the school at which the student was enrolled

1 when ~~at least three of the~~ two most recent reports were filed to transfer the student
2 back to the school. The governing authority shall make a seat available at the school
3 at which the student was originally enrolled. No other schools shall qualify for
4 transfer under this Subparagraph.

5 (g) Documentation. (i) The governing authority shall collect the following
6 information about reported incidents of bullying:

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

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

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

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

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

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

25 (aa) Compose a written document containing the findings of the
26 investigation, including input from the students' parents or legal guardian, and the
27 decision by the school or school system official. The document shall be placed in the
28 school records of both students. Documents shall be signed by each student's parent

1 or legal guardian, and each parent or legal guardian shall be given a copy of the
2 documents.

3 * * *

4 §416.22. School board websites; student discipline policies and procedures; other
5 information

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

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

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

12 (3) Minutes of school board meetings required to be made available to the
13 public pursuant to R.S. 42:20.

14 (4) Directory of schools and contact information.

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

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

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

22 (2) "Disciplinary action processes and procedures" means all written
23 disciplinary policies and procedures for students and by not later than the beginning
24 of the 2014-2015 school year also shall include separate links for each of the
25 following:

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

27 (b) A disciplinary action time line, from notice through appeal.

28 (c) Explanation of due process rights for both informal and formal hearings,
29 and in the case of formal hearings, this shall also include a full explanation of the

1 disciplinary process, a complete list of the student's procedural due process rights,
2 the hearing agenda, and the appeal process.

3 (d) Rules and regulations on the use of corporal punishment to discipline
4 students.

5 (3) "Policies and procedures" means all formal policies and procedures and
6 by not later than the beginning of the 2014-2015 school year also shall include
7 summaries thereof with separate links for each of the following:

8 (a) Student code of conduct.

9 (b) Controlled and other prohibited substances or contraband policy.

10 (c) Dress code.

11 (d) Grade change process.

12 (e) Harassment or bullying prohibition and prevention procedures.

13 (f) Student rights and responsibilities.

14 * * *

15 §3996. Charter schools; exemptions; requirements

16 * * *

17 B. Notwithstanding any state law, rule, or regulation to the contrary and
18 except as may be otherwise specifically provided for in an approved charter, a
19 charter school established and operated in accordance with the provisions of this
20 Chapter and its approved charter and the school's officers and employees shall be
21 exempt from all statutory mandates or other statutory requirements that are
22 applicable to public schools and to public school officers and employees except for
23 the following laws otherwise applicable to public schools with the same grades:

24 * * *

25 (34) Discipline, suspension, and expulsion of students, R.S. 17:416.

26 * * *

27 Section 2. This Act shall be known and may be cited as the "Safe and Successful
28 Student Act".

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)]

Smith

HB No. 777

Abstract: Provides relative to student discipline, including removal from class, suspension, and expulsion and student codes of conduct, including bullying policies.

Student disciplineRemoval from class

Present law provides that a pupil in kindergarten through grade six removed from a class shall not be permitted to return for at least 30 minutes unless agreed to by the teacher. Proposed law is applicable to those in kindergarten through grade five and provides relative to certain disciplinary measures that must be taken before readmission.

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 shall 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-exclusionary discipline alternatives and if necessary in response to a major safety concern. Prohibits any removal from class or in- or out-of-school suspension for uniform-related violations (except if students are required to wear military uniforms) or for being habitually tardy or absent. Defines "major safety concern" as a concern by the school principal that there is a threat to the physical safety of students or school employees based on a student's possession of dangerous weapons at school, on a school bus, or at a school-sponsored event or on credible threats made by a student to inflict bodily harm.

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 10 school days of receiving notification of such recommendation and if it is not scheduled and held within this time frame, the student may be placed in an alternative educational setting. Present law requires a student recommended for expulsion to remain suspended until the hearing. Proposed law deletes present law and instead authorizes principals to require that students be educated off-campus until the hearing if there is a major safety concern.

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. Requires each governing authority to review the code and amend it as necessary.

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 for new school employees who have contact with students and two hours each year for all school employees who have contact with students, including bus drivers. Proposed law additionally requires public school governing authorities 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 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 retains this requirement but grants a principal discretion relative to parental notification if he determines that it may result in the physical or emotional harm of the target of bullying. 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. Provides that if after three attempts in a 48-hour period, the parents or legal guardians of a student cannot be reached or do not respond, the student may be interviewed. Proposed law requires an adult neutral party in the interview if a parent is not present.

Present law provides relative to complaints principals are required 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 authorizes rather than requires principals to file these complaints.

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

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), (iv), and (v), (2)(a) and (b), and (3)(a)(intro. para.), (i), (vii), (xvi), and (xvii) and (C)(1) and 416.13(A), (B), and (D)(2)(b)-(d), and (3)(a), (c)(i), (d)(i), (iii), and (iv), (e), (f)(i) and (v), and (g)(i), (ii), and (iii)(intro. para.) and (aa); Adds R.S. 17:416(A)(1)(c)(viii) and (2)(e) and (f), 416.22, and 3996(B)(34))