

2020 Regular Session

HOUSE BILL NO. 663

BY REPRESENTATIVE HUGHES

STUDENT/DISCIPLINE: Provides relative to student discipline

1 AN ACT

2 To amend and reenact R.S. 17:416 and 3996(B)(40), relative to student discipline; to provide
3 for a comprehensive revision of student discipline laws; to provide for definitions;
4 to provide for applicability; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:416 and 3996(B)(40) are hereby amended and reenacted to read
7 as follows:

8 §416. Discipline of students; suspension; expulsion

9 A.(1)(a) All public schools shall endeavor to address student behavior with
10 a focus on evidence-based interventions and supports. Schools shall endeavor to
11 prioritize classroom- and school-based interventions in lieu of out-of-school
12 disciplinary removals to address student misconduct in order to minimize the amount
13 of time students are deprived of academic instructional time. Every teacher and
14 other school employee shall endeavor to hold every student ~~to a strict accountability~~
15 ~~for any disorderly conduct in~~ accountable for his behavior on the campus of the
16 school or on the playgrounds of the school, on the street or road while going to or
17 returning from school, on any school bus, during intermission or recess, or at any
18 school-sponsored activity or function. Nothing in this Subparagraph shall prohibit
19 a public school governing authority or its employees from disciplining a student in
20 accordance with the provisions of this Section.

1 (b)(i) Each teacher may take disciplinary action to correct a student ~~who~~
2 ~~disrupts normal classroom activities, who is disrespectful to a teacher, who willfully~~
3 ~~disobeys a teacher, who uses abusive or foul language directed at a teacher or~~
4 ~~another student, who engages in bullying,~~ who violates school rules; or who
5 interferes with an orderly education process.

6 (ii) In addition to those procedures set forth in R.S. 17:416.13 regarding
7 bullying, disciplinary action by a teacher may include but is not limited to:

8 (aa) Oral or written reprimands.

9 (bb) Referral for a counseling session which shall include but shall not be
10 limited to conflict resolution, social responsibility, family responsibility, peer
11 mediation, and stress management.

12 (cc) Written notification to parents of disruptive or unacceptable behavior,
13 a copy of which shall be provided to the principal.

14 (dd) Other disciplinary measures approved by the principal and faculty of the
15 school and in compliance with school board policy.

16 (c)(i) When a student's behavior prevents the orderly instruction of other
17 students or poses an immediate threat to the safety or physical well being of any
18 student or teacher, ~~when a student exhibits disrespectful behavior toward the teacher~~
19 ~~such as using foul or abusive language or gestures directed at or threatening a student~~
20 ~~or a teacher, or~~ or when a student violates the school's code of conduct, ~~or when a~~
21 ~~student exhibits other disruptive, dangerous, or unruly behavior, including~~
22 ~~inappropriate physical contact, inappropriate verbal conduct, sexual or other~~
23 ~~harassment, bullying, throwing objects, inciting other students to misbehave, or~~
24 ~~destroying property,~~ the teacher may have the student immediately removed from his
25 classroom and placed in the custody of the principal or his designee. ~~A student~~
26 ~~removed from the classroom pursuant to this Subparagraph shall be assigned school~~
27 ~~work missed and shall receive either partial or full credit for such work if it is~~
28 ~~completed satisfactorily and timely as determined by the principal or his designee,~~

1 ~~upon the recommendation of the student's teacher; however, the teacher shall not be~~
2 ~~required to interrupt class instruction time to prepare any such assignment.~~

3 (ii)(aa) Upon being sent to the principal's office pursuant to the provisions
4 of this Subparagraph, the principal or his designee shall advise the ~~pupil~~ student of
5 the particular misconduct of which he is accused as well as the basis for such
6 accusation, and the ~~pupil~~ student shall be given an opportunity at that time to explain
7 his version of the facts. The principal or his designee then shall conduct a counseling
8 session with the ~~pupil~~ student as may be appropriate to establish a course of action,
9 consistent with school board policy to identify and correct the behavior for which the
10 ~~pupil~~ student is being disciplined.

11 (bb) The principal or his designee shall provide oral or written notification
12 to the parent or legal guardian of any ~~pupil~~ student removed from the classroom
13 pursuant to the provisions of this Subparagraph. Such notification shall include a
14 description of any disciplinary action taken.

15 (cc) The principal or his designee may provide oral or written feedback to
16 teachers initiating the removal of ~~pupils~~ students from the classroom. The principal
17 or his designee may provide to such teachers guidance and support on practicing
18 effective classroom management including but not limited to positive behavior
19 supports.

20 (dd) The principal or designee shall follow all procedures set forth in R.S.
21 17:416.13 regarding bullying.

22 (iii) A ~~pupil~~ student in kindergarten through grade ~~six~~ five removed from a
23 class pursuant to this Subparagraph shall not be permitted to return to the class for
24 at least thirty minutes unless agreed to by the teacher initiating the disciplinary
25 action. A ~~pupil~~ student in grades ~~seven~~ six through twelve removed from a class
26 pursuant to this Subparagraph shall not be permitted to return to the class during the
27 same class period unless agreed to by the teacher initiating the disciplinary action.
28 Additionally, the ~~pupil~~ student shall not be readmitted to the class until the principal
29 has implemented at least one of the following disciplinary measures:

