Proposed Recommendations for Legislative Changes to 17:416
December 12, 2017 Act 522 Advisory Council on Student Behavior & Discipline

General Preamble

(b) All public schools shall endeavor to address student behavior, with a focus on evidence-based 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.

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~~ on school campus ~~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))*

(4) The provisions of this ~~Subsection~~ statute shall not be construed to conflict with any federal or state rules or regulations or other guidelines, including, but not limited to, those affecting ~~special education~~ students with exceptionalities as defined in R.S. 17:1943 et seq. *(17:416(A)(5))*

(2) As used in this Section:

(c) "Bullying" is defined in R.S. 17:416.13. *(17:416(A)(2)(d))*

(b)(i) "Detention" means activities, assignments, or work held before the normal school day, after the normal school day, or on weekends. *(17:416(A)(2)(b)(i))*

(ii) Failure or refusal by a student to participate in assigned detention ~~shall~~ may subject the student to immediate out-of-school suspension. *(17:416(A)(2)(b)(ii))*

(iii) Assignments, activities, or work which may be assigned during detention include but are not limited to counseling, homework assignments, behavior modification programs, or other activities aimed at improving the ~~self-esteem~~ behavior and conduct of the student. *(17:416(A)(2)(b)(iii))*

(iv) Each ~~city and parish school board~~ local education agency shall adopt rules regarding the implementation of detention by no later than January 1, 1995. *(17:416(A)(2)(b)(iv))*

(v) ~~Unless otherwise defined as a permanent expulsion and except as otherwise provided by Subsections B and C of this Section,~~ "Expulsion" shall be defined as a removal from all regular school settings for a period of not less than one school semester. During an expulsion the superintendent shall place the student in an alternative school or in an alternative educational placement. *(17:416(A)(2)(c))*

(4) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, ~~or~~ 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.

(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~~ shall 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~~ may be subject to immediate out-of-school suspension. *(17:416(A)(2)(a)(i))*

(ii) Each ~~city and parish school board~~ local education agency shall adopt rules regarding the implementation of in-school suspension by no later than January 1, 1995. *(17:416(A)(2)(a)(ii))*

(5) "Local Education Agency" means a public board of education or other public authority legally constituted within Louisiana for administrative control and direction of or to perform a service function for public elementary or secondary schools in a city, parish, or other local public school district or other political subdivision, including a charter school acting as

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its own local education agency in accordance with R.S. 17:3995.

(5) "Superintendent" shall, in this statute, also refer to the chief executive officer or qualifying leader of a charter school acting as its own local education agency in accordance with R.S. 17:3995.

(6) "Out-of-school 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.

Responding to Student Misconduct

The governing authority of each ~~public elementary and secondary~~ local education agency shall adopt such rules and regulations as it deems necessary to implement the provisions of this Subsection and of R.S. 17:416.13. Such rules and regulations shall include but not be limited to the following provisions: *(17:416(A)(4))*

(a) In carrying out the activities of this statute, school employees and administrators shall account for and abide by any relevant provisions contained in a student with a disability's Individualized Education Program, Behavior Intervention Plan, or Section 504 Plan, as well as the general requirements of the federal Individuals with Disabilities Education Act.

(a) A procedure permitting any teacher or other school employee to report any violation of the provisions of this Subsection to the appropriate school principal. The procedure shall provide for the uniform use throughout the local education agency ~~school system~~ of two forms to report incidents of alleged discipline violations. One form shall be used to report only school transportation-related incidents and one form shall be used to report all other incidents. *(17:416(A)(4)(a))*

(b) A procedure requiring that, within a reasonable period of time, a principal shall review any such report and then act upon it as provided by this Section, or R.S. 17:416.13, or explain the reasons for failing to act to the local superintendent of schools or his designee and to the teacher, other school employee, student, parent, or legal guardian reporting the violation. *(17:416(A)(4)(c))*

(i) The form for reporting a transportation-related incident shall provide for the following information: *(17:416(A)(4)(a)(i)(aa-ll))*

(aa) Bus number and name of operator.

(bb) Student name and grade level.

(cc) School name and name of the principal.

(dd) Date of the incident and whether it occurred on the way to or on the way from the school or school function.

