

2022 Regular Session

SENATE BILL NO. 256

BY SENATOR BARROW

SCHOOLS. Requires certain assessments of a student prior to suspension from school. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:223 and 416(A)(3)(b) and to repeal R.S. 17:223.1, relative to  
3 the discipline of students; to require an assessment of a student prior to suspension;  
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:223 and 416(A)(3)(b) are hereby amended and reenacted to read  
7 as follows:

8 §223. Discipline of ~~pupils~~ **students**; suspension from school

9 A. Every teacher is authorized to hold every ~~pupil~~ **student** to a strict  
10 accountability for any disorderly conduct in school or on the playground of the  
11 school, or on any school bus going to or returning from school, or during  
12 intermission or recess.

13 B. School principals may suspend from school ~~any pupil~~ **a student** for good  
14 cause as stated in R.S. 17:416. **Prior to suspending a student for a period of**  
15 **greater than three days, the principal shall ensure that the student is assessed**  
16 **using an instrument such as the Adverse Childhood Experiences Assessment**  
17 **developed by the Centers for Disease Control, that is designed to determine if**

1 the student has experienced trauma. The results of the assessment shall be  
 2 considered to determine whether the student's behavior may be better  
 3 addressed in a manner other than suspension.

4 C. In all cases of suspension, Principals the principal shall notify the  
 5 ~~visiting teacher or supervisor of child welfare and attendance of all suspensions. In~~  
 6 ~~all cases of suspensions,~~ in writing, the parent, the superintendent of schools, and  
 7 the visiting teacher or supervisor of child welfare and attendance ~~shall be notified in~~  
 8 ~~writing~~ of the facts concerning each suspension, including reasons therefor and terms  
 9 thereof.

10 \* \* \*

11 §416. Discipline of students; suspension; expulsion

12 A. \* \* \*

13 (3) \* \* \*

14 (b)(i) Prior to any out-of-school suspension, assignment to alternative  
 15 placement, or expulsion, the school principal or his designee shall:

16 (aa) advise Advise the student in question of the particular misconduct of  
 17 which he is accused as well as the basis for such accusation, ~~and,~~

18 (bb) Give the student ~~shall be given~~ an opportunity at that time to explain his  
 19 version of the facts to the school principal or his designee.

20 (cc) Ensure that the student is assessed using an instrument, such as the  
 21 Adverse Childhood Experiences Assessment developed by the Centers for  
 22 Disease Control, that is designed to determine if the student has experienced  
 23 trauma. The results of the assessment shall be used to determine whether the  
 24 student's behavior may be better addressed in a manner other than  
 25 out-of-school suspension, assignment to alternative placement, or expulsion.

26 (dd) ~~In each case of out-of-school suspension, assignment to alternative~~  
 27 ~~placement, or expulsion, the school principal or his designee shall contact~~ Contact,  
 28 by telephone at the telephone number shown on the student's registration card, ~~or by~~  
 29 electronic communication, or by a certified letter sent to the address shown on the

1 student's registration card, the parent or legal guardian of the student in question  
2 giving notice of the out-of-school suspension, assignment to alternative placement,  
3 or expulsion, the reasons therefor, and establishing a date and time for a conference  
4 with the principal or his designee as a requirement for readmitting the student. In the  
5 case of expulsion, the contact with the parent or guardian shall include a certified  
6 letter. If the parent or legal guardian fails to attend the required conference within  
7 five school days of the mailing of the certified letter or other contact with the parent,  
8 the truancy laws shall become effective. On ~~not more than one~~ the first occasion  
9 each school year when the parent or legal guardian refuses to respond, the principal  
10 may determine whether readmitting the student is in the best interest of the student.  
11 On any subsequent occasions in the same school year, the student shall not be  
12 readmitted unless the parent, legal guardian, court, or other appointed representative  
13 responds.

14 (ii) A student whose presence in or about a school poses a continued danger  
15 to any person or property or an ongoing threat of disruption to the academic process  
16 shall be immediately removed from the school premises without the benefit of the  
17 procedure described in ~~this~~ Item (i) of this Subparagraph; however, the necessary  
18 procedure shall ~~follow~~ be followed as soon as is practicable.

19 ~~(ii)(iii)~~(aa) If a teacher, principal, or other school employee is authorized by  
20 this Section to require the parent or legal guardian of a student to attend a conference  
21 or meeting regarding the student's behavior and, after notice, the parent or legal  
22 guardian willfully refuses to attend, the principal or his designee shall file a  
23 complaint with a court exercising juvenile jurisdiction pursuant to Children's Code  
24 Articles 730(8) and 731. The principal may file a complaint pursuant to Children's  
25 Code Article 730(1) or any other applicable ground when, in his judgment, doing so  
26 is in the best interests of the student.

27 (bb) The principal, assistant principal, or child attendance and welfare  
28 supervisor or his assistant of any school, public or nonpublic, shall be a  
29 representative of an agency having the responsibility or ability to supply services to

1 a family as that phrase is used in Children's Code Article 731(A).

2 \* \* \*

3 Section 2. R.S. 17:223.1 is hereby repealed.

4 Section 3. The Louisiana State Law Institute is hereby authorized and directed to  
5 redesignate R.S. 17:223 and 224, as designated prior to the enactment of this Act, as R.S.  
6 17:416.1.1 and 416.1.2, and is further directed to redesignate any other section of law or  
7 internal citations consistent with the provisions of this Act.

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

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The original instrument was prepared by LG Sullivan. The following digest,  
which does not constitute a part of the legislative instrument, was prepared  
by Ann S. Brown.

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#### DIGEST

SB 256 Reengrossed

2022 Regular Session

Barrow

Present law provides generally for the discipline of students, including suspension.

Proposed law requires the principal, prior to suspending a student, for a period of greater than three days, to ensure that the student is assessed using an instrument, such as the Adverse Childhood Experiences Assessment developed by the Centers for Disease Control, that is designed to determine if the student has experienced trauma. Further requires the results of the assessment to be considered in determining whether the student's behavior may be better addressed in a manner other than through suspension.

Proposed law repeals outdated law regarding in-school suspension pilot projects.

Proposed law authorizes and directs the Louisiana State Law Institute to redesignate R.S. 17:223 and 224, as designated prior to the enactment of proposed law, as R.S. 17:416.1.1 and 416.1.2, and to predesignate any other section of law or internal citations consistent with the provisions of proposed law.

(Amends R.S. 17:223 and 416(A)(3)(b); repeals R.S. 17:223.1)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Changes to apply only to suspensions greater than 3 days.
2. Changes how the information from the assessment is utilized in the

disciplinary actions.

Senate Floor Amendments to engrossed bill

1. Makes technical corrections.