- 1 (aa) Conferencing with the principal or his designee.
- 2 (bb) Referral to counseling.
- 3 (cc) Peer mediation.
- 4 (dd) Referral to the school building level committee.
- 5 (ee) Restorative justice practices.
- 6 (ff) Loss of privileges.
- 7 (gg) Detention.
- 8 ~~(aa)~~ (hh) In-school suspension.
- 9 ~~(bb)~~ Detention.
- 10 ~~(cc)~~ Suspension. (ii) Out-of school suspension.
- 11 ~~(dd)~~ (jj) Initiation of expulsion hearings.
- 12 ~~(ee)~~ (kk) Assignment to an alternative school.
- 13 ~~(ff)~~ (ll) Requiring the completion of all assigned school and homework
- 14 which would have been assigned and completed by the student during the period of
- 15 out-of-school suspension.
- 16 ~~(gg)~~ (mm) Any other disciplinary measure authorized by the principal with
- 17 the concurrence of the teacher or the school building level committee pursuant to law
- 18 and board policy.
- 19 (iv) When a pupil student is removed from a classroom pursuant to this
- 20 Subparagraph, the teacher or the principal or his designee may require that the
- 21 parent, ~~tutor~~, or legal guardian of the pupil student have a conference with the
- 22 teacher or the principal or his designee ~~in the presence of the principal or his~~
- 23 ~~designee before the pupil is readmitted.~~ Such conference may be in person or by
- 24 telephone or other virtual means.
- 25 (v) Upon the third removal from the same classroom pursuant to this
- 26 Subparagraph, the teacher and the principal shall discuss the disruptive behavior
- 27 patterns of the pupil student and the potentially appropriate disciplinary measure
- 28 before the principal implements a disciplinary measure. ~~If appropriate, a referral of~~
- 29 ~~the matter may be made to an appropriate building level committee.~~ In addition, a

1 conference between the teacher or other appropriate school employee and the ~~pupil's~~
2 student's parent, ~~tutor~~, or legal guardian ~~shall~~ may be required prior to the ~~pupil~~
3 student being readmitted to that same classroom. Such conference may be in person
4 or by telephone or other virtual means. If such conference is required by the school,
5 the school shall give written notice to the parent.

6 (vi)(aa) For students who experience multiple behavioral incidents or
7 disciplinary referrals, principals or their designees may consider a referral of the
8 matter to an appropriate school building level committee. If disruptive behavior
9 persists, the teacher may request that the principal transfer the ~~pupil~~ student into
10 another setting.

11 (bb) Each city, parish, or other local public school board may adopt a policy
12 that requires the parent or legal guardian of a ~~pupil~~ student removed from the
13 classroom pursuant to this Subparagraph to attend after school or Saturday
14 intervention sessions with the ~~pupil~~ student. Such a policy, if adopted, shall be
15 enumerated in the code of conduct and shall include accommodations for parents and
16 legal guardians who can demonstrate a documented inability to attend due to work,
17 disability, or other health matters pertaining to the parent or legal guardian or a
18 family member under his care. The school board may refer a parent who fails to
19 attend such session to the court of competent jurisdiction in accordance with Chapter
20 2 of Title VII of the Louisiana Children's Code. Each time a parent is referred to the
21 court of competent jurisdiction, the court may impose a fine of not less than twenty-
22 five dollars and not more than two hundred fifty dollars, forty hours of court-
23 approved school or community service activities, or a combination of forty hours of
24 court-approved school or community service and attendance at a court-approved
25 family counseling program by both a parent or legal guardian and the ~~pupil~~ student,
26 and may suspend any recreational license issued by the Department of Wildlife and
27 Fisheries.

28 (vii)(aa) Notwithstanding any provision of law to the contrary, whenever a
29 ~~pupil~~ student is formally accused of violating the provisions of R.S. 14:34.3 or

1 school disciplinary rules, or both, by committing a battery on any school employee,
 2 the principal shall suspend the student immediately and the student shall be removed
 3 immediately from the school premises without the benefit of the out-of-school
 4 suspension procedures; however, the necessary notifications and other procedures
 5 shall follow as soon as is practicable. ~~or is~~ When a student is formally accused of
 6 violating the provisions of R.S. 14:38.2 or school disciplinary rules, or both, by
 7 committing an assault on any school employee, the principal shall suspend the ~~pupil~~
 8 student from school immediately and the ~~pupil student~~ shall be removed immediately
 9 from the school premises without the benefit of the out-of-school suspension
 10 procedures provided by this Section; however, the necessary notifications and other
 11 procedures shall follow as soon as is practicable.

12 (bb) No ~~pupil student~~ suspended in accordance with the provisions of this
 13 Item shall be considered for readmission to the school to which the school employee,
 14 allegedly assaulted or battered, or both, by the ~~pupil student~~, is assigned until all
 15 hearings and appeals associated with the alleged violation have been exhausted.

16 (cc) Except when the school system has no other school of suitable grade
 17 level for the ~~pupil student~~ to attend, no ~~pupil student~~ found guilty by a court of
 18 competent jurisdiction of violating the provisions of R.S. 14:34.3 or 38.2, or both,
 19 or found guilty at ~~a school system~~ an out-of-school suspension hearing of committing
 20 a battery or assault on any school employee, or both, shall be assigned to attend or
 21 shall attend the school to which the school employee battered or assaulted by the
 22 ~~pupil student~~ student is assigned.

23 (dd) Notwithstanding any provision of R.S. 17:158 to the contrary, a school
 24 system shall not be required to provide transportation to any ~~pupil student~~ reassigned
 25 to attend a school pursuant to the provisions of this Item if providing such
 26 transportation for the ~~pupil student~~ student will result in additional transportation costs to the
 27 school system.

28 (2) As used in this Section:

1 (a)(i) "In-school suspension" means removing a ~~pupil~~ student from his
2 normal classroom setting but maintaining him under supervision within the school.
3 ~~Pupils~~ Students participating in in-school suspension ~~may~~ shall receive credit for
4 work performed during the in-school suspension. However, any ~~pupil~~ student who
5 fails to comply fully with the rules for in-school suspension ~~shall~~ may be subject to
6 immediate suspension.

7 (ii) Each city, ~~and parish,~~ or other local public school board shall adopt rules
8 regarding the implementation of in-school suspension ~~by no later than January 1,~~
9 ~~1995.~~

10 (b)(i) "Detention" means activities, assignments, or work held before the
11 normal school day, after the normal school day, or on weekends.

12 (ii) Failure or refusal by a ~~pupil~~ student to participate in assigned detention
13 ~~shall~~ may subject the ~~pupil~~ student to immediate out-of-school suspension.

14 (iii) Assignments, activities, or work which may be assigned during
15 detention include but are not limited to counseling, homework assignments, behavior
16 modification programs, or other activities aimed at improving the ~~self-esteem~~
17 behavior and conduct of the ~~pupil~~ student.