(ee) A menu of check-off items to indicate the nature of the incident, including fighting or bullying at the bus stop, fighting or bullying on the bus, smoking on the bus, leaving the bus without permission, boarding the bus at the incorrect stop, showing disrespect toward the operator, committing an immoral or vicious act, throwing objects within the bus or out of bus windows or doors, refusing to occupy an assigned seat, using profane language, showing willful disobedience, defacing the bus, carrying objects or implements which can be used as weapons, or committing some other undesignated violation.

(ff) Space to provide specific remarks and comments concerning the incident and alleged discipline violation.

(gg) Space to indicate a student's prior history of discipline violations related to school transportation incidents.

(hh) A statement to be signed and dated by the bus operator or other school employee, if applicable, that the named student is causing a discipline problem, that disciplinary action against the student is recommended, and that the signatory desires to be informed of action taken on the incident report or the reasons for not taking action.

(ii) A space to report action taken on the incident report, including a menu of check off items to indicate that a parent or

other person responsible for the student's school attendance has been contacted, that a conference has been conducted with the student's parent or other responsible person, that the student has been reprimanded, that the student has been suspended from receiving school transportation services and for what period of time, that the student has been suspended from school and for what period of time, or that some other action has been taken and an explanation of such action. The report on action taken shall be dated and signed by the school principal.

(jj) Space for comments and remarks by the student or a student's parent or other responsible person concerning the incident and action taken.

(kk) A menu of check off items to indicate that copies of the completed document have been supplied to the student's parent or other responsible person, the school's student file, the school employee filing the incident report, the supervisor of transportation services for the local education agency ~~school system~~, and the principal.

(*ll*) Such other information as may be determined by the ~~city or parish school board~~ local education agency.

(ii) The form for reporting a nontransportation-related incident shall provide for the following information: *(17:416(A)(4)(a)(ii)(aa-mm)*

(aa) School name.

(bb) Name and telephone number of the student.

(cc) Indication of whether the student is in regular or special education and the student's homeroom number.

(dd) Time and location of the incident.

(ee) Space to provide specific remarks and comments concerning the incident and alleged discipline violation.

(ff) A menu of check off items indicating action taken by the teacher, including having a conference with the student, assigning remedial work, referring the student to a counselor, referring the student to a licensed social worker or a certified school psychologist, placing the student in detention, or taking other action with an explanation of such other action.

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(gg) A menu of check off items indicating the type and date of contact with the student's parent or other person responsible for the student's school attendance, including by phone, by letter, by school conference, or by behavior reports.

(hh) A space for recommendations from the teacher or other school employee initiating the incident report.

(ii) A statement to be signed and dated by the teacher or other school employee initiating the incident report that the named student is causing a discipline problem, that disciplinary action against the student is recommended, and that the signatory desires to be informed of action taken on the incident report or the reasons for not taking action.

(jj) A space to report action taken on the incident report, including a menu of check off items to indicate contact with the student's parent or other responsible person, conduct of a conference with the student and the student's parent or other responsible person and a summary of conference proceedings, referral to a counselor, issuance of a reprimand, placement on detention, placement on probation, in-school suspension, out-of-school suspension, or that some other action has been taken and an explanation of such action. The report on action taken shall be dated and signed by the school principal.

(kk) Space for comments and remarks by the student or a student's parent or other responsible person concerning the incident and action taken.

(*ll*) A menu of check off items to indicate that copies of the completed document have been supplied to the student's parent or other responsible person, the school's student file, the teacher or other school employee filing the incident

report, and the principal.

(mm) Such other information as may be determined by the ~~city or parish school board~~ local education agency.

(iii) The State Board of Elementary and Secondary Education shall develop the forms necessary to implement the provisions of this Subparagraph and such forms shall be used by each ~~city and parish school board~~ local education agency. *(17:416(A)(4)(a)(iii))*

(b)(i) Each teacher may take disciplinary action to correct a student who ~~disrupts normal classroom activities, who is disrespectful to a teacher, who willfully disobeys a teacher, who uses abusive or foul language directed at a teacher or another student, who engages in bullying, who~~ violates school rules~~, including but not limited to disciplinary infractions in Subsection XX,~~ or who interferes with an orderly education process, including, but not limited to, disciplinary infractions in Subsection XX ~~(on p. 10 of this document)~~. *(17:416(A)(1)(b)(i))*

(ii) In addition to those procedures set forth in R.S. 17:416.13 regarding bullying, disciplinary action by a teacher may include but is not limited to: *(17:416(A)(1)(b)(ii))*

(aa) Oral or written reprimands.

