

2024 Regular Session

SENATE BILL NO. 358

BY SENATOR MIZELL

STUDENTS. Provides relative to mandatory expulsion. (8/1/24)

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AN ACT

To amend and reenact R.S. 17:416(C)(2)(a),(b),(c), and (d)(1), relative to mandatory expulsion; to provide with respect to grounds for expulsions for students in grades six through twelve; to prohibit tobacco, alcohol, vaping products, certain knives, and illegal narcotics on school property, buses, and school-sponsored events; to provide for conditions for which a student may be expelled; to provide for the duties of public school superintendents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416(C)(2)(a),(b),(c), and (d)(1) are hereby amended and reenacted to read as follows:

§416. Discipline of students; suspension; expulsion

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C. * * *

(2)(a)(~~†~~) Notwithstanding the provisions of Subsection B of this Section, any student ~~sixteen years of age or older~~ **in grades six through twelve who is** found guilty of being in possession of a firearm, **a knife with a blade equal to or in excess of two and one-half inches in length, or any illegal narcotic, drug or other**

1 **controlled substance** on school property, on a school bus, or ~~in actual possession~~
2 at a school-sponsored event, pursuant to a hearing as provided for by Paragraph (1)
3 of this Subsection, shall be expelled from school for a minimum period of four
4 complete school semesters and shall be referred to the district attorney for
5 appropriate action. However, the superintendent may modify the length of such
6 minimum expulsion requirement on a case-by-case basis, provided such modification
7 is in writing.

8 ~~(ii) Notwithstanding the provisions of Subsection B of this Section, any~~
9 ~~student sixteen years of age or older found guilty of possession of, or knowledge of~~
10 ~~and intentional distribution of, or possession with intent to distribute any illegal~~
11 ~~narcotic, drug, or other controlled substance on school property, on a school bus, or~~
12 ~~at a school-sponsored event pursuant to a hearing as provided for by Paragraph (1)~~
13 ~~of this Subsection shall be expelled from school for a minimum period of four~~
14 ~~complete school semesters.~~

15 ~~(b)(i) Any student who is under sixteen years of age and in grades six through~~
16 ~~twelve and who is found guilty of being in possession of a firearm on school~~
17 ~~property, on a school bus, or in actual possession at a school-sponsored event,~~
18 ~~pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be~~
19 ~~expelled from school for a minimum period of four complete school semesters, and~~
20 ~~shall be referred to the district attorney for appropriate action. However, the~~
21 ~~superintendent of a city, parish, or other local public school system may modify the~~
22 ~~length of such minimum expulsion requirement on a case-by-case basis, provided~~
23 ~~such modification is in writing. **Notwithstanding the provisions of Subsection B**~~
24 ~~**of this Section, any student in grades six through twelve found guilty of being**~~
25 ~~**in possession of tobacco, alcohol, or vaping product on school property, on a**~~
26 ~~**school bus, or at a school-sponsored event, may be recommended for expulsion.**~~

27 ~~(ii) Any student who is under sixteen years of age and in grades six through~~
28 ~~twelve and who is found guilty of possession of, or knowledge of and intentional~~
29 ~~distribution of, or possession with intent to distribute any illegal narcotic, drug, or~~

1 ~~other controlled substance on school property, on a school bus, or at a school-~~
2 ~~sponsored event pursuant to a hearing as provided for by Paragraph (1) of this~~
3 ~~Subsection shall be expelled from school for a minimum period of two complete~~
4 ~~school semesters.~~

5 (c)(i) ~~Any case involving a student in kindergarten through grade five found~~
6 ~~guilty of being in possession of a firearm on school property, on a school bus, or in~~
7 ~~actual possession at a school-sponsored event, pursuant to a hearing as provided for~~
8 ~~by Paragraph (1) of this Subsection, shall be expelled from school for a minimum~~
9 ~~period of two complete school semesters and shall be referred to the district attorney~~
10 ~~for appropriate action. However, the superintendent may modify the length of such~~
11 ~~minimum expulsion requirement on a case-by-case basis, provided such modification~~
12 ~~is in writing. **Notwithstanding any public school state or local policies, a public**~~
13 ~~**school student in grades six through twelve who is suspended a third time within**~~
14 ~~**the same school year for any offense, excluding those related to dress codes or**~~
15 ~~**tardiness, shall be recommended for expulsion.**~~

16 (ii) ~~Any case involving a student in kindergarten through grade five found~~
17 ~~guilty of possession of, or knowledge of and intentional distribution of, or possession~~
18 ~~with intent to distribute any illegal narcotic, drug, or other controlled substance on~~
19 ~~school property, on a school bus, or at a school-sponsored event pursuant to a~~
20 ~~hearing as provided for by Paragraph (1) of this Subsection shall be referred to the~~
21 ~~city, parish, or other local public school board where the student attends school~~
22 ~~through a recommendation for action from the superintendent.~~

23 (d)(i) Any student expelled from school may be readmitted on a probationary
24 basis to school at any time during the specified period of expulsion on such terms
25 and conditions as may be stipulated by the city, parish, or other local public school
26 board **superintendent** and agreed to in writing by the student and by the student's
27 parent or other person responsible for the student's school attendance. However, any
28 such written agreement shall include a provision that upon the school principal or
29 superintendent of schools making a determination that the student has violated any

1 term or condition agreed to, the student shall be immediately removed from the
 2 school premises without the benefit of any hearing or other procedure applicable to
 3 student out-of-school suspensions and expulsions and returned to the school system's
 4 alternative school setting. As soon thereafter as possible, the principal or his
 5 designee shall provide verbal notice to the superintendent of schools of any such
 6 determination and also shall attempt to provide such verbal notice to the student's
 7 parent or other person responsible for the student's school attendance. The principal
 8 or his designee also shall provide written notice of the determination and the reasons
 9 therefor to the superintendent and to the student's parent or other responsible person.

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The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 358 Engrossed 2024 Regular Session Mizell

Present law provides for mandatory expulsion for a student who is 16-years old or older and who is in possession of a firearm.

Proposed law retains present law but removes the age restriction and changes the mandatory expulsion requirements to apply to students in grades six through 12.

Proposed law provides as grounds for mandatory expulsion the following, a blade equal to or in excess of two and one-half inches in length, or any illegal narcotic, drug or other controlled substance. Further provides that mandatory expulsion is to occur if the student has already been expelled for three other offenses that are not related to dress codes or tardiness.

Proposed law provides that any student in grades six through 12 who is found guilty of being in possession of tobacco, alcohol, or vaping product on school property, a school bus, or at a school-sponsored event may be recommended for expulsion.

Present law provides that any student expelled from school may be readmitted on a probationary basis to school at any time during the specified period of expulsion on terms and conditions as may be stipulated by the local public school board and agreed to in writing by the student and by the student's parent or guardian.

Proposed law retains present law but changes the authority to extend the stipulation for probation from the local public school board to the superintendent.

Effective August 1, 2024.

(Amends R.S. 14:416(C)(2)(a),(b),(c), and (d)(i))

Summary of Amendments Adopted by Senate

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

1. Changes the age for which a student can be expelled to grades six through 12.
2. Adds certain knives and illegal narcotics to the grounds for which a student is to be expelled.
3. Limits mandatory expulsion to those circumstances where the student has already been expelled for three other offenses.
4. Changes the authority to extend the stipulation to allow a student to reenter the school from the school board to the superintendent.