18 (iv) Each city, ~~and parish,~~ or other local public school board shall adopt rules
19 regarding the implementation of detention ~~by no later than January 1, 1995.~~

20 (c) Unless otherwise defined as a permanent expulsion and except as
21 otherwise provided by Subsections B and C of this Section, "expulsion" shall be
22 defined as a removal from all regular school settings for a period of not less than one
23 school semester. During an expulsion the superintendent shall place the ~~pupil~~
24 student in an alternative school or in an alternative educational placement.

25 (d) "Bullying" is defined in R.S. 17:416.13.

26 (e) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun,
27 submachine gun, black powder weapon, or assault rifle that is designed to fire or is
28 capable of firing fixed cartridge ammunition or from which a shot or projectile is
29 discharged by an explosive.

1 (f) "Out-of-school suspension" means the removal of a student from all
2 classes of instruction on public school grounds and all other school-sponsored
3 activities.

4 (3)(a) A school principal may suspend from school or suspend from riding
5 on any school bus any student who:

6 (i) Is guilty of willful disobedience.

7 (ii) Treats a teacher, principal, superintendent, member, or employee of the
8 local ~~school board~~ education agency with intentional disrespect.

9 (iii) Makes against any one of them an unfounded charge.

10 (iv) Uses unchaste or profane language.

11 (v) Is guilty of immoral or vicious practices, or of conduct or habits injurious
12 to his associates.

13 (vi) Uses tobacco or who possesses alcoholic beverages or any controlled
14 dangerous substance governed by the Uniform Controlled Dangerous Substances
15 Law, in any form, in school buildings, on school grounds, or on school buses owned
16 by, contracted to, or jointly owned by any city, ~~or parish,~~ or other local public school
17 board.

18 (vii) Disturbs the school and habitually violates any rule.

19 (viii) Cuts, defaces, or injures any part of public school buildings, any
20 property belonging to the buildings, or any school buses owned by, contracted to, or
21 jointly owned by any city, ~~or parish,~~ or other local public school board.

22 (ix) Writes any profane or obscene language or draws obscene pictures in or
23 on any school material or on any public school premises, or on any fence, pole,
24 sidewalk, or building on the way to or from school, or on any school bus, including
25 those owned by, contracted to, or jointly owned by any city, ~~or parish,~~ or other local
26 public school board.

27 (x) Is found carrying firearms, knives, or other implements which can be
28 used as weapons, the careless use of which might inflict harm or injury.

1 (xi) Throws missiles liable to injure other persons on the school grounds or
2 while on any school bus, including those owned by, contracted to, or jointly owned
3 by any city, ~~or parish,~~ or other local public school board.

4 (xii) Instigates or participates in fights while under school supervision.

5 (xiii) Violates traffic and safety regulations.

6 (xiv) Leaves the school premises without permission.

7 (xv) Leaves his classroom during class hours or detention without
8 permission.

9 (xvi) Is habitually tardy or absent.

10 (xvii) Has engaged in bullying.

11 (xviii) Commits any other serious offense.

12 (b)(i) Prior to any out-of-school suspension, assignment to alternative
13 placement, or expulsion, the school principal, or his designee, shall advise the ~~pupil~~
14 student in question of the particular misconduct of which he is accused as well as the
15 basis for such accusation, and the ~~pupil~~ student shall be given an opportunity at that
16 time to explain his version of the facts to the school principal or his designee. In
17 each case of out-of-school suspension or expulsion the school principal, or his
18 designee, shall contact by telephone at the telephone number shown on the ~~pupil's~~
19 student's registration card or send an electronic communication or a certified letter
20 at the address shown on the ~~pupil's~~ student's registration card to the parent, ~~tutor,~~ or
21 legal guardian of the ~~pupil~~ student in question giving notice of the out-of-school
22 suspension or expulsion, the reasons therefor and establishing a date and time for a
23 conference with the principal or his designee as a requirement for readmitting the
24 ~~pupil~~ student provided that in the case of expulsion, the contact with the parent or
25 guardian shall include a certified letter. If the parent, ~~tutor,~~ or legal guardian fails
26 to attend the required conference within five school days of mailing the certified
27 letter or other contact with the parent, the truancy laws shall become effective. On
28 not more than one occasion each school year when the parent, ~~tutor,~~ or legal guardian
29 refuses to respond, the principal may determine whether readmitting the ~~pupil~~

1 student is in the best interest of the student. On any subsequent occasions in the
2 same year, the ~~pupil~~ student shall not be readmitted unless the parent, ~~tutor~~, legal
3 guardian, court, or other appointed representative responds. A ~~pupil~~ student whose
4 presence in or about a school poses a continued danger to any person or property or
5 an ongoing threat of disruption to the academic process shall be immediately
6 removed from the school premises without the benefit of the procedure described
7 hereinabove; however, the necessary procedure shall follow as soon as is practicable.

8 (ii)(aa) In any case where a teacher, principal, or other school employee is
9 authorized in this Section to require the parent ~~tutor~~, or legal guardian of a ~~pupil~~
10 student ~~who is under the age of eighteen and not judicially emancipated or~~
11 ~~emancipated by marriage~~ to attend a conference or meeting regarding the ~~pupil's~~
12 student's behavior and, after notice, the parent, ~~tutor~~, or legal guardian willfully
13 refuses to attend, the principal or his designee, shall file a complaint with a court
14 exercising juvenile jurisdiction, pursuant to Children's Code Article 730(8) and 731.
15 The principal may file a complaint pursuant to Children's Code Article 730(1) or any
16 other applicable ground when, in his judgment, doing so is in the best interests of the
17 ~~pupil~~ student.

18 (bb) The principal, assistant principal, or child attendance and welfare
19 supervisor or his assistant of any school, public or nonpublic, shall be a
20 representative of an agency having the responsibility or ability to supply services to
21 a family as that phrase is used in Children's Code Article 731(A).