(bb) Referral for a counseling session which shall include but shall not be limited to conflict resolution, social responsibility, family responsibility, peer mediation, and stress management.

(cc) Written notification to parents of disruptive or unacceptable behavior, a copy of which shall be provided to the principal.

(dd) Other disciplinary measures approved by the principal and faculty of the school and in compliance with ~~school board~~ local education agency policy. *(17:416(A)(1)(b)(ii)(aa)-(dd))*

(c)(i) When a student's behavior prevents the orderly instruction of other students or poses an immediate threat to the safety or physical well-being of any student or teacher, ~~when a student exhibits disrespectful behavior toward the teacher such as using foul or abusive language or gestures directed at or threatening a student or a teacher,~~ or when a student violates the school's code of conduct, ~~or when a student exhibits other disruptive, dangerous, or unruly behavior, including inappropriate physical contact, inappropriate verbal conduct, sexual or other harassment, bullying, throwing objects, inciting other students to misbehave, or destroying property,~~ the teacher may have the student immediately removed from his classroom and placed in the custody of the principal or his designee. ~~A student removed from the classroom pursuant to this Subparagraph shall be assigned school work missed and shall receive either partial or full credit 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; however, the teacher shall not be required to interrupt class instruction time to prepare any such assignment.~~ *(17:416(A)(1)(c)(i))*

(ii)(aa) Upon being sent to the principal's office pursuant to the provisions of this Subparagraph, the principal or his designee shall advise the student of the particular misconduct of which he is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his version of the facts. The principal or his designee then shall conduct a counseling session with the student as may be appropriate to establish a course of action, consistent with ~~school board~~ local education agency policy to identify and correct the behavior for which the student is being disciplined. *(17:416(A)(1)(c)(ii)(aa))*

(bb) The principal or his designee shall provide oral or written notification to the parent or legal guardian of any student removed from the classroom pursuant to the provisions of this Subparagraph. Such notification shall include a description of any disciplinary action taken. *(17:416(A)(1)(c)(ii)(bb))*

(cc) The principal or his designee may provide oral or written feedback to teachers initiating the removal of students from the classroom. The principal or his designee may provide to such teachers guidance and support on practicing

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effective classroom management including but not limited to positive behavior supports. *(17:416(A)(1)(c)(ii)(cc))*

(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~~ five 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 at least one of the following disciplinary measures. *(17:416(A)(1)(c)(iii))*

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(aa) Conferencing with a principal or designee.

(bb) Referral to counseling

~~(xx) Loss of privileges~~

(xx) Peer mediation
~~(xx) Peer mediation~~

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(xx) Referral to the school building level committee

(xx) Restorative justice practices

(xx) Loss of privileges

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(bb) Detention. *(17:416(A)(1)(c)(iii)(bb))*

(bb) In-school suspension. *(17:416(A)(1)(c)(iii)(aa))*

(cc) Out-of-school Suspension. *(17:416(A)(1)(c)(iii)(cc))*

(dd) Initiation of expulsion hearings. *(17:416(A)(1)(c)(iii)(dd))*

(ee) Assignment to an alternative school or program. *(17:416(A)(1)(c)(iii)(ee))*

(ff) Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of out-of-school suspension. *(17:416(A)(1)(c)(iii)(ff))*

(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))*

(iv) When a student is removed from a classroom pursuant to this Subparagraph, the teacher, principal, or his designee may require that the parent, ~~tutor,~~ or legal guardian of the student have a conference with the teacher, principal, or his designee ~~in the presence of the principal or his designee before the student is readmitted~~. Such conference may be in person or by telephone or other virtual means. *(17:416(A)(1)(c)(iv))*

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(bb) Each ~~city, parish, or other local public school board~~ local education agency may adopt a policy that requires the parent or legal guardian of a student removed from the classroom pursuant to this Subparagraph the opportunity to attend after school or Saturday intervention sessions with the student. Such a policy, if adopted by a local educational agency, shall be enumerated in its code of conduct. Such policies, if adopted by a local educational agency, shall include ~~exemptions~~ accommodations for parents and legal guardians who can demonstrate a documented inability to attend such sessions due to work; disability or other health matters pertaining to the

