

SENATE BILL NO. 67

BY SENATOR BROOME AND REPRESENTATIVE BISHOP

VETOED
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Veto Message

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

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), 416.21, and 3996(B)(13), relative to the discipline of students; to provide for the discipline of certain public school students upon removal from a classroom; to provide for implementation of certain disciplinary measures; to require city, parish, and other local public school boards to adopt certain rules relative to suspensions; to require such school boards to publish student discipline policies and other specified information on their websites; 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), 416.21, and 3996(B)(13) are hereby enacted to read as follows:

§416. Discipline of pupils; suspension; expulsion

A.(1)

* * *

(c)

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(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 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) In-school suspension.

(bb) Detention.

(cc) Suspension.

(dd) Initiation of expulsion hearings.

(ee) Assignment to an alternative school.

(ff) 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) **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.**

(hh) Loss of privileges.

(ii) Peer mediation.

(jj) Referral to school counselor or social worker.

(kk) Referral to response to intervention.

(ll) Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the building level committee pursuant to law and board policy.

* * *

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

* * *

(viii) A pupil in grades six through twelve removed from a class pursuant

1 to this Subparagraph shall not be permitted to return to the class during the
2 same class period unless agreed to by the teacher initiating the disciplinary
3 action. Additionally, the pupil shall not be readmitted to the class until the
4 principal has implemented one of the following disciplinary measures:

5 (aa) In-school suspension.

6 (bb) Detention.

7 (cc) Suspension.

8 (dd) Initiation of expulsion hearings.

9 (ee) Assignment to an alternative school.

10 (ff) Requiring the completion of all assigned school and homework which
11 would have been assigned and completed by the student during the period of
12 suspension.

13 (gg) Any other disciplinary measure authorized by the principal with the
14 concurrence of the teacher or the building level committee pursuant to law and
15 board policy.

16 (2) As used in this Section:

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

23 (ii) Each city ~~and~~ , parish, and other local public school board shall adopt
24 rules regarding the implementation of in-school suspension ~~by no later than January~~
25 ~~1, 1995.~~

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

29 (ii) Failure or refusal by a pupil to participate in the assigned detention ~~shall~~
30 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.

* * *

(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.

* * *

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

20 * * *

21 **§416.21. Student discipline policies and procedures; other information; school**
22 **board websites**

23 **A. Each city, parish, and other local public school board that maintains**
24 **a website shall publish on it certain information relative to student discipline**
25 **and other matters in an easily understandable format. Such information shall**
26 **include but not be limited to the following:**

27 **(1) Disciplinary action processes and procedures applicable to students.**

28 **(2) The school board's policies and procedures.**

29 **(3) Minutes of school board meetings required to be made available to**
30 **the public pursuant to R.S. 42:20.**

1 (4) Directory of schools and contact information.

2 (5) School calendars, including the beginning and end of each school
3 year, staff days, conference days, testing days, application-specific dates, report
4 card release dates, early release days, and holidays.

5 B. For purposes of this Section the following terms shall have the
6 meaning ascribed thereto:

7 (1) "City, parish, and other local public school board" means the
8 governing authority of any public elementary or secondary school.

9 (2) "Disciplinary action processes and procedures" means all written
10 disciplinary policies and procedures for students and by not later than the
11 beginning of the 2012-2013 school year also shall include separate links for each
12 of the following:

13 (a) All state suspension and expulsion laws applicable to students.

14 (b) A disciplinary action timeline, from notice through appeal.

15 (c) Explanation of due process rights for both informal and formal
16 hearings and in the case of formal hearings, shall also include a full explanation
17 of the disciplinary process, a complete list of the student's procedural due
18 process rights, the hearing agenda, and the appeal process.

19 (d) Rules and regulations on the use of corporal punishment to discipline
20 students.

21 (3) "Policies and procedures" means all formal policies and procedures
22 and by not later than the beginning of the 2013-2014 school year also shall
23 include summaries thereof with separate links for each of the following:

24 (a) Student code of conduct.

25 (b) Controlled and other prohibited substances or contraband policy.

26 (c) Dress code.

27 (d) Grade change process.

28 (e) Harassment or bullying prohibition and prevention procedures.

29 (f) Student rights and responsibilities.

30 * * *

§3996. Charter schools; exemptions

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

* * *

(13) Publication of certain information on the website of the school governing authority, R.S. 17:416.21.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

I have always supported a teacher's right to use a variety of tools and strategies in his or her own classroom. Senate Bill No. 67 reduces those tools and strategies by placing restrictions on when and how they can be used. In other words, it imposes specific views about discipline policies on local school boards all over the state. Furthermore, nothing in current law prevents a school board from deciding to reduce the use of suspension or expulsion, speed up the expulsion hearing process, or hold parent-teacher conferences in a timelier manner. Therefore, Senate Bill No. 67 makes policy decisions for local school boards that they should have the right to make for themselves.

For this reason, I have vetoed Senate Bill No. 67 and returned it to the Senate.