22 (c) Any parent, ~~tutor~~ or legal guardian of a ~~pupil~~ student suspended shall
23 have the right to appeal to the ~~city or parish~~ local superintendent of schools or his
24 designee, who shall conduct a hearing on the merits. The decision of the
25 superintendent of schools on the merits of the case, as well as the term of the out-of-
26 school suspension, shall be final, reserving to the superintendent of schools the right
27 to remit any portion of the time of the out-of-school suspension.

28 (d) A ~~pupil~~ student suspended for damages to any property belonging to the
29 school system or to property contracted to the school system or any property on

1 school grounds owned by a school employee or student shall not be readmitted until
 2 payment in full has been made for such damage, an alternative restitution
 3 arrangement has been executed, an alternative payment plan has been arranged, or
 4 until directed by the superintendent of schools. If the property damaged is a school
 5 bus owned by, contracted to, or jointly owned by any ~~parish or city,~~ parish, or other
 6 local public school board, a ~~pupil~~ student suspended for such damage shall not be
 7 permitted to enter or ride any school bus until payment in full has been made for
 8 such damage, an alternative restitution arrangement has been executed, an alternative
 9 payment plan has been arranged, or until directed by the superintendent of schools.

10 (e) A ~~pupil~~ student who is suspended for ten days or fewer shall be assigned
 11 school work missed while he is suspended and ~~shall~~ may receive either ~~partial or full~~
 12 the same credit originally available for such work if it is completed satisfactorily and
 13 timely as determined by the principal or his designee, upon the recommendation of
 14 the ~~pupil's~~ student's teacher. A ~~pupil~~ student who is suspended for more than ten
 15 days, or is expelled and receives educational services at an alternative school site,
 16 shall be assigned work by a certified teacher and shall receive credit for school work
 17 if it is completed satisfactorily and timely as determined by the teacher. Such work
 18 shall be aligned with the curriculum used at the school from which the ~~pupil~~ student
 19 was suspended or expelled.

20 (f) When a ~~pupil~~ student is suspended for a second time within one school
 21 year, the principal may require that a counseling session be held with the parent and
 22 ~~pupil~~ student by the school counselor if a counselor is assigned or available to that
 23 school. In the event there is no school counselor ~~available,~~ assigned to that school,
 24 the principal may require a conference between the parent, ~~pupil~~ student, and all the
 25 ~~pupil's~~ student's teachers and the principal or other administrator.

26 (4) In carrying out the provisions of this Section, school employees and
 27 administrators shall account for and abide by any relevant provisions contained in
 28 the Individualized Education Program, Behavior Intervention Plan, or Section 504
 29 Plan, as well as the general requirements of the federal Individuals with Disabilities

1 Education Act. The governing authority of each public elementary and secondary
2 school shall adopt such rules and regulations as it deems necessary to implement the
3 provisions of this Subsection and of R.S. 17:416.13. Such rules and regulations shall
4 include but not be limited to the following provisions:

5 (a) A procedure permitting any teacher or other school employee to report
6 any violation of the provisions of this Subsection to the appropriate school principal.
7 The procedure shall provide for the uniform use throughout the school system of two
8 forms to report incidents of alleged discipline violations. One form shall be used to
9 report only school transportation-related incidents and one form shall be used to
10 report all other incidents.

11 (i) The form for reporting a transportation-related incident shall provide for
12 the following information:

13 (aa) Bus number and name of operator.

14 (bb) ~~Pupil~~ Student name and grade level.

15 (cc) School name and name of the principal.

16 (dd) Date of the incident and whether it occurred on the way to or on the way
17 from the school or school function.

18 (ee) A menu of check-off items to indicate the nature of the incident,
19 including fighting or bullying at the bus stop, fighting or bullying on the bus,
20 smoking on the bus, leaving the bus without permission, boarding the bus at the
21 incorrect stop, showing disrespect toward the operator, committing an immoral or
22 vicious act, throwing objects within the bus or out of bus windows or doors, refusing
23 to occupy an assigned seat, using profane language, showing willful disobedience,
24 defacing the bus, carrying objects or implements which can be used as weapons, or
25 committing some other undesignated violation.

26 (ff) Space to provide specific remarks and comments concerning the incident
27 and alleged discipline violation.

28 (gg) Space to indicate a ~~pupil's~~ student's prior history of discipline violations
29 related to school transportation incidents.

1 (hh) A statement to be signed and dated by the bus operator or other school
2 employee, if applicable, that the named ~~pupil~~ student is causing a discipline problem,
3 that disciplinary action against the ~~pupil~~ student is recommended, and that the
4 signatory desires to be informed of action taken on the incident report or the reasons
5 for not taking action.

6 (ii) A space to report action taken on the incident report, including a menu
7 of check off items to indicate that a parent or other person responsible for the ~~pupil's~~
8 student's school attendance has been contacted, that a conference has been conducted
9 with the ~~pupil's~~ student's parent or other responsible person, that the ~~pupil~~ student has
10 been reprimanded, that the ~~pupil~~ student has been suspended from receiving school
11 transportation services and for what period of time, that the ~~pupil~~ student has been
12 suspended from school and for what period of time, or that some other action has
13 been taken and an explanation of such action. The report on action taken shall be
14 dated and signed by the school principal.

15 (jj) Space for comments and remarks by the ~~pupil~~ student or a ~~pupil's~~
16 student's parent or other responsible person concerning the incident and action taken.

17 (kk) A menu of check off items to indicate that copies of the completed
18 document have been supplied to the ~~pupil's~~ student's parent or other responsible
19 person, the school's ~~pupil~~ student file, the school employee filing the incident report,
20 the supervisor of transportation services for the school system, and the principal.

21 (ll) Such other information as may be determined by the city, ~~or~~ parish, ~~or~~
22 other local public school board.

23 (ii) The form for reporting a nontransportation-related incident shall provide
24 for the following information:

25 (aa) School name.

26 (bb) Name and telephone number of the ~~pupil~~ student.

27 (cc) Indication of whether the ~~pupil~~ student is in regular or special education
28 and the ~~pupil's~~ student's homeroom number.

29 (dd) Time and location of the incident.

