

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 1209 by Representative Richard

STUDENT/SCH ATTENDANCE: Provides relative to alternative education programs for suspended or expelled students

Synopsis of Senate Amendments

- 1. Concerning BESE rules governing agreements with an education service provider, provides for applicability to students adjudicated as members of a family in need of services only if such students have been assigned by OJJ to a community-based program or facility.
- 2. Legislative bureau amendment makes technical change.

Digest of Bill as Finally Passed by Senate

Present law (R.S. 17:416) provides relative to discipline of students. Defines an expulsion, for purposes of present law and with certain exceptions, as a removal from all regular school settings for a period of not less than one school semester, during which time the local public school board shall place the pupil in an alternative school or in an alternative school setting.

Proposed law retains present law except provides that the superintendent (instead of the school board) shall place the expelled student in an alternative school or an alternative educational placement (instead of an alternative school setting).

Present law provides that alternative education programs may mean programs designed to offer variations of traditional instructional programs and strategies to increase the likelihood that students who are unmotivated or unsuccessful in traditional programs or who are disruptive in the traditional school environment remain in school and obtain a high school diploma. Provides that such programs may include but are not limited to programs that hold students to strict standards of behavior in highly structured and controlled environments, sometimes referred to as "boot camps", "police schools", or "court schools".

Present law (R.S. 17:416.2) requires local school system governing authorities to supervise a student suspended or expelled from school using alternative education programs approved by the State Board of Elementary and Secondary Education (BESE). Excludes students expelled for certain offenses involving weapons or controlled dangerous substances from this requirement. Provides that a student expelled for certain weapons and controlled dangerous substance offenses may be readmitted only to a school, including an alternative education program, in the school system from which expelled prior to completion of his expulsion period in accordance with present law procedures (R.S. 17:416(C)(2)(d)). Specifies that no school system shall be liable for a student attending an alternative education program at a location other than a school site.

Proposed law retains present law except:

- (1) Removes the exclusion for students expelled for weapon and controlled dangerous substances offenses from the requirement for supervision using alternative education programs.
- (2) Removes specific inclusion of alternative education programs in provision for readmission only to the school system from which the student was expelled.

Proposed law requires any student placed in an alternative school or an alternative education program to attend and participate in such school, program, or education services. Includes

specifically any student receiving education services pursuant to an agreement for provision of education services as described in proposed law below. Requires the parent, tutor, or legal guardian of a student in an alternative school or an alternative education program to ensure such attendance and makes any violation subject to present law penalties relative to compulsory school attendance (R.S. 17:221(A)(2) and (3)). Requires visiting teachers or supervisors of child welfare and attendance, with the approval of the superintendent of the local public school system, to file proceedings in court to enforce proposed law.

Present law requires BESE to adopt rules and regulations to implement present law.

Proposed law additionally requires that such rules and regulations include provisions for cases in which a school governing authority enters into an agreement with an education service provider for the education of students who: have been adjudicated delinquent, or have been adjudicated as members of a family in need of services and assigned by the office of juvenile justice to a community-based program or facility, or are in the custody of the office of juvenile justice as a result of an adjudication and assigned by the office to a community-based program or facility, or are students who have been suspended or expelled for certain weapons and controlled dangerous substances offenses. Requires that such rules and regulations include all of the following:

- (1) Require that such services be provided to the school governing authority at the actual costs incurred by the provider, not to exceed for each student the pro rata share of the combined state and local per pupil amount of the minimum foundation program for such governing authority.
- (2) Require provision of academic, behavioral, and mental health interventions to support the on-time graduation of students who are suspended, expelled, or at high risk for dropping out or entry into the juvenile justice system, including but not limited to specified interventions and supports of each of the three types.

Proposed law specifies that it shall not prevent any nonprofit organization that provides alternative education services to a school governing authority from applying to operate a charter school pursuant to R.S. 17:3983.

Proposed law requires that the governing authority of a Type 5 charter school receive approval from the superintendent of the Recovery School District (RSD) before entering into an agreement with an educational service provider for alternative education services pursuant to proposed law and provides that any such agreement shall not be subject to proposed law relative to providing services at actual cost (see (1) above).

Proposed law provides that agreements in effect on the effective date of proposed law and prospective agreements between the RSD and an educational service provider for alternative education shall not be subject to proposed law relative to providing services at actual cost (see (1) above) but shall be approved by the state superintendent of education.

Present law includes procedures for a school system to obtain a waiver from requirements for providing for alternative education programs but prohibits applications for such waivers beginning with the 2008-2009 school year.

Proposed law repeals present law.

Present law requires that an expelled student attending an alternative education program and exhibiting disorderly conduct be dismissed from the program and not be permitted to return to such program until his period of expulsion has ended.

Proposed law repeals present law.

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

(Amends R.S. 17:416(A)(2)(c) and 416.2(A) and (D); Repeals R.S. 17:416.2(B) and (F))