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

DIGEST

SB 298 Original

2018 Regular Session

Milkovich

Proposed law provides for the "Safe Schools Act" as follows:

- (1) Provides that notwithstanding any provision of <u>present law</u>, a school employee has the right to personally remove and the duty to request to have a student removed from the school grounds when the employee has reasonable belief that the student's behavior poses a significant threat to the safety of another person on school grounds.
- (2) Provides that a school employee who is in reasonable apprehension that he or another person on school grounds is in danger of imminent physical harm from a student may contact law enforcement and have the student removed immediately from the school grounds and placed in the custody of the appropriate law enforcement agency.
- (3) Provides that the student's parent or legal guardian shall be given oral notification as soon as practicable after the student's removal from the school grounds.
- (4) Provides that upon the first removal from the school grounds pursuant to the provisions of proposed law:
 - (a) The student and his parent or legal guardian shall be referred to the appropriate local or state agency for evaluation and counseling, including such services as may be provided through informal family services as provided pursuant to Chapter 5 of Title VII of the Louisiana Children's Code.
 - (b) Within three school days after the student has been removed from the school grounds pursuant to proposed law, a court hearing shall be held in a venue determined pursuant to Article 729.1 of the Louisiana Children's Code to determine whether the student shall continue to be excluded from the school and the appropriate educational setting for the student. The court shall give notice of the date and time of the hearing to the student, the student's parent or legal guardian, the school governing authority, the school principal, and the school employee who initiated the student's removal from the school grounds.
 - (c) The court may also order the student and his parent or legal guardian to participate in services available through the state's Coordinated System of Care.
 - (d) The court shall exclude the student from being readmitted to the school and the school grounds if it is proven through a preponderance of evidence that the student poses an unreasonable risk to others on the school grounds.

- (e) The student shall be assigned school work missed while he is absent from the classroom and shall receive credit for school work if it is completed satisfactorily and timely as determined by the student's teachers.
- (5) Provides that upon the second removal from a school pursuant to the provisions of <u>proposed</u> <u>law</u>:
 - (a) The student shall be placed in an alternative educational program.
 - (b) The student and his parent or legal guardian shall be referred to the court of competent jurisdiction for families in need of services as provided in Chapter 2 of Title VII of the Louisiana Children's Code.
 - (c) The student will not be allowed to enroll in another educational program unless the court determines the student does not pose an unreasonable risk to others on the school grounds.
- (6) Provides that a school employee who evokes his rights shall not be suspended from duty for use of such force, unless clear and convincing evidence is shown that the removal or request for removal was conducted in bad faith.
- (7) Provides that anyone who retaliates against a school employee who invokes his rights under the provisions of <u>proposed law</u> shall be subject to the appropriate criminal penalty provided in <u>present law</u>, including the penalties provided for assault and for battery of a school teacher.
- (8) Prohibits a public school governing authority and the State Board of Elementary and Secondary Education from adopting any rule or policy that negatively impacts the evaluation of a school district, school, or school employee based solely on the number of suspensions or other forms of discipline imposed upon students.
- (9) Allows a school governing authority to designate school personnel or private individuals who may possess firearms on the school grounds to protect students or other persons. Such designation shall be based on a thorough background check and consideration of the individual's past military training, experience in law enforcement, or training, work, or certification in security. The school governing authority shall prescribe the requirements, guidelines, and procedures which shall govern the possession of firearms on school grounds for the protection of students or other persons.

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

(Adds R.S. 17:416.22)