1 (ee) Space to provide specific remarks and comments concerning the
2 incident and alleged discipline violation.

3 (ff) A menu of check off items indicating action taken by the teacher,
4 including having a conference with the ~~pupil student~~, assigning remedial work,
5 referring the ~~pupil student~~ to a counselor, referring the ~~pupil student~~ to a social
6 worker or certified school psychologist, placing the ~~pupil student~~ in detention, or
7 taking other action with an explanation of such other action.

8 (gg) A menu of check off items indicating the type and date of contact with
9 the ~~pupil's student's~~ parent or other person responsible for the ~~pupil's student's~~ school
10 attendance, including by phone, by letter, by school conference, or by behavior
11 reports.

12 (hh) A space for recommendations from the teacher or other school
13 employee initiating the incident report.

14 (ii) A statement to be signed and dated by the teacher or other school
15 employee initiating the incident report that the named ~~pupil student~~ is causing a
16 discipline problem, that disciplinary action against the ~~pupil student~~ is
17 recommended, and that the signatory desires to be informed of action taken on the
18 incident report or the reasons for not taking action.

19 (jj) A space to report action taken on the incident report, including a menu
20 of check off items to indicate contact with the ~~pupil's student's~~ parent or other
21 responsible person, conduct of a conference with the ~~pupil student~~ and the ~~pupil's~~
22 student's parent or other responsible person and a summary of conference
23 proceedings, referral to a counselor, issuance of a reprimand, placement on
24 detention, placement on probation, suspension, or that some other action has been
25 taken and an explanation of such action. The report on action taken shall be dated
26 and signed by the school principal.

27 (kk) Space for comments and remarks by the ~~pupil student~~ or a ~~pupil's~~
28 student's parent or other responsible person concerning the incident and action taken.

1 (ll) A menu of check off items to indicate that copies of the completed
2 document have been supplied to the ~~pupil's~~ student's parent or other responsible
3 person, the school's ~~pupil~~ student file, the teacher or other school employee filing the
4 incident report, and the principal.

5 (mm) Such other information as may be determined by the city, ~~or~~ parish,
6 or other local public school board.

7 (iii) The State Board of Elementary and Secondary Education shall develop
8 the forms necessary to implement the provisions of this Subparagraph and such
9 forms shall be used by each city, ~~and~~ parish, or other local public school board.

10 (b) Procedures implementing the provisions of R.S. 17:416.13 regarding
11 bullying.

12 (c) A procedure requiring that, within a reasonable period of time, a principal
13 shall review any such report and then act upon it as provided by this Section, or R.S.
14 17:416.13, or explain the reasons for failing to act to the local superintendent of
15 schools or his designee and to the teacher, other school employee, student, parent,
16 or legal guardian reporting the violation.

17 (5) The provisions of this Subsection shall not be construed to conflict with
18 any federal or state rules or regulations or other guidelines, including but not limited
19 to those affecting special education students with exceptionalities as defined in R.S.
20 17:1943 et seq.

21 B.(1)(a) Any student after being suspended for committing any of the
22 offenses enumerated in this Section may be expelled, upon recommendation by the
23 principal of the public school in which said student is enrolled, which recommended
24 expulsion shall be subject to the provisions of Subsection C.

25 (b)(i) Notwithstanding the provisions of Subsection A of this Section, the
26 principal or his designee shall immediately suspend a student who is found carrying
27 or possessing a firearm or another dangerous instrumentality other than a knife, or
28 who possesses, distributes, sells, gives, or loans any controlled dangerous substance
29 governed by the Uniform Controlled Dangerous Substances Law, in any form. ~~He~~

1 The principal or his designee shall immediately recommend the student's expulsion
2 in accordance with Subsection C of this Section.

3 (ii)(aa) Except as provided in Item (c)(i) of this Paragraph, no student shall
4 be permitted to carry or possess a knife of any blade length.

5 (bb) A student who is found carrying or possessing a knife with a blade less
6 than two-and-one-half inches in length may be suspended by the school principal as
7 provided in Paragraph (A)(3) of this Section; however, in appropriate cases such
8 student, at a minimum, shall be placed in in-school suspension.

9 (cc) The principal shall immediately suspend a student who is found carrying
10 or possessing a knife the blade of which equals or exceeds two-and-one-half inches
11 in length. He also shall immediately recommend the student's expulsion in
12 accordance with Subsection C of this Section, except that, in the case of a student
13 less than eleven years of age in pre-kindergarten through grade five, the principal
14 may, but shall not be required to, recommend the student's expulsion in accordance
15 with Subsection C of this Section.

16 (c) The provisions of this Section shall not apply to the following:

17 (i) A student carrying or possessing a firearm or knife for purposes of
18 involvement in a school class or course or school approved cocurricular or
19 extracurricular activity or any other activity approved by the appropriate school
20 officials.

21 (ii) A student possessing any controlled dangerous substance governed by
22 the Uniform Controlled Dangerous Substances Law that has been obtained directly
23 or pursuant to a valid prescription or order from a licensed ~~physician~~ medical
24 provider. However, such student shall carry evidence of that prescription or
25 ~~physician's~~ medical provider's order on his person at all times when in possession of
26 any controlled dangerous substance which shall be subject to verification. Evidence
27 of that prescription or medical provider's order includes possession of that controlled
28 dangerous substance in its original packaging as received from the pharmacy.

1 (2) Any ~~pupil~~ student who has been suspended on three occasions for
2 committing any of the offenses enumerated in this Subsection or Subsection C of this
3 Section during the same school year shall, upon committing the fourth such offense,
4 be expelled from all the public schools of the city, parish, or other local public school
5 system wherein he resided until the beginning of the next regular school year, and
6 the ~~pupil's~~ student's reinstatement shall be subject to the review and approval of the
7 local school board.

8 (3)(a)(i) No student who has been expelled pursuant to the provisions of this
9 Section shall be admitted to any public school in any other ~~parish or city, parish, or~~
10 other local public school system in the state except upon the review and approval of
11 the school board of the school system to which he seeks admittance.

