

Regular Session, 2011

SENATE BILL NO. 67

BY SENATOR BROOME

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

STUDENTS. Provides relative to school discipline policies. (8/15/11)

AN ACT

To amend and reenact R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), (3)(a)(i), (vii) and (xvi), and (C)(1), and to enact R.S. 17:416(A)(1)(c)(viii), relative to the discipline of students; to provide for certain disciplinary actions; to provide for the discipline of public school students upon removal from a classroom; to provide for implementation of certain disciplinary measures; to provide for the adoption of certain guidelines for the use of in-school and out-of-school suspensions; to require city, parish and other local public school boards to adopt certain rules relative to suspensions; to provide relative to in-school and out-of-school suspensions for certain violations; to provide relative to expulsion hearings; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416(A)(1)(c)(iii) and (v), (2)(a) and (b), (3)(a)(i), (vii) and (xvi), and (C)(1) are hereby amended and reenacted, and R.S. 17:416(A)(1)(c)(viii) is hereby enacted to read as follows:

§416. Discipline of pupils; suspension; expulsion

A.(1)

* * *

(c)

* * *

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

(aa) Restorative justice practices using a school-wide approach of informal and formal techniques to build a sense of school community and manage conflict by repairing harm and restoring positive relationships.

(bb) Loss of privileges.

(cc) Peer mediation.

(dd) Referral to school counselor or social worker.

(ee) Referral to response to intervention.

(ff) Further disciplinary action, only to be implemented for serious offenses or as a measure of last resort, including:

~~(aa)~~ **(I)** In-school suspension.

~~(bb)~~ **(II)** Detention.

~~(cc)~~ **(III)** Suspension.

~~(dd)~~ **(IV)** Initiation of expulsion hearings.

~~(ee)~~ **(V)** Assignment to an alternative school.

~~(ff)~~ **(VI)** Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.

~~(gg)~~ **(VII)** Any other disciplinary measure authorized by the principal with

1 the concurrence of the teacher or the building level committee pursuant to law and
2 board policy.

3 * * *

4 (v) Upon the third removal from the same classroom pursuant to this
5 Subparagraph, the teacher and the principal shall discuss the disruptive behavior
6 patterns of the pupil and the potentially appropriate disciplinary measure before the
7 principal implements a disciplinary measure. If appropriate, a referral of the matter
8 may be made to an appropriate building level committee. In addition, a conference
9 between the teacher or other appropriate school employee and the pupil's parent,
10 tutor, or legal guardian shall be required ~~prior to the pupil being readmitted.~~

11 * * *

12 **(viii) No later than January 1, 2012, for implementation beginning with**
13 **the 2012-2013 school year, the State Board of Elementary and Secondary**
14 **Education shall adopt guidelines for the use of in-school and out-of-school**
15 **suspensions to be implemented by the governing authority of each public**
16 **elementary and secondary school. The state board shall recommend the**
17 **maximum annual cumulative number of days for out-of-school suspensions that**
18 **a student may receive based on grade levels. These guidelines shall be developed**
19 **in consultation with representatives of key stakeholder groups, and shall include**
20 **students, parents, teachers, guidance counselors, principals, community**
21 **members, and members of school boards and superintendents, or their**
22 **designees.**

23 (2) As used in this Section:

24 (a)(i) "In-school suspension" means removing a pupil from his normal
25 classroom setting but maintaining him under supervision within the school. ~~Pupils~~
26 **Any pupil** participating in **an** in-school suspension may receive credit for work
27 performed during the in-school suspension. However, any pupil who fails to comply
28 fully with the rules for in-school suspension ~~shall~~ **may** be subject to immediate
29 suspension.

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

(b)(i) "Detention" means ~~activities, assignments~~ **any activity, assignment,** or work held before the normal school day, after the normal school day, or on weekends.

(ii) Failure or refusal by a pupil to participate in ~~the~~ assigned detention ~~shall~~ **may** subject the pupil to immediate suspension.

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

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

* * *

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

(i)(~~aa~~) Is guilty of willful disobedience. **Willful disobedience means the refusal to follow a reasonable request of a teacher, administrator, or other school authority figure on campus.**

(bb) No later than April 1, 2012, for implementation beginning with the 2012-2013 school year, each city, parish, and other local public school board shall develop and adopt rules and guidelines for suspensions warranted by willful disobedience. These guidelines shall be developed in consultation with representatives of key stakeholder groups, and shall include students, parents, teachers, guidance counselors, principals, community members, and members of school boards and superintendents, or their designees.

* * *

(vii)(~~aa~~) Disturbs the school and habitually violates any rule, **except as**

otherwise provided in this Item.

(bb) No pupil in grades kindergarten through five shall be suspended in-school or out-of-school or removed from the classroom for a school uniform related violation.

* * *

(xvi)(aa) Is habitually tardy or absent, except as otherwise provided in this Item.

(bb) No pupil in grades kindergarten through five shall be suspended in-school or out-of-school or removed from the classroom for being habitually tardy or absent.

