

Provides relative to alternative education programs for suspended or expelled students as follows:

Existing law (R.S. 17:416) provides relative to discipline of students. Defines an expulsion, 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. New law 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).

Existing 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). Prior law excluded students expelled for certain offenses involving weapons or controlled dangerous substances from this requirement. New law removes this exclusion.

Existing law provides that a student expelled for certain weapons and controlled dangerous substance offenses may be readmitted, in accordance with existing law procedures, only to a school, including an alternative education program, in the school system from which expelled prior to completion of his expulsion period. New law removes this specific inclusion of alternative education programs.

New 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 new 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 existing 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 new law.

New law requires that BESE rules and regulations relative to alternative education include provisions for agreements between a school governing authority and an education service provider for the education of students who:

- (1) Have been adjudicated delinquent, or
- (2) Have been adjudicated as in need of services, or adjudicated to the custody of the office of juvenile justice, and assigned by the office of juvenile justice to a community-based program or facility, or
- (3) Have been suspended or expelled for certain weapons and controlled dangerous substances offenses.

New law requires that such rules and regulations require:

- (1) That such services be provided 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) That services include 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 components of each of the three types of interventions.

New 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.

New law requires that a Type 5 charter school governing authority receive approval from the Recovery School District (RSD) superintendent before entering into an agreement with

an educational service provider for alternative education services pursuant to new law and provides that any such agreement shall not be subject to new law relative to providing services at actual cost (see (1) above).

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

New law repeals prior law that included procedures for a school system to obtain a waiver from requirements for providing for alternative education programs but prohibited applications for such waivers beginning with the 2008-2009 school year.

New law repeals prior law that required 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 ended.

Effective upon signature of governor (June 14, 2012).

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