General Preamble

- A. (1)(a) Every teacher and other school employee shall endeavor to hold every student accountable for their behavior ~~to a strict accountability for any disorderly~~ conduct in school or on the playgrounds of the school, on the street or road while going to or returning from school, on any school bus, during intermission or recess, or at any school-sponsored activity or function. (17:416(A)(1)(a))

- **Word Change for clarification**

Public Comment:

This change is unnecessary. Clarification not needed. The statement has never been a problem of being misunderstood. It seems that someone may have had a problem with the word "strict". This is a **discipline** law so why shouldn't you use the word strict? But how strict an employee is depends on the circumstances, the seriousness of the offense and the discretion of the employee. The sentence is perfectly OK as is. There is strict and there is not so strict. There is no problem with the word strict.

In addition, revising this sentence **won't make a difference** as the **same** sentence appears again in **R.S. 17:223(A).**

This original statement is a *standard* statement in discipline laws to which **all school administrators** who implement discipline in the public schools are quite familiar. It is what you have called it -the "General Preamble" of the discipline law RS 17:416 and a good way to start off.

## General Preamble

- (b) All public schools shall endeavor to address student behavior, with a focus on interventions and supports. Schools shall endeavor to prioritize classroom- and school-based interventions in lieu of out-of-school disciplinary removals to address student misconduct in order to minimize the amount of time students are deprived of academic instructional time. Nothing in this paragraph shall prohibit a governing authority of a local education agency or its employees from disciplining a student in accordance with the consequences enumerated in this statute.
- **Encourages school to use classroom and school wide interventions (PBIS) when possible instead of removing students from instruction.**

Public Comment:

Statement does not ensure but encourages. Rather have something that *ensures* proactive behavior interventions as PBIS. Therefore, a substitute statement is offered as follows:

**(b) The governing authority of each public elementary and secondary school shall develop and implement a policy for incorporating preventive behavior interventions into the educational program. The policy shall address, but shall not be limited to, proactive behavior interventions/social emotional learning, e.g., positive approaches to behavior, positive behavior supports and reinforcement, conflict resolution, mediation, restorative practices, character education, service learning, and positive youth development. Such policies shall allow input and discretion at individual school sites in implementing discipline strategies and interventions.**

## General Preamble

- (4) “Firearm” means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, assault rifle, air rifle, air gun, compressed air rifle, or compressed air gun which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.
- **Defines more clearly what constitutes a firearm.**

Public Comment:

This definition is definitely **incorrect.** An air rifle, air gun, compressed air rifle, or compressed air gun are weapons but they are not a “firearms”. According to U.S. Code Title 18 Chapter 44 Section 921 used in the LDOE S.I.S. User Guide, the term “**firearm**” means- any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an **explosive;**

An **air gun** is any kind of gun that launches projectiles pneumatically with compressed air or other gases that are pressurized mechanically without involving any chemical reactions, **in contrast to a firearm**, which relies on an exothermic chemical oxidation (deflagration) of combustible propellants to generate propulsive energy.

It is highly recommended that air rifle, air gun, compressed air rifle, or compressed air gun be deleted from the definition of firearm.

## Responding to Student Misconduct

- a)(i) "In-school suspension" means removing a student from his normal classroom setting but maintaining him under supervision within the school. Students participating in in-school suspension may receive credit for work performed during the in-school suspension. However, any student who fails to comply fully with the rules for in-school suspension shall be subject to immediate suspension. (17:416(A)(2)(a)(i))
- (6) "Suspension," also referred to as out-of-school suspension, means the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities for a period of at least one full school day.

**Clarifying the difference between "in school suspension" and " Out of school suspension" which caused confusion in reporting data to LDOE (Wording from Florida statute)**

Public Comment:

The definition of "suspension" was missing from current law and was very much needed. But the confusion is not between in-school and out of school suspension. The confusion is between in-school suspension and suspension to an alternate site or setting.

In-school suspension is for "minor" infractions whereas suspension to an alternate site is for a "major" infraction. Some school districts recommend expulsion on the fourth suspension to an alternate site but never for the fourth in-school suspension.

(continued)
The definition of in-school suspension in the LDOE S.I.S. User Guide states- “A student temporarily removed from his/her usual classroom placement to an alternative placement for a minimum of one complete full day; no interruption of educational services occurs.” The LDOE has been saying for years that an in-school suspension at school and an in-school suspension to an alternative site are the “same” because it meets the same definition!
So we need different definitions to clear the confusion.
R.S. 17:416.2 mandates that any student suspended “more than ten (10) school days be placed in an alternative setting. Although it is not mandatory to send a student that is suspended for ‘less than ten (10) days to an alternative setting/program or school, many school districts do. That’s where the confusion comes. The LDOE’s
definition of in-school suspension in the S.I.S. User Guide includes both types of suspensions- a suspension to an alternate site ( for a “major” infraction that could have been an out of school suspension) and an in-school suspension for a “minor” infraction ( that is not equal to an out of school suspension) where the student is usually kept on campus in a designated classroom under adult supervision.
It is only fair that major and minor in-school suspensions are kept separated in the collection of discipline data and are to be given separate names and definitions in the S.I.S. User Guide and in R.S. 17:416.

