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:

Last sentence – On any subsequent occasions in the same year, please see **R.S. 17:416(A) (b) (ii) (aa).**
The principal should follow R.S.17:416(A) (3) (b) (ii) (aa) and file a complaint against the parent. Keeping the student from being readmitted unless the parent, legal guardian, court, or other appointed representative responds is hurting the student for what the parent is not doing. The goal is to focus on minimizing the student's loss of instructional time or out of school suspension. If this is not revised we have lost that focus.

Public Comment:

On Page 7 of the Proposed Recommendations markups presented Dec. 12th to the ACSBD There is a recommendation to R.S. 17:416 B.(1) Upon recommendation by a principal for the expulsion of any student a hearing shall be conducted by the superintendent or ~~their~~ designee within fifteen school days to determine the facts of the case –

Please correct this to read: his/her designee and delete "their".

Please delete "within fifteen school days". There is absolutely no reason to put a time limit of fifteen school days on an expulsion hearing. First of all there is **no consequence** if the hearing is not done in fifteen days so why put it there? But most of all, for over fifty years the idea among school administrators was to have the hearing within ten (10) school days although it was never written in the law. The reason is that the student recommended for expulsion was intended to be **suspended out of school awaiting** his/her hearing. You had to try and have the hearing within ten (10) school days because of the *special education* students being recommended for exclusion. You could only suspend a special education student out of school for ten (10) school days per year without a manifestation determination.

About 2007 discipline laws changed and required every school district to have an *alternative program or setting* for expelled students and **ended *waivers*** for not being able to afford them. Many school districts decided to send special education students that were recommended for exclusion to the alternative program or setting to await their hearing so that the school wouldn't have to use those out of school suspension days toward the ten (10) day special education **limit.**

There were attempts in previous years in the Legislature to put a time limit to have an expulsion hearing of ten (10) school days and the consequence **for not having** the hearing in ten (10) school days was that the student recommended for expulsion was to be returned to school with educational services.
It was quickly realized **it wasn't necessary** because R.S. 17:416.2 does just that!
R.S. 17:416.2 states, "Any student suspended or expelled from school pursuant to the provisions of R.S. 17:416, **shall** remain under the supervision of the governing authority of the city, parish, or other local public school system taking such action using alternative education programs for suspended and expelled students. And Section "G" of this law states, "the provisions of this Section **shall not be applicable** to any student suspended for up to **ten days".**

Therefore, we already have a time limit for an expulsion hearing of ten (10) days. If the hearing isn't held within ten (10) days the student who is suspended awaiting his/her hearing shall be returned to school on the 11th school day and placed under the supervision of the governing authority of the city, parish, or other local public school system taking such action using alternative education programs for suspended students.
The student is going to be sitting in an alternative educational program on the 11th day. And also please take into account, that the **hearing officer**, most likely than not, **allows** those days spent in the alternative educational program awaiting the hearing to count as "**time served**" toward the days needed to be served because of the expulsion consequence.
The way the law is currently, if the expulsion hearing is not held in ten (10) school days, the student is returned to school and placed in an alternative educational setting. Please see your recommendation for Section "E". It states this very same thing!

Public Comment:

In the recommendation for R.S. 17:416 Section "E". – The word "suspended" should come before "expelled" and follow the hierarchy of consequences.

It states,
E. A student who is expelled or suspended longer than ten days.
It should say,
E. A student who is suspended or expelled longer than ten days.

Public Comment:

Assault and Battery of school employees
The recommendation is to split assault and battery into **two** paragraphs – one for assault and one for battery.

This is **unnecessary** and it is **redundant.**

The law, R.S. 17:416 (A) (1) (c) (vii) (aa) should be left just the way it is. This law places both **assault and battery** in only **one** paragraph **without loss of meaning or function.**

You are just adding a whole **unnecessary paragraph** to a law that is already about 18 pages long and that **is not** a good idea. There is an old saying, "If it ain't broke, don't try and fix it!"

Public Comment:

Local Education Agencies Codes of Conduct. ……..page 9

This would be better placed in R.S.17:416.13 –Student Code of Conduct, Requirement; rather than in R.S. 17:416 – discipline statues. You shouldn't have to look in R.S. 17:416 to find out what the code of conduct **should include** or what the code of conduct **shall require** or **what discretion** an LEA has within the code of conduct. All that should be together in the Code of Conduct law R.S. 17:416.13.

Another reason why it would be better placed in R.S. 17:416.13 is because R.S. 17:416 is already 18 pages long.

Public Comment:

Section K. The state department of education shall annually publish and make publicly available online data regarding discipline etc...

Section K should be placed in R.S. 17:3911– Data collection system; establishment and not in R.S. 17:416.

Please visit R.S.17:3911 and you will see that this is where Section K revisions belong.

Another reason is because R.S. 17:416 is already 18 pages long and it should not be cluttered up unnecessarily with state department data collection mandates. Please think about the school employees who have to use and implement R.S. 17:416. It should be as user friendly as possible. The less "bulky" it is the better.

Currently, at least 18 states require some type of data collection or reporting through state statue. Louisiana is one of them. And that state statue is R.S.17:3911