

2025 Regular Session

SENATE BILL NO. 178

BY SENATOR JENKINS

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

SCHOOLS. Establishes the School Employee Bill of Rights. (gov sig)

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§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

1 student who violates school policy or who interferes with an orderly education
2 process. No principal or administrator shall retaliate or take adverse employment
3 action against a teacher **or school employee** for taking disciplinary action against a
4 student. The provisions of this Item shall apply only if the disciplinary action that the
5 teacher **or school employee** takes is in accordance with policy adopted by the public
6 school governing authority.

7 * * *

8 §416.8. Discipline policy review committees; school option

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

11 * * *

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

13 * * *

14 **§416.18.1. School Employee Bill of Rights**

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

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

25 **(2) A school employee has the right to work free from the fear of**
26 **frivolous lawsuits, including the right to qualified immunity and to a legal**
27 **defense, and to indemnification by the employing school board, pursuant to R.S.**
28 **17:416.4, 416.11, and 439, for actions taken in the performance of duties of the**
29 **school employees employment.**

1 (3) A school employee has the right to hold students accountable for
2 disorderly conduct, in accordance with R.S. 17:416 through 416.16 and any city,
3 parish, or other local public school board regulation.

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

8 (5) A school employee shall have the right to be involved in decisions
9 regarding student behavior management in accordance with R.S. 17:416.8.

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

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

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

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

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

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

27 (12) A school employee required by law or regulation to be trained for
28 a specific job requirement shall be required to perform those specific duties
29 only if they have received the mandated training and the training has been

1 documented as required by law or regulation.

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

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

9 B. No city, parish, or other local public school board shall establish
10 policies that prevent school employees from exercising the rights provided in
11 this Section or in any other provision included in R.S. 17:416 through 416.16.
12 No principal or administrator shall retaliate or take adverse employment action
13 against a school employee for exercising the rights provided in this Section.
14 However, the provisions of this Section do not authorize a school employee to
15 violate the provisions of any discipline policy adopted by the public school
16 governing authority.

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

21 D. Each city, parish, or other local public school board shall provide a
22 copy of this Section to all school employees at the beginning of each school year
23 in a form or manner approved by the school board. Each school board also shall
24 post a copy of the rights provided in this Section in a prominent place in every
25 school and administrative building it operates and provide a copy to parents or
26 legal guardians of all children attending schools in a form and manner
27 approved by the school board. Each city, parish, or other local public school
28 board and every school under its jurisdiction that maintains an internet website
29 shall post on the website a copy of the School Employee Bill of Rights required

1 by this Section.

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

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

7 (2) Accept donated displays.

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

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

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Senate Legislative Services.
 The keyword, summary, 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)]

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Present law provides for each teacher to take disciplinary action to correct a student who violates school rules or interferes with an orderly education process.

Proposed law retains present law and also allows a school employee to take disciplinary action to correct a student who violates school rules or interferes with an orderly education process.

Present law requires each city and parish school board to establish a discipline policy review committee composed of 16 members.

Proposed law retains present law but increases the committee membership from 16 to 17 members by adding one paraprofessional to be elected by his peers.

Proposed law establishes the School Employee Bill of Rights for school employees in city, parish, or other local public schools relative to disciplinary matters.

Proposed law provides that school employees have the following rights:

- (1) 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 present law.
- (2) 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 present law, for actions taken in the performance of duties of the school employees' employment.
- (3) To hold students accountable for disorderly conduct, in accordance with present law and any city, parish, or other local public school board regulation.
- (4) To have their professional judgment and discretion respected by school and district administrators in any disciplinary action taken by a school employee in accordance with school and district policy and with present law.
- (5) To be involved in decisions regarding student behavior management in accordance with present law.
- (6) To additional compensation in accordance with present law, and any compensation provided by any city, parish, or other local public school board regulation.
- (7) To not have their wages reduced for any school year below the amount paid to the school employee in hourly wage or annual salary during the previous school year, nor shall the amount of the hourly wage or annual salary paid to any school employee be reduced at any time during an academic year in accordance with present law.
- (8) For substitute teachers to receive additional compensation as provided in present law.
- (9) To be treated with civility and respect as provided in present law.
- (10) To perform noncomplex medical procedures only if all the requirements in present law have been met and documented.
- (11) To right to administer medication only if all the requirements in present law have been met and documented.
- (12) To be trained for a specific job requirement and be required to perform those specific duties only if they have received the mandated training and the training has been documented as required by law or regulation.
- (13) To professional development and career advancement and to be supported in advancing their careers, pursuant to present law.
- (14) To complete only paperwork that is not excessively burdensome and that, if required by law or regulation, adheres to the law or regulation and does not result in overly cumbersome interpretations of that law or regulation.

Proposed law requires each city, parish, or other local public school board to provide a copy of proposed law to all school employees at the beginning of each school year in a form or manner approved by the school board.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:416(A)(1)(b)(i) and 416.8(A)(1)(a) (intro para); adds R.S. 17:416.8 (A)(1)(a)(x) and 416.18.1)