12 (ii) No student who has been expelled from any public or nonpublic school
13 outside the state of Louisiana or any nonpublic school within Louisiana for
14 committing any of the offenses enumerated in this Section shall be admitted to any
15 public school in the state except upon the review and approval of the governing body
16 of the admitting school.

17 (b) No student who has been expelled pursuant to the provisions of
18 Paragraph (C)(2) of this Section shall be readmitted to a regular public school in the
19 city, parish, or other local public school system from which he was expelled prior to
20 the completion of the specified period of expulsion at the school system's alternative
21 education setting, unless he has complied with the provisions of Subparagraph
22 (C)(2)(d) of this Section.

23 (c) To facilitate the review and approval mandated by this Paragraph, any
24 student who has been expelled from any public or nonpublic school within or outside
25 the state of Louisiana shall provide to any public school or school system in the state
26 to which the student is seeking admission information on the dates of any expulsions
27 and the reason or reasons for which the student was expelled. Additionally, the
28 transfer of a student's records by any public school or school system in the state to
29 any other public or nonpublic school or school system shall include information on

1 the dates of any expulsions and the reason or reasons for which the student was
2 expelled.

3 (d)(i) ~~In addition to any other limitations established by this Subsection on~~
4 ~~the admission of previously expelled pupils to public elementary and secondary~~
5 ~~schools in Louisiana, no pupil~~ No student who has been expelled from any public or
6 nonpublic school within or outside the state of Louisiana for possessing on school
7 property or on a school bus a firearm, knife, or other dangerous weapon or
8 instrumentality customarily used or intended for probable use as a dangerous
9 weapon, or for possessing, possessing with intent to distribute, or distributing,
10 selling, giving, or loaning while on school property or on a school bus any controlled
11 dangerous substance governed by the Uniform Controlled Dangerous Substances
12 Law ~~shall~~ may be admitted to any public elementary or secondary school in the state,
13 or readmitted to any such school on a probationary basis prior to the completion of
14 the minimum period of expulsion as provided in Subsection C of this Section, until
15 the ~~pupil~~ student produces written documentation that he and his parent or legal
16 guardian have enrolled and participated in an appropriate rehabilitation or counseling
17 program related to the reason or reasons for the ~~pupil's~~ student's expulsion.

18 (ii) The rehabilitation or counseling required by the provisions of this
19 Subparagraph shall be provided by existing or new programs approved by the
20 juvenile or family court having jurisdiction, if applicable, or by the school system
21 and shall be at no additional cost to the school system. Such rehabilitation or
22 counseling programs may include the following components relative to successful
23 programs, approaches, and activities for parental involvement which better equip
24 parents to provide support for the education of their children:

25 (aa) Enhancing parenting skills and expanding curriculum offerings relative
26 to character development, the development of a healthy self-esteem and sense of
27 personal and social responsibility, violence prevention, and conflict resolution.

28 (bb) Raising the educational level of the parents of public school students
29 through instruction in basic skills.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (cc) Improving developmental skills of students to prepare them for
2 academic success.

3 (dd) Providing a role model for the child through parental interest in
4 education.

5 (ee) Enabling parents to become familiar with and comfortable in the school
6 setting.

7 (ff) Enhancing the relationship of the parent and child through planned,
8 structured parent-school interaction.

9 (gg) Demonstrating to parents their power to affect their child's ability to
10 learn.

11 (iii) The requirements of this Subparagraph for a student's enrollment and
12 participation in a rehabilitation or counseling program shall be waived by the school
13 system upon a documented showing by the student that no appropriate program is
14 available in the area or that the student cannot enroll or participate due to financial
15 hardship.

16 (iv) The provisions of this Subparagraph shall be applicable to ~~exceptional~~
17 ~~children~~ students provided special education services pursuant to Part I of Chapter
18 8 of this Title and to students who have an Individualized Education Program or a
19 Section 504 Individualized Accommodation Plan only to the extent the provisions
20 are not in conflict with federal rules, regulations, and guidelines applicable to the
21 education of ~~exceptional students~~; students with exceptionalities or the provisions of
22 the students' specific plans.

23 C.(1) Upon the recommendation by a principal for the expulsion of any
24 student as authorized by Subsection B ~~hereof~~, of this Section or a school board's code
25 of conduct, a hearing shall be conducted by the superintendent or his designee within
26 fifteen school days ~~or by any other person designated so to do by the superintendent~~
27 to determine the facts of the case and make a finding of whether or not the student
28 is guilty of conduct warranting a recommendation of expulsion. The school board
29 must provide written notice of the hearing to the student and his parent or legal

1 guardian, and such notice shall advise the student and his parent or legal guardian of
2 their rights. Upon the conclusion of the hearing and upon a finding that the student
3 is guilty of conduct warranting expulsion, the superintendent, or his designee, shall
4 determine whether such student shall be expelled from the school system or if other
5 corrective or disciplinary action shall be taken. At said hearing the principal or
6 teacher concerned may be represented by any person appointed by the
7 superintendent. The concerned teacher shall be permitted to attend such hearing and
8 shall be permitted to present information the teacher believes relevant. Until such
9 hearing takes place the student shall remain suspended from the school with access
10 to classwork and the opportunity to earn academic credit. At such hearing the
11 student may be represented by any person of his choice. A student who is expelled
12 or suspended for longer than ten days shall be provided with academic instruction
13 at an alternative setting in accordance with R.S. 17:416.2.

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

23 (ii) Notwithstanding the provisions of Subsection B of this Section, any
24 student sixteen years of age or older found guilty of possession of, or knowledge of
25 and intentional distribution of, or possession with intent to distribute any illegal
26 narcotic, drug, or other controlled substance on school property, on a school bus, or
27 at a school sponsored event pursuant to a hearing as provided for by Paragraph (1)
28 of this Subsection shall be expelled from school for a minimum period of four
29 complete school semesters.

1 (b)(i) Any student who is under sixteen years of age and in grades six
2 through twelve and who is found guilty of being in possession of a firearm on school
3 property, on a school bus, or in actual possession at a school sponsored event,
4 pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be
5 expelled from school for a minimum period of four complete school semesters, and
6 shall be referred to the district attorney for appropriate action. However, the
7 superintendent ~~of a city, parish, or other local public school system~~ may modify the
8 length of such minimum expulsion requirement on a case-by-case basis, provided
9 such modification is in writing.

