

# ACT No. 539

HOUSE BILL NO. 283

BY REPRESENTATIVES NEWELL, BOYD, BRYANT, FREEMAN, GREEN, DANA HENRY, LAFLEUR, TERRY LANDRY, LARVADAIN, MARCELLE, MARTINEZ, MILLER, MURRAY, OWEN, PHELPS, AND TAYLOR

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AN ACT

To amend and reenact R.S. 17:416(A)(1)(b)(i), and (c)(vii)(aa) and (cc) and to enact R.S. 17:15(A)(1)(b)(iii), 47(C)(1)(a)(iv), 416(A)(1)(c)(vii)(ee), 500.1(C)(3), 1201(C)(3), and 1206.1(A)(3), relative to the assault and battery of students and school employees; to provide for the sick leave of such employees; to provide for the applicability of student disciplinary provisions; to provide for student disciplinary procedures; to provide relative to student records; to provide for definitions; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known and may be cited as the "Teacher's Shield Act".

Section 2. R.S. 17:15(A)(1)(b)(iii) is hereby enacted to read as follows:

§15. Criminal history review

A.(1)

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(b)

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(iii) Negligent hiring statutes or rules shall not apply to a dispute, litigation, or any allegations when a city, parish, or other local public school board or a nonpublic school or school system has hired a person as an administrator, teacher, substitute teacher, athletic director, coach, or assistant coach, if the person has a valid teaching certificate or authorization provided by the State Board of Elementary and Secondary Education.

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Section 3. R.S. 17:416(A)(1)(b)(i) and (c)(vii)(aa) and (cc) are hereby amended and reenacted and R.S. 17:47(C)(1)(a)(iv), 416(A)(1)(c)(vii)(ee), 500.1(C)(3), 1201(C)(3), and 1206.1(A)(3) are hereby enacted to read as follows:

§47. Sick and personal leave

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C.(1)(a)

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(iv) Such sick leave may be used for purposes that include but are not limited to medical treatment, psychological treatment, and physical rehabilitation.

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§416. Discipline of students; suspension; expulsion

A.(1)

\* \* \*

(b)(i) Each teacher and school employee may take disciplinary action to correct a student who violates school rules or who interferes with an orderly education process. No principal or administrator shall prohibit or discourage a teacher or school employee from taking disciplinary action, recommending disciplinary action, or completing a form to initiate disciplinary action against a student who violates school policy or who interferes with an orderly education process. No principal or administrator shall retaliate or take adverse employment action against a teacher or school employee for taking disciplinary action against a student. Each school shall annually provide written notice at the beginning of each



1 guilty at a school system suspension hearing of committing a battery or assault, or  
 2 both, on any school employee, ~~or both~~, shall be assigned to attend or shall attend the  
 3 school to which the school employee battered or assaulted by the student is assigned.  
 4 The principal or his designee shall immediately recommend the student's expulsion,  
 5 which shall be subject to the provisions of Subsection C of this Section except as  
 6 provided in this Subitem. Any such expulsion shall be no less than two complete  
 7 school semesters in duration, during which time the superintendent shall place the  
 8 student in an alternative school or in an alternative educational placement as  
 9 provided in Subparagraph (2)(c) of this Subsection and the student shall participate  
 10 in an anger management program. A student expelled as provided in this Subitem  
 11 shall not, under any circumstances, be assigned to or allowed to attend the school to  
 12 which the student or school employee battered or assaulted by the student is  
 13 assigned. However, except as otherwise provided in this Subitem, discipline of a  
 14 student with exceptionalities shall not conflict with Paragraphs (5) and (6) of this  
 15 Subsection, R.S. 17:1941 et seq., and 20 U.S.C. 1415(k).

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17 (ee) All documentation relative to the provisions of this Item shall be  
 18 included and maintained in the student's records.

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20 §500.1. School bus operators; sick leave

\* \* \*

22 C.

\* \* \*

24 (3) Such sick leave may be used for purposes that include but are not limited  
 25 to medical treatment, psychological treatment, and physical rehabilitation.

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27 §1201. Amount of sick leave; reimbursement; injury on the job

\* \* \*

29 C.

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