* * *

C.(1) Upon the recommendation by a principal for the expulsion of any student as authorized by Subsection B ~~hereof~~ of this Section, a hearing shall be conducted by the superintendent or by any other person designated so to do by the superintendent to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. Upon the conclusion of the hearing and upon a finding that the student is guilty of conduct warranting expulsion, the superintendent, or his designee, shall determine whether such student shall be expelled from the school system or if other corrective or disciplinary action shall be taken. At said hearing the principal or teacher concerned may be represented by any person appointed by the superintendent. The concerned teacher shall be permitted to attend such hearing and shall be permitted to present information the teacher believes relevant. ~~Until such hearing takes place the student shall remain suspended from the school.~~ Every student shall receive such expulsion hearing within ten school days of receiving notification of the recommendation for expulsion. If a hearing is not conducted within ten school days after the incident, the student shall return to school or begin receiving educational services at an alternative setting until the hearing takes place. At such hearing the student and parent or legal guardian may be represented by any

1 person of ~~his~~ **their** choice.

2 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sherri H. Breaux.

DIGEST

Broome (SB 67)

Present law provides for the discipline of students for disorderly conduct in school or on the playgrounds of the school, on the street or road while going to or returning from school, or during intermission or recess.

Present law requires that a student in kindergarten through grade six removed from a class not be permitted to return to the class for at least 30 minutes unless agreed to by the teacher initiating the disciplinary action. Further requires that a student in grades seven through twelve removed from a class not be permitted to return to the class during the same class period unless agreed to by the teacher initiating the disciplinary action.

Proposed law changes application of present law for grade levels of students in kindergarten through grade five and students in grades six through twelve, but otherwise retains present law.

Present law additionally provides that the student will not be readmitted to the class until the principal has implemented one of the following disciplinary measures:

- (1) In-school suspension.
- (2) Detention.
- (3) Suspension.
- (4) Initiation of expulsion hearings.
- (5) Assignment to an alternative school.
- (6) Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.
- (7) Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the building level committee.

Proposed law retains present law disciplinary measures, but requires such measures only be implemented for serious offenses or as a last resort. However, prior to taking such actions for all other offenses, requires the principal to implement one of the following disciplinary measures:

- (1) Restorative justice practices using a school-wide approach of informal and formal techniques to build a sense of school community and manage conflict by repairing harm and restoring positive relationships.
- (2) Loss of privileges.
- (3) Peer mediation.
- (4) Referral to school counselor social worker.

(5) Referral to response to intervention.

Present law requires, upon the third removal from the same classroom, the teacher and the principal to discuss the disruptive behavior patterns of the student and the appropriate action before the principal implements a disciplinary measure. Provides that a referral of the matter may be made to the building level committee. Requires a conference between the teacher or other appropriate school employee and the student's parent, tutor, or legal guardian prior to the student being readmitted.

Proposed law retains the requirement that a conference take place between the parent and teacher or other school employee, but removes the requirement that the conference take place prior to the student being readmitted.

Proposed law requires BESE to adopt guidelines, no later than January 1, 2012, for implementation beginning with the 2012-2013 school year, for the use of in-school and out-of-school suspensions to be implemented by school boards. Requires BESE to recommend to each school board the maximum annual cumulative number of days for out-of-school suspensions that a student may receive based on grade levels. Provides for such guidelines to be developed in consultation with certain key stakeholder groups.

Present law authorizes a school principal to suspend from school or suspend from riding on any school bus any student who commits certain offenses.

Proposed law retains all such offenses specified in present law, but requires each school board develop and adopt rules and guidelines for suspension warranted by willful disobedience not later than April 1, 2012, for implementation beginning with the 2012-2013 school year. Further requires that the guidelines be developed in consultation with certain key stakeholder groups.

Present law authorizes suspension for disturbing the school or habitually violating any rule.

Proposed law retains present law but further makes an exception that no student in grades kindergarten through grade five shall be suspended in-school or out-of-school for a school uniform related violation.

Present law authorizes suspension for a student who is habitually tardy or absent.

Proposed law retains present law but further makes an exception that no student in grades kindergarten through grade five shall be suspended in-school or out-of-school for such an offense.

Present law provides, upon the recommendation by a principal for the expulsion of any student, for a hearing to be conducted by the superintendent or by a designee to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. Provides that upon the conclusion of the hearing and a finding that the student is guilty of conduct warranting expulsion, the superintendent, or his designee, must determine whether such student will be expelled from the school system or if other corrective or disciplinary action should be taken. Provides for the student to remain suspended from school until such hearing takes place. Provides that the student may be represented by any person of his choice at the hearing.

Proposed law removes the provision that the student remain suspended from school until the hearing takes place. Further provides that every student receive such expulsion hearing within 10 school days of receiving notification of the recommendation for expulsion. Provides that if a hearing is not conducted within 10 school days after the incident, then the student must return to school or begin receiving educational services at an alternative setting until the hearing takes place. Provides that the parent or legal guardian may also be represented by a person of choice.

Effective August 15, 2011.

(Amends R.S. 17:416(A)(1)(c)(iii) and (v),(2)(a) and (b), (3)(a)(i), (vii) and (xvi), and (C)(1); adds R.S. 17:416(A)(1)(c)(viii))

Summary of Amendments Adopted by Senate

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

1. Changes application as appropriate for elementary grade levels of students in K-5 and students in secondary grades 6-12.
2. Clarifies restorative justice practices.
3. Defines willful disobedience.
4. Establishes date for BESE adoption of guidelines for school suspensions as January 1, 2012 and establishes date for local school board adoption of rules and guidelines for suspensions for willful disobedience as April 1, 2012.
5. Removes proposed law provision prohibiting out-of-school suspensions for pupils in grades 6-12 for habitual tardiness or absenteeism, or for school uniform violations.
6. Specifies that certain provisions requiring specific disciplinary measures be used for serious offenses.
7. Clarifies that the required expulsion hearing is not an additional requirement.