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parent, legal guardian, or a family member under his care. The ~~school board~~ local education agency may refer a parent who fails to attend such session to the court of competent jurisdiction in accordance with Chapter 2 of Title VII of the Louisiana Children's Code. Each time a parent is referred to the court of competent jurisdiction, the court may impose a fine of not less than twenty-five dollars and not more than two hundred fifty dollars, forty hours of court-approved school or community service activities, or a combination of forty hours of court-approved school or community service and attendance at a court-approved family counseling program by both a parent or legal guardian and the student, and may suspend any recreational license issued by the Department of Wildlife and Fisheries. *(17:416(A)(1)(c)(vi)(bb))*

(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 before the principal implements a disciplinary measure. ~~If appropriate, a referral of the matter may be made to an appropriate 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~~ may be required prior to the student being readmitted to that same classroom. Such conference may be in person or by telephone or other virtual means. If such conference is required by the school then written notice of the conference to the parent shall be required. *(17:416(A)(1)(c)(v))*

(vi) For students who experience multiple behavioral incidents or disciplinary referrals, principals or their designees may consider a referral of the matter to an appropriate school building level committee.

(vi)(aa) If disruptive behavior persists, the teacher may request that the principal transfer the student into another setting. *(17:416(A)(1)(c)(vi)(aa)*

(b)(i) Prior to any out-of-school suspension, assignment to alternative placement, or expulsion, the school principal, or his designee, shall advise the student in question of the particular misconduct of which he is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his version of the facts to the school principal or his designee. *(17:416(A)(3)(b)(i))*

In each case of out-of-school suspension or expulsion the school principal, or his designee, shall contact by telephone at the telephone number shown on the student's registration card or send an electronic communication or a certified letter at the address shown on the student's registration card to the parent~~, tutor,~~ or legal guardian of the student in question giving notice of the out-of-school suspension or expulsion, the reasons therefor and establishing a date and time for a conference with the principal or his designee as a requirement for readmitting the student provided that in the case of expulsion, the contact with the parent or guardian shall include a certified letter. *(17:416(A)(3)(b)(i))*

(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))*

(iv) A student whose presence in or about a school poses a continued danger to any person or property or an ongoing threat of disruption to the academic process shall be immediately removed from the school premises without the benefit of the procedure described hereinabove; however, the necessary procedure shall follow as soon as is practicable. *(17:416(A)(3)(b)(i))*

(ii)(aa) In any case where a teacher, principal, or other school employee is authorized in this Section to require the parent, ~~tutor,~~ or legal guardian of a student ~~who is under the age of eighteen and not judicially emancipated or~~

~~emancipated by marriage~~ to attend a conference or meeting regarding the student's behavior and, after notice, the parent~~, tutor,~~ or legal guardian willfully refuses to attend, the principal or his designee shall file a complaint with a court exercising juvenile jurisdiction, pursuant to Children's Code Article 730(8) and 731. The principal may file a complaint pursuant to Children's Code Article 730(1) or any other applicable ground when, in his judgment, doing so is in the best interests of the student. *(17:416(A)(3)(b)(ii)(aa))*

(bb) The principal, assistant principal, or child attendance and welfare supervisor or his assistant of any school, public or nonpublic, shall be a representative of an agency having the responsibility or ability to supply services to a family as that phrase is used in Children's Code Article 731(A). *(17:416(A)(3)(b)(ii)(bb))*

(c) Any parent~~, tutor~~ or legal guardian of a student suspended shall have the right to appeal to the ~~city or parish~~ superintendent of schools or his designee, who shall conduct a hearing on the merits. The decision of the superintendent of schools on the merits of the case, as well as the term of out-of-school suspension, shall be final, reserving to the superintendent of schools the right to remit any portion of the time of out-of-school suspension. *(17:416(A)(3)(c))*

(d) A student suspended for damages to any property belonging to the local education agency ~~school system or~~ to property contracted to the local education agency ~~school system~~, or any property on school grounds owned by a school employee or student shall not be readmitted until payment in full has been made for such damage, an alternative restitution arrangement has been executed, an alternative payment plan has been arranged, or until directed by the superintendent of schools. If the property damaged is a school bus owned by, contracted to, or jointly owned by any ~~parish or city school board~~ local education agency, a student suspended for such damage shall not be permitted to enter or ride any school bus until payment in full has been made for such damage, an alternative restitution arrangement has been executed, an alternative payment plan has been arranged, or until directed by the superintendent of schools. *(17:416(A)(3)(d))*