10 (ii) Any student who is under sixteen years of age and in grades six through
11 twelve and who is found guilty of possession of, or knowledge of and intentional
12 distribution of, or possession with intent to distribute any illegal narcotic, drug, or
13 other controlled substance on school property, on a school bus, or at a school
14 sponsored event pursuant to a hearing as provided for by Paragraph (1) of this
15 Subsection shall be expelled from school for a minimum period of two complete
16 school semesters; however, the superintendent may modify the length of the
17 expulsion requirement on a case-by-case basis, and any such modification shall be
18 in writing.

19 (c)(i) Any case involving a student in kindergarten through grade five found
20 guilty of being in possession of a firearm on school property, on a school bus, or in
21 actual possession at a school sponsored event, pursuant to a hearing as provided for
22 by Paragraph (1) of this Subsection, shall be expelled from school for a minimum
23 period of two complete school semesters and shall be referred to the district attorney
24 for appropriate action. However, the superintendent ~~of a city, parish, or other local~~
25 ~~public school system~~ may modify the length of such minimum expulsion
26 requirement on a case-by-case basis, provided such modification is in writing.

27 (ii) Any case involving a student in kindergarten through grade five found
28 guilty of possession of, or knowledge of and intentional distribution of, or possession
29 with intent to distribute any illegal narcotic, drug, or other controlled substance on

1 school property, on a school bus, or at a school sponsored event pursuant to a hearing
2 as provided for by Paragraph (1) of this Subsection shall be referred to the city,
3 parish, or other local public school where the student attends school through a
4 recommendation for action from the superintendent.

5 (d)(i) Any student expelled from school may be readmitted on a probationary
6 basis to school at any time during the specified period of expulsion on such terms
7 and conditions as may be stipulated by the city, parish, or other local public school
8 board and agreed to in writing by the student and by the student's parent or other
9 person responsible for the student's school attendance. ~~Such terms and conditions~~
10 ~~may include but need not be limited to placing the student in a suitable alternative~~
11 ~~education program as determined by the school board.~~ However, any such written
12 agreement shall include a provision that upon the school principal or superintendent
13 of schools making a determination that the student has violated any term or condition
14 agreed to, the student shall be immediately removed from the school premises
15 without the benefit of any hearing or other procedure applicable to student out-of-
16 school suspensions and expulsions and returned to the school system's alternative
17 school setting. As soon thereafter as possible, the principal or his designee shall
18 provide verbal notice to the superintendent of schools of any such determination and
19 also shall attempt to provide such verbal notice to the student's parent or other person
20 responsible for the student's school attendance. The principal or his designee also
21 shall provide written notice of the determination and the reasons therefor to the
22 superintendent and to the student's parent or other responsible person.

23 (ii) Any student expelled pursuant to the provisions of this Subsection or
24 Subsection B of this Section seeking readmission on a probationary basis prior to the
25 end of the specified period of expulsion must also comply with the provisions of
26 Subparagraph (B)(3)(d) of this Section.

27 (iii) The provisions of this Subparagraph shall not be applicable to any
28 student found guilty by a court of competent jurisdiction, or adjudicated a delinquent
29 by a court of competent jurisdiction, of a criminal violation of any provision of Title

1 14 of the Louisiana Revised Statutes of 1950 which is related to the reason for the
2 suspension, unless the judge finds otherwise.

3 (3)(a) Any student arrested for possession of, or intentional distribution of,
4 or possession with intent to distribute any illegal narcotic, drug, or other controlled
5 substance on school property shall be referred by the school principal or his
6 designee, within five days after such arrest, for testing or screening by a qualified
7 medical professional for evidence of abuse of alcohol, illegal narcotics, drugs, or
8 other controlled dangerous substances.

9 (b) If evidence of abuse is found, the ~~student shall be referred~~ principal or
10 his designee shall refer the student to an alcohol and drug abuse treatment
11 professional chosen by the student's parent or ~~tutor~~ legal guardian. If the student is
12 found by the professional to be in need of treatment, and if the student agrees to
13 cooperate in the recommended treatment, as certified in writing by the medical
14 professional, such documentation may be used to initiate reopening the student's
15 case. The school board shall take into consideration the student's agreement to
16 receive treatment as a positive factor in the final decision relative to any final
17 disciplinary action.

18 (4) The parent or ~~tutor~~ legal guardian of the ~~pupil student~~ may, within five
19 days after the decision is rendered, submit a request to the city, or parish, or other
20 local public school board to review the findings of the superintendent or his designee
21 at a time set by the school board; otherwise the decision of the superintendent shall
22 be final. If requested, as herein provided, and after reviewing the findings of the
23 superintendent or his designee, the school board may affirm, modify, or reverse the
24 action previously taken. Each school board's code of conduct shall include
25 information detailing the appeal process.

26 (5) The parent or ~~tutor~~ legal guardian of the ~~pupil student~~ may, within ten
27 school days, appeal to the district court for the parish in which the student's school
28 is located, an adverse ruling of the school board in upholding the action of the
29 superintendent or his designee. The court may reverse or revise the ruling of the

1 school board upon a finding that the ruling of the board was based on an absence of
2 any relevant evidence in support thereof.

3 D.~~(1)~~ The conviction of any student of a felony or the incarceration of any
4 student in a juvenile institution for an act which had it been committed by an adult
5 would have constituted a felony may be cause for expulsion of the student for a
6 period of time as determined by the board. The expulsion shall require the vote of
7 two-thirds of the elected members of the school board, shall not be for a period of
8 time longer than the student's period of adjudication as determined by the applicable
9 court presiding over the student's criminal matter, and shall run concurrent to the
10 student's period of adjudication. In the event that the student was serving an
11 expulsion period when the student was incarcerated for a separate offense and the
12 student completes the period of incarceration with time left in the expulsion period,
13 the superintendent or his designee may require the student to serve the time left in
14 the expulsion period.

