

2015 Regular Session

SENATE BILL NO. 54

BY SENATOR BROOME

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

STUDENTS. Prohibits suspension or expulsion of students in grades kindergarten through three. (gov sig)

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AN ACT

To enact R.S. 17:416(J), relative to discipline of students; to prohibit the suspension or expulsion of students in grades kindergarten through three from school or from riding a school bus; to provide for measures to address unacceptable behavior; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416(J) is hereby enacted to read as follows:

§416. Discipline of students; suspension; expulsion

* * *

J.(1) Notwithstanding the provisions of this Section or any other provision of law, a student enrolled in grades kindergarten through three shall not be suspended or expelled from school or suspended from riding on any school bus, unless the student poses a threat to the safety or well-being of another person.

(2) A student enrolled in grades kindergarten through three who exhibits unacceptable behavior may have such behavior addressed through any of the following measures:

- 1 **(a) Loss of privileges.**
- 2 **(b) Referral to a school counselor or social worker.**
- 3 **(c) Referral to response to intervention.**

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

SB 54 Engrossed 2015 Regular Session Broome

Present law provides for the discipline of students for disorderly conduct in school, on school playgrounds, while going to and from school, or during intermission or recess.

Present law provides that a teacher may have a student immediately removed from his classroom and placed in the custody of the principal or his designee when:

- (1) A student's behavior prevents the orderly instruction of other students or poses an immediate threat to the safety or physical well-being of any student or teacher.
- (2) A student exhibits disrespectful behavior toward the teacher such as using foul or abusive language or gestures directed at or threatening a student or a teacher.
- (3) A student violates the school's code of conduct.
- (4) A student exhibits other disruptive, dangerous, or unruly behavior, including inappropriate physical contact, inappropriate verbal conduct, sexual or other harassment, bullying, throwing objects, inciting other students to misbehave, or destroying property.

Present law provides that a pupil in grades kindergarten through six removed from class as provided in present law is not permitted to return to class for at least 30 minutes, unless agreed to by the teacher initiating the disciplinary action. A pupil in grades seven through twelve so removed from class is not permitted to return to class during the same class period, unless agreed to by the teacher.

Present law provides that a pupil so removed from class shall not be readmitted until the principal has recommended one of the following disciplinary measures:

- (1) In-school suspension.
- (2) Detention.
- (3) Suspension.
- (4) Initiation of expulsion hearings.

- (5) Assignment to an alternative school.
- (6) Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.
- (7) Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the building level committee pursuant to law and board policy.

Present law allows a school principal to suspend from school or suspend from riding on any school bus any student who:

- (1) Is guilty of willful disobedience.
- (2) Treats a teacher, principal, superintendent, member, or employee of the local school board with intentional disrespect.
- (3) Makes against any one of them an unfounded charge.
- (4) Uses unchaste or profane language.
- (5) Is guilty of immoral or vicious practices, or of conduct or habits injurious to his associates.
- (6) Uses tobacco or who possesses alcoholic beverages or any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law, in any form, in school buildings, on school grounds, or on school buses owned by, contracted to, or jointly owned by any city or parish school board.
- (7) Disturbs the school and habitually violates any rule.
- (8) Cuts, defaces, or injures any part of public school buildings, any property belonging to the buildings, or any school buses owned by, contracted to, or jointly owned by any city or parish school board.
- (9) Writes any profane or obscene language or draws obscene pictures in or on any school material or on any public school premises, or on any fence, pole, sidewalk, or building on the way to or from school, or on any school bus, including those owned by, contracted to, or jointly owned by any city or parish school board.
- (10) Is found carrying firearms, knives, or other implements which can be used as weapons, the careless use of which might inflict harm or injury.
- (11) Throws missiles liable to injure other persons on the school grounds or while on any school bus, including those owned by, contracted to, or jointly owned by any city or parish school board.
- (12) Instigates or participates in fights while under school supervision.
- (13) Violates traffic and safety regulations.
- (14) Leaves the school premises without permission.
- (15) Leaves his classroom during class hours or detention without permission.
- (16) Is habitually tardy or absent.
- (17) Has engaged in bullying.

(18) Commits any other serious offense.

Proposed law retains present law for students in grades four through twelve, but prohibits the suspension or expulsion of a student in grades kindergarten through three from school or suspended from riding on a school bus, unless the student poses a threat to the safety or physical well-being of another person.

Proposed law provides that a student enrolled in grades kindergarten through three who exhibits unacceptable behavior may have such behavior addressed through any of the following measures:

- (1) Loss of privileges.
- (2) Referral to a school counselor or social worker.
- (3) Referral to response to intervention.

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

(Adds R.S. 17:416(J))