(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))*

(f) When a student is suspended for a second time within one school year, the principal may require that a counseling session be held with the parent and student by the school counselor if a counselor is assigned or available to that school. In the event there is no school counselor assigned to that school ~~available~~, the principal may require a conference between the parent, student, and all the student's teachers and the principal or other administrator. *(17:416(A)(3)(f))*

B. (1) Upon the recommendation by a principal for the expulsion of any student as authorized by ~~Subsection B hereof~~ statute or a local education agency code of conduct, a hearing shall be conducted by the superintendent or their designee ~~by any other person designated so to do by the superintendent~~ within fifteen school days to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. The local education agency must provide written notice of the hearing to the student and their parent or legal guardian, and such notice shall advise the student and their parent or legal guardian of their rights. Upon the conclusion of the hearing and upon a finding that the student is guilty of conduct warranting expulsion, the superintendent, or his designee, shall determine whether such student shall be expelled from the local education agency ~~school system~~ or if other corrective or disciplinary action shall be taken. *(17:416(C)(1))*

C. At said hearing the principal or teacher concerned may be represented by any person appointed by the superintendent. The concerned teacher shall be permitted to attend such hearing and shall be permitted to present information the

teacher believes relevant. *(17:416(C)(1))*

D. Until such hearing takes place the student shall remain suspended from the school with access to classwork and opportunity to earn academic credit, in accordance with subparagraph xxx. At such hearing the student may be represented by any person of his choice. *(17:416(C)(1))*

E. A student who is suspended longer than ten days or expelled shall be provided with academic instruction at an alternative setting under the supervision of the local education agency which expelled them, in accordance with R.S. 17:416.2(A)(1).

F. The parent or ~~tutor~~ legal guardian of the student may, within five school days after the decision is rendered, submit a request to the ~~city or parish school board~~ governing authority of the local education agency to review the findings of the superintendent or his designee at a time set by the school or governing board; otherwise the decision of the superintendent shall be final. If requested, as herein provided, and after reviewing the findings of the superintendent or his designee, the school or governing board may affirm, modify, or reverse the action previously taken. Each local education agency's code of conduct shall include information detailing the appeal process. *(17:416(C)(4))*

G. The parent or ~~tutor~~ legal guardian of the student may, within ten school days, appeal to the district court for the parish in which the student's school is located, an adverse ruling of the ~~school board~~ local education agency in upholding the action of the superintendent or his designee. The court may reverse or revise the ruling of the ~~school board~~ local education agency upon a finding that the local education agency's ruling ~~of the board~~ was based on an absence of any relevant evidence in support thereof. *(17:416(C)(5))*

Assault and Battery of School Employees

(vii)(aa) Notwithstanding any provision of law to the contrary, whenever a student is formally accused of violating the provisions of R.S. 14:34.3 or school disciplinary rules, or both, by committing a battery on any school employee, the principal shall suspend the student from school immediately and the student shall be removed immediately from the school premises without the benefit of the out-of-school suspension procedures provided by this Section; however, the necessary notifications and other procedures shall follow as soon as is practicable. *(17:416(A)(1)(c)(vii)(aa))*

(bb) ~~or~~ Notwithstanding any provision of law to the contrary, whenever a student is formally accused of violating the provisions of R.S. 14:38.2 or school disciplinary rules, or both, by committing an assault on any school employee, the principal shall suspend the student from school immediately and the student shall be removed immediately from the school premises without the benefit of the out-of-school suspension procedures provided by this Section; however, the necessary notifications and other procedures shall follow as soon as is practicable. *(17:416(A)(1)(c)(vii)(aa))*

(bb) No student suspended in accordance with the provisions of this Item shall be considered for readmission to the school to which the school employee, allegedly assaulted or battered, or both, by the student, is assigned until all hearings and appeals associated with the alleged violation have been exhausted. *(17:416(A)(1)(c)(vii)(bb))*

(cc) Except when the local education agency ~~school system~~ has no other school of suitable grade level for the student to attend, no student found guilty by a court of competent jurisdiction of violating the provisions of R.S. 14:34.3 or 38.2, or both, or found guilty at a local education agency ~~school system~~ out-of-school suspension hearing of committing a battery on any school employee or committing an assault on any school employee, or both, shall be assigned to attend or shall attend the school to which the school employee battered or assaulted by the student is assigned. *(17:416(A)(1)(c)(vii)(cc))*