## Responding to Student Misconduct

- (dd) The principal or designee shall follow all procedures set forth in R.S. 17:416.13 regarding bullying. (17:416(A)(1)(c)(ii)(dd))
- (iii) A student in kindergarten through grade ~~six~~ fifth 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 student 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 student shall not be readmitted to the class until the principal has implemented one of the following disciplinary measures. (17:416(A)(1)(c)(iii))
- (aa) Conferencing with a principal or designee.
- (bb) Referral to counseling

- **Wording Added to give administrators more options when assigning a consequence to a student. ( Common practice already)**

Public Comment:

Better to say:
(aa) Conference with principal or designee.
There is only one principal of a school ("with a principal" doesn't sound right).
(bb) Referral to counselor or social worker.

## Responding to Student Misconduct

- (gg) Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the school building level committee pursuant to law and ~~board~~ local education agency policy. (17:416(A)(1)(c)(iii)(gg))
- **Wording added and changed to place the discretion on the individual school and LEA**

Public Comment:

Suggest *add* more options to help "reduce" OSS:

( ) Assignment to an alternative school
*Add:* or program.

( ) 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.

( ) Loss of privileges.

( ) Peer mediation.

( ) Referral to response to intervention.

( ) Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the school building level committee pursuant to law and ~~board~~ local education agency policy. (17:416(A)(1)(c)(iii)(gg))

## Responding to Student Misconduct

- (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 student and the potentially appropriate disciplinary measure or referral for assistance or interventions before the principal implements a disciplinary measure. If appropriate, a referral of the matter may be made to an appropriate school building level committee. In addition, a conference between the teacher or other appropriate school employee and the student's parent, tutor, or legal guardian shall be required prior to the student being readmitted to that same classroom. (17:416(A)(1)(c)(v))
- **Wording added to (~~reinforced~~)** *spelling*- reinforce **the implantation of interventions when possible.**
- **Wording added to assist in a teacher/student conflict in same class when no other issues in other classrooms.**

Public Comment:

This could be ***problematic*** when parent refuses to meet or cannot meet due to personal circumstances. How long does the student stay out of the class? **The idea is to encourage the school to use classroom and school wide interventions when possible instead of removing students from instruction remember?** So we need a way out. Suggest change the word ***"shall"*** to **"may"** be required **or** add after the words- to that same classroom: ***if such an immediate opportunity can be arranged.***

## Responding to Student Misconduct

- (iii) If the parent, ~~tutor,~~ or legal guardian fails to attend the required conference within five school days of mailing the certified letter or other contact with the parent, the truancy laws shall become effective. On not more than one occasion each school year when the parent, ~~tutor,~~ or legal guardian refuses to respond, the principal may determine that readmitting the student to the school is in the best interest of the student. On any subsequent occasions in the same year, the student shall not be readmitted unless the parent, ~~tutor~~, legal guardian, court, or other appointed representative responds. (17:416(A)(3)(b)(i))
- **Wording for clarification**

**Public Comment:**

This has been and is currently **real problematic** in the field! Principals ask all the time "How long am I supposed to keep the student out when the parent or guardian refuses to respond or meet or cannot meet due to personal circumstances? The courts move slowly. If you depend on the truancy laws it may be two months before the parent has a court date.

This paragraph (iii) defeats the general preamble of the discipline law which states that schools shall endeavor to prioritize classroom- and school-based interventions in lieu of out-of-school disciplinary removals to address student misconduct in order to minimize the amount of time students are deprived of academic instructional time.

The paragraph (III) is not practical and is in critical need of revision or deletion. (continued)

What it should say is that the parent shall be charged with F.I.N.S. (Family in Need of Services) – the legal process.

We old educators have a saying: **“Never punish the child for what the parent does or fails to do!”** (Great advice)

Recommendation is to revise paragraph(iii) to read:

(iii) If the parent or legal guardian fails to attend the required conference, within five (5) days of mailing the certified letter, or other contact with the parent, without a reasonable excuse, or if the parent or legal guardian refuses to respond, the parent or legal guardian **shall be reported by the principal or designee to the family or juvenile court of the parish or city, pursuant to the provisions of Chapter 2 of Title VII of the Louisiana Children's Code relative to families in need of services, there to be dealt with in such manner as the court may determine.**

## Responding to Student Misconduct

- (e) A student who is suspended for ten days or fewer shall be assigned school work missed while he is suspended and ~~shall~~ may receive either ~~partial or full~~ the same credit originally available for such work if it is completed satisfactorily and timely as determined by the principal or his designee, upon the recommendation of the student's teacher. A student who is suspended for more than ten days, or is expelled and receives educational services at an alternative school site, shall be assigned work by a certified teacher and shall receive credit for school work if it is completed satisfactorily and timely as determined by the teacher. Such work shall be aligned with the curriculum used at the school from which the student was suspended or expelled. (17:416(A)(3)(d))
- **To receive "Zeros" on assignments while suspended invokes "Double Jeopardy" and is unfair to the student, especially those who will return to the classroom setting.**

Public Comment:

There are school districts currently interpreting this law to mean that they can offer **"partial"** credit for student work missed while on suspension even if the work is completed in its entirety because of the word "either". But now if you change the word **"shall"** to **"may"** the student may not receive any credit for completing work missed at all. (continued)

Recommendation is to keep the word **“shall”** to *guarantee* that the student on suspension will be treated fairly and get full credit for his work if it is completed satisfactorily and timely as determined by the principal or his designee upon the recommendation of the student’s teacher.

There is a need to **delete** the word **“either”** along with the words ~~“partial or full”.~~

## Serious Disciplinary Incidents

- Knives
  - Wording changed or excluded only for housekeeping now that all wordking (correct spelling) **wording** for knives is within the same section.