

Regular Session, 2014

SENATE BILL NO. 652

BY SENATOR GUILLORY

STUDENTS. Provides for the Classroom Protection Act. (gov sig)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To enact R.S. 17:416.22, relative to teachers and classroom discipline; to provide for circumstances under which a teacher may have a student removed from the classroom; to provide for the role of law enforcement agencies; to provide for parental notification; to provide relative to referral for counseling and other services; to provide for student placement in an alternative educational setting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416.22 is hereby enacted to read as follows:

§416.22. Classroom Protection Act

A. This Section shall be known and may be cited as the "Classroom Protection Act".

B.(1)(a) Notwithstanding any other provision of law to the contrary, including R.S. 17:416 through 416.20, a classroom teacher who is in reasonable apprehension that he or a student in his classroom is in danger of receiving a battery or other form of imminent physical harm from a student may contact law enforcement and have the student removed immediately from the classroom

1 and placed in the custody of the appropriate law enforcement agency.

2 (b) The student's parents or other legal guardian shall be given oral
3 notification as soon as practicable after the student's removal from the
4 classroom.

5 (2)(a) Upon the first removal from the classroom pursuant to the
6 provisions of this Section, the student and his parents or other legal guardian
7 shall be referred to the appropriate local or state agency for evaluation and
8 counseling, including such services as may be provided through informal family
9 services as provided pursuant to Chapter 5 of Title VII of the Louisiana
10 Children's Code.

11 (b) The student so removed shall not be readmitted to the class without
12 the permission of the teacher initiating the disciplinary action.

13 (c) The student shall be assigned school work missed while he is absent
14 from the classroom and shall receive credit for school work if it is completed
15 satisfactorily and timely as determined by the student's teacher.

16 (3)(a) Upon the second removal from the same classroom pursuant to
17 the provisions of this Section, the student shall not be readmitted to the class
18 from which he was removed and shall be placed in an alternative educational
19 program.

20 (b) The student and his parents or other legal guardian shall be referred
21 to the court of competent jurisdiction for families in need of services as
22 provided in Chapter 2 of Title VII of the Louisiana Children's Code.

23 C. A student or someone who is not a student who retaliates against a
24 teacher who invokes his rights under the provisions of this Section shall be
25 subject to the appropriate criminal penalty, including R.S. 14:34.3 and 38.2.

26 Section 2. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
29 vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 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 Jeanne C. Johnston.

DIGEST

Guillory (SB 652)

Proposed law provides for the "Classroom Protection Act" as follows:

- (1) Provides that notwithstanding any provision of present law, a classroom teacher who is in reasonable apprehension that he or a student in his classroom is in danger of receiving a battery or other form of imminent physical harm from a student may contact law enforcement and have the student removed immediately from the classroom and placed in the custody of the appropriate law enforcement agency.
- (2) Provides that the student's parents or other legal guardian shall be given oral notification as soon as practicable after the student's removal from the classroom.
- (3) Provides that upon the first removal from the classroom pursuant to the provisions of proposed law:
 - (a) The student and his parents or other legal guardian shall be referred to the appropriate local or state agency for evaluation and counseling, including such services as may be provided through informal family services as provided pursuant to Chapter 5 of Title VII of the Louisiana Children's Code.
 - (b) The student shall not be readmitted to the class without the permission of the teacher initiating the disciplinary action.
 - (c) The student shall be assigned school work missed while he is absent from the classroom and shall receive credit for school work if it is completed satisfactorily and timely as determined by the student's teacher.
- (4) Provides that upon the second removal from the classroom pursuant to the provisions of proposed law:
 - (a) The student shall not be readmitted to the class from which he was removed and shall be placed in an alternative educational program.
 - (b) The student and his parents or other legal guardian shall be referred to the court of competent jurisdiction for families in need of services as provided in Chapter 2 of Title VII of the Louisiana Children's Code.
- (5) Provides that a student or someone who is not a student who retaliates against a teacher who invokes his rights under the provisions of proposed law shall be subject to the appropriate criminal penalty provided in present law, including the penalties provided for assault and for battery of a school teacher.

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

(Adds R.S. 17:416.22)