(dd) Notwithstanding any provision of R.S. 17:158 to the contrary, a local education agency ~~school system~~ shall not be required to provide transportation to any student reassigned to attend a school pursuant to the provisions of this Item if providing such transportation for the student will result in additional transportation costs to the local education agency ~~school system~~. *(17:416(A)(1)(c)(vii)(dd))*

~~(2) As used in this Section:~~

~~(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.~~

~~(ii) Each city and parish school board public school system shall adopt rules regarding the implementation of in-school suspension by no later than January 1, 1995.~~

~~(b)(i) "Detention" means activities, assignments, or work held before the normal school day, after the normal school day, or on weekends.~~

~~(vi)Failure or refusal by a student to participate in assigned detention shall subject the student to immediate suspension.~~

~~(vii)Assignments, activities, or work which may be assigned during detention include but are not limited to counseling, homework assignments, behavior modification programs, or other activities aimed at improving the self-esteem of the student.~~

~~(viii) Each city and parish school board public school system shall adopt rules regarding the implementation of detention by no later than January 1, 1995.~~

~~(d) Unless otherwise defined as a permanent expulsion and except as otherwise provided by Subsections B and C of this Section, "Expulsion" shall be defined as a removal from all regular school settings for a period of not less than one school semester. During an expulsion the superintendent shall place the student in an alternative school or in an alternative educational placement.~~

~~(e) "Bullying" is defined in R.S. 17:416.13.~~

~~(f) "Suspension" shall be defined as …~~

Local Education Agency Codes of Conduct

(3)(a) A school principal may suspend from school or suspend from riding on any school bus any student who violates the local education agency's code of conduct in accordance with that local education agency's code of conduct. *(17:416(A)(3)(a))*

(b) In accordance with R.S. 17:252 and 17:416.13, local education agencies shall maintain and administer student codes of conduct that meet the minimum requirements of the model master discipline plan. Nothing in this paragraph shall prohibit a principal or administrator of a public school from disciplining a student in accordance with the consequences enumerated in this statute.

(b) Local education agency codes of conduct shall include progressive levels of minor through major infractions and identify corresponding minor through major interventions and consequences. Nothing in this paragraph shall prohibit a principal or administrator from disciplining a student in accordance with the consequences enumerated in this statute.

(c) Before an initial referral for a student's expulsion, local education agency codes of conduct shall require the prior administration of interventions in accordance with the minor tiers in the code of conduct, except in instances where the expulsion referral is the result of accumulated minor infractions in accordance with the code of conduct, or the underlying incident seriously threatens the safety of students or staff. Expulsions shall be reserved for the major tier of behavioral infractions involving weapons, drugs, or when the safety of students and staff has been put in imminent jeopardy.

(d) Within their codes of conduct, local education agencies have discretion to:

i. Differentiate infractions and consequences for elementary, middle, or high school grade levels.
ii. Eliminate out-of-school suspensions as a consequence from the code of conduct.
iii. Adopt a policy that any student who has been suspended on three occasions ~~for committing any of the offenses enumerated in this Subsection or Subsection C of this Section~~ during the same school year ~~shall~~

may, upon committing the fourth such offense, be expelled ~~from all the public schools of the city, parish, or other local public school system wherein he resided~~ until the beginning of the next regular school year~~, and the student's reinstatement shall be subject to the review and approval of the local school board~~. *(17:416(B)(2))*

Types of Disciplinary Infractions *(17:416(A)(3)(i-xviii))*

(i) ~~Is guilty of~~ Willful disobedience.

(ii) ~~Treats a teacher, principal, superintendent, member, or employee of the local school board with~~ Intentional disrespect of a teacher, principal, superintendent, or employee of a local education agency.

(iii) Making ~~against any one of them~~ an unfounded charge against a teacher, principal, superintendent, or employee of a local education agency.

(iv) Using unchaste or profane language.

(v) ~~Is guilty of~~ Engaging in immoral or vicious practices, or ~~of~~ conduct or habits injurious to others ~~his associates~~.