15 ~~(2)~~ The conviction of any student of a felony or the incarceration of any
16 student in a juvenile institution for an act, whether said act is committed in this state
17 or outside this state, which had it been committed by an adult would have constituted
18 a felony in this state may be sufficient cause for any ~~public school system~~
19 superintendent to refuse admission of said student to any school except upon review
20 and approval of a majority of the elected members of the school board when request
21 for admission is made to the board.

22 E. The provisions of this Section shall be applicable to ~~exceptional children~~
23 students with exceptionalities provided special education services pursuant to Part
24 I of Chapter 8 of this Title or to students who have an Individualized Education
25 Program or a Section 504 Individualized Accommodation Plan to the maximum
26 extent allowed by federal law and rules applicable to the education of exceptional
27 children in the state. No policy adopted by the State Board of Elementary and
28 Secondary Education applicable to exceptional children as provided in this
29 Subsection shall be more restrictive than required by federal law and rules.

1 F. Notwithstanding any provision of this Section to the contrary, school
2 officials shall have total discretion and shall exercise such discretion in imposing on
3 a pupil student any disciplinary actions authorized by this Section for possession by
4 a pupil student of a firearm or knife on school property when such firearm or knife
5 is stored in a motor vehicle and there is no evidence of the pupil's student's intent to
6 use the firearm or knife in a criminal manner.

7 G. The State Board of Elementary and Secondary Education shall formulate,
8 develop, adopt, and fully implement ~~by not later than the beginning of the 1998-1999~~
9 ~~school year~~ methods and procedures for use as part of the board's school-approval
10 process to determine whether or not state laws and board policies regarding student
11 discipline are being fully complied with by a school's administrators, teachers, and
12 other employees. Any school determined not to be in compliance with such laws and
13 procedures shall not be approved. The provisions of this Subsection shall not apply
14 to private schools.

15 H.(1) ~~Effective for the 1997-1998 school year and thereafter, no pupil~~ No
16 student shall be disciplined in any manner by the governing authority of a public
17 elementary or secondary school or by any public elementary or secondary school
18 administrator, teacher, or other school employee for the use of force upon another
19 person when it can be reasonably concluded that the use of such force more probably
20 than not was committed solely for the purpose of preventing a forcible offense
21 against the pupil student or a forcible offense provided that the force used must be
22 reasonable and apparently necessary to prevent such offense.

23 (2) A pupil student who is the aggressor or who brings on a difficulty cannot
24 claim the right provided by this Subsection to defend himself.

25 I.(1) ~~Effective beginning with the 1999-2000 school year and thereafter, any~~
26 Any public school administrator and any administrator's designee who is required to
27 make a recommendation, decide an issue, or take action in a matter involving the
28 discipline of a pupil student shall both recuse themselves from doing so whenever
29 a member of the immediate family of the school administrator or of the

1 administrator's designee is involved in any manner in the recommendation to be
 2 made, the issue to be decided, or the action to be taken. In case of such recusal, the
 3 recommendation shall be made by, the issued decided by, or the action taken by the
 4 ~~school system~~ superintendent or an impartial designee of the superintendent.

5 (2) For the purposes of this Subsection, immediate family means the
 6 individual's children, brothers, sisters, parents, and spouse and the children, brothers,
 7 sisters, and parents of the spouse.

8 J.(1) Notwithstanding the provisions of this Section or any other provision
 9 of law, a student enrolled in grades prekindergarten through five shall not be
 10 suspended or expelled from school or suspended from riding on any school bus for
 11 a uniform violation that is not tied to willful disregard of school policies.

12 (2) Notwithstanding any other provision of law to the contrary, this
 13 Subsection shall apply to charter schools. Furthermore, no charter school shall
 14 suggest to a parent that it has the authority to suspend or expel a student for a
 15 uniform violation that is not tied to willful disregard of school policies.

16 K. Each city, parish, or other local public school board shall maintain and
 17 administer student codes of conduct that meet the minimum requirements of the
 18 model master discipline plan as provided in R.S. 17:252. Codes of conduct shall
 19 include progressive levels of minor through major infractions and identify
 20 corresponding minor through major interventions and consequences. Before an
 21 initial referral for a student's expulsion, codes of conduct shall require the prior
 22 administration of interventions in accordance with the minor tiers in the code of
 23 conduct, except in instances where the expulsion referral is the result of accumulated
 24 minor infractions in accordance with the code of conduct, or the underlying incident
 25 seriously threatens the safety of students or staff. Expulsions shall be reserved for
 26 the major tier of behavioral infractions involving weapons, drugs, or when the safety
 27 of students and staff has been put in imminent jeopardy.

28 L. The state department of education shall publish annually and publish on
 29 its website data regarding disciplinary removals, disaggregated at the state, system,

1 and school level and also disaggregated and capable of cross-tabulation by the
2 characteristics of gender, race, disability, English language learner status, and
3 economically disadvantaged status. In reporting such data, the department shall
4 shall comply with all federal and state privacy laws and shall strive to ensure that all
5 relevant state accountability metrics are valid and reliable.

6 * * *

7 §3996. Charter schools; exemptions; requirements

8 * * *

9 B. Notwithstanding any state law, rule, or regulation to the contrary and
10 except as may be otherwise specifically provided for in an approved charter, a
11 charter school established and operated in accordance with the provisions of this
12 Chapter and its approved charter and the school's officers and employees shall be
13 exempt from all statutory mandates or other statutory requirements that are
14 applicable to public schools and to public school officers and employees except for
15 the following laws otherwise applicable to public schools with the same grades:

16 * * *

17 (40) ~~Prohibits suspension or expulsion of students in grades prekindergarten~~
18 ~~through five~~ Discipline of students, R.S. 17:416(F).

19 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 663 Original

2020 Regular Session

Hughes

Abstract: Revises school discipline laws.

Present law provides relative to student discipline. Proposed law provides a comprehensive revision of present law, applicable to all public schools, including charter schools.

(Amends R.S. 17:416 and 3996(B)(40))