

SENATE BILL NO. 178

BY SENATOR JENKINS AND REPRESENTATIVES ADAMS, BAYHAM, BRYANT,
WILFORD CARTER, DEVILLIER, EDMONSTON, FISHER,
FREIBERG, HUGHES, JACKSON, LAFLEUR, MANDIE LANDRY,
LYONS, MENA, NEWELL, RISER, WALTERS, WILLARD AND
YOUNG

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

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(1)(b)(i) and the introductory paragraph of
3 416.8(A)(1)(a) and to enact R.S. 17:416.8(A)(1)(a)(x) and 416.18.1, relative to
4 school employees; to provide for the School Employee Bill of Rights relative to
5 disciplinary matters; to provide for membership on certain committees; to provide
6 for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:416(A)(1)(b)(i) and the introductory paragraph of 416.8(A)(1)(a)
9 are hereby amended and reenacted and R.S. 17:416.8(A)(1)(a)(x) and 416.18.1 are hereby
10 enacted to read as follows:

11 §416. Discipline of students; suspension; expulsion

12 A.(1) * * *

13 (b)(i) Each teacher **and school employee** may take disciplinary action to
14 correct a student who violates school rules or who interferes with an orderly
15 education process. No principal or administrator shall prohibit or discourage a
16 teacher **or school employee** from taking disciplinary action, recommending
17 disciplinary action, or completing a form to initiate disciplinary action against a
18 student who violates school policy or who interferes with an orderly education
19 process. No principal or administrator shall retaliate or take adverse employment
20 action against a teacher **or school employee** for taking disciplinary action against a
21 student. The provisions of this Item shall apply only if the disciplinary action that the
22 teacher **or school employee** takes is in accordance with policy adopted by the public
23 school governing authority.

24 * * *

§416.8. Discipline policy review committees; school option

A.(1)(a) Each city and parish school board shall establish a discipline policy review committee composed of ~~sixteen~~ **seventeen** members as follows:

* * *

(x) One paraprofessional to be elected by his peers.

* * *

§416.18.1. School Employee Bill of Rights

A. Respecting the authority of school employees is essential to creating a safe environment conducive to learning, effective instruction in the classroom, and proper administration of city, parish, and other local public schools. To maintain and protect that authority, it is important that school employees, administrators, parents, and students are fully informed of the various rights conferred upon school employees pursuant to this Section, which are:

(1) A school employee has the right to work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers or hazards that are causing or likely to cause serious injury in accordance with R.S. 17:416.9 and 416.16.

(2) A school employee has the right to work free from the fear of frivolous lawsuits, including the right to qualified immunity and to a legal defense, and to indemnification by the employing school board, pursuant to R.S. 17:416.4, 416.11, and 439, for actions taken in the performance of duties of the school employee's employment.

(3) A school employee has the right to hold students accountable for disorderly conduct, in accordance with R.S. 17:416 and 416.14 and any city, parish, or other local public school board regulation.

(4) A school employee has the right to have his professional judgment and discretion respected by school and district administrators in any disciplinary action taken by the school employee in accordance with school and district policy and with R.S. 17:416(A)(1)(a) and (b).

(5) A school employee shall have the right to be involved in decisions

1 regarding student behavior management in accordance with R.S. 17:416.8.

2 (6) A school employee shall have the right to additional compensation in
3 accordance with R.S. 17:418 and 419.2, and any compensation provided by any
4 city, parish, or other local public school board regulation.

5 (7) A school employee shall not have his wages reduced for any school
6 year below the amount paid to the school employee in hourly wage or annual
7 salary during the previous school year, nor shall the amount of the hourly wage
8 or annual salary paid to any school employee be reduced at any time during an
9 academic year in accordance with R.S. 17:422.6.

10 (8) A school employee serving as a substitute teacher shall have the right
11 to additional compensation as provided in R.S. 17:419.3.

12 (9) A school employee has the right to be treated with civility and respect
13 as provided in R.S. 17:416.12.

14 (10) A school employee shall have the right to perform noncomplex
15 medical procedures only if all the requirements in R.S. 17:436 have been met
16 and documented.

17 (11) A school employee shall have the right to administer medication
18 only if all the requirements in R.S. 17:436.1 have been met and documented.

19 (12) A school employee required by law or regulation to be trained for
20 a specific job requirement shall be required to perform those specific duties
21 only if they have received the mandated training and the training has been
22 documented as required by law or regulation.

23 (13) A school employee shall have the right to professional development
24 and career advancement and should be supported in advancing their careers,
25 pursuant to R.S. 17:7.4, 7.7, and 7.8.

26 (14) A school employee has the right to complete only paperwork that is
27 not excessively burdensome and that, if required by law or regulation, adheres
28 to the law or regulation and does not result in overly cumbersome
29 interpretations of that law or regulation.

30 B. No city, parish, or other local public school board shall establish

1 policies that prevent school employees from exercising the rights provided in
2 this Section or in any other provision included in R.S. 17:416 and 416.14. No
3 principal or administrator shall retaliate or take adverse employment action
4 against a school employee for exercising the rights provided in this Section.
5 However, the provisions of this Section do not authorize a school employee to
6 violate the provisions of any discipline policy adopted by the public school
7 governing authority.

8 C. The provisions of this Section shall not be construed to supersede any
9 other state law, State Board of Elementary and Secondary Education policy, or
10 city, parish, or other local public school board policy enacted or adopted
11 relative to the discipline of students.

12 D. Each city, parish, or other local public school board shall provide a
13 copy of this Section to all school employees at the beginning of each school year
14 in a form or manner approved by the school board. Each school board also shall
15 post a copy of the rights provided in this Section in a prominent place in every
16 school and administrative building it operates and provide a copy to parents or
17 legal guardians of all children attending schools in a form and manner
18 approved by the school board. Each city, parish, or other local public school
19 board and every school under its jurisdiction that maintains an internet website
20 shall post on the website a copy of the School Employee Bill of Rights required
21 by this Section.

22 E. This Section shall not be construed to require a public school
23 governing authority to spend its funds to purchase displays. In order to fund the
24 displays free of charge, the school public governing authority shall do either of
25 the following:

26 (1) Accept donated funds to purchase the displays.

27 (2) Accept donated displays.

28 F. The State Board of Elementary and Secondary Education shall adopt
29 rules and regulations in accordance with the Administrative Procedure Act to
30 ensure the proper implementation of this Section.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____