(vi) Using or possessing tobacco, ~~or who possesses~~ alcoholic beverages, or any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law, in any form, in school buildings, on school grounds, or on school buses owned by, contracted to, or jointly owned by any ~~city or parish school board~~ local education agency.

(vii) Disturbing the school and habitually violating any rule.

(viii) Cutting, defacing, or injuring any part of public school buildings, any property belonging to the buildings, any property on school grounds owned by a school employee or student, or any school buses owned by, contracted to, or jointly owned by any ~~city or parish school board~~ local education agency.

(ix) Writing any profane or obscene language or drawing obscene pictures in or on any school material or on any public school premises, or on any fence, pole, sidewalk, or building on the way to or from school, ~~or~~ on any school bus, including those owned by, contracted to, or jointly owned by any ~~city or parish school board~~ local education agency, or on any property on school grounds owned by a school employee or student.

(x) ~~Is found~~ Carrying firearms, knives, or other implements which can be used as weapons, the careless use of which might inflict harm or injury.

(xi) Throwing missiles liable to injure other persons on the school grounds or while on any school bus, including those owned by, contracted to, or jointly owned by any ~~city or parish school board~~ local education agency.

(xii) Instigating or participating in fights while under school supervision.

(xiii) Violating traffic and safety regulations.

(xiv) Leaving the school premises without permission.

(xv) Leaving ~~his~~ an assigned classroom during class hours or a detention without permission.

(xvi) ~~Is~~ Being habitually tardy or absent.

(xvii) ~~Has~~ Engaging in bullying.

~~(xviii)~~ Committing any other serious offense.

~~(b)(i) Prior to any suspension, the school principal, or his designee, shall advise the pupil in question of the particular misconduct of which he is accused as well as the basis for such accusation, and the pupil shall be given an opportunity~~

~~at that time to explain his version of the facts to the school principal or his designee. In each case of suspension or expulsion the school principal, or his designee, shall contact by telephone at the telephone number shown on the pupil's registration card or send a certified letter at the address shown on the pupil's registration card to the parent, tutor, or legal guardian of the pupil in question giving notice of the suspension or expulsion, the reasons therefor and establishing a date and time for a conference with the principal or his designee as a requirement for readmitting the pupil provided that in the case of expulsion, the contact with the parent or guardian shall include a certified letter. 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 whether readmitting the pupil is in the best interest of the student. On any subsequent occasions in the same year, the pupil shall not be readmitted unless the parent, tutor, legal guardian, court, or other appointed representative responds. A pupil whose presence in or about a school poses a continued danger to any person or property or an ongoing threat of disruption to the academic process shall be immediately removed from the school premises without the benefit of the procedure described hereinabove; however, the necessary procedure shall follow as soon as is practicable.~~

~~(ii)(aa) In any case where a teacher, principal, or other school employee is authorized in this Section to require the parent, tutor, or legal guardian of a pupil who is under the age of eighteen and not judicially emancipated or emancipated by marriage to attend a conference or meeting regarding the pupil's behavior and, after notice, the parent, tutor, or legal guardian willfully refuses to attend, the principal or his designee, shall file a complaint with a court exercising juvenile jurisdiction, pursuant to Children's Code Article 730(8) and 731. The principal may file a complaint pursuant to Children's Code Article 730(1) or any other applicable ground when, in his judgment, doing so is in the best interests of the pupil.~~

~~(bb) The principal, assistant principal, or child attendance and welfare supervisor or his assistant of any school, public or nonpublic, shall be a representative of an agency having the responsibility or ability to supply services to a family as that phrase is used in Children's Code Article 731(A).~~

~~(g) Any parent, tutor or legal guardian of a pupil suspended shall have the right to appeal to the city or parish superintendent of schools or his designee, who shall conduct a hearing on the merits. The decision of the superintendent of schools on the merits of the case, as well as the term of suspension, shall be final, reserving to the superintendent of schools the right to remit any portion of the time of suspension.~~

~~(h) A pupil suspended for damages to any property belonging to the school system or to property contracted to the school system shall not be readmitted until payment in full has been made for such damage or until directed by the superintendent of schools. If the property damaged is a school bus owned by, contracted to, or jointly owned by any parish or city school board, a pupil suspended for such damage shall not be permitted to enter or ride any school bus until payment in full has been made for such damage or until directed by the superintendent of schools.~~

~~(i) A pupil who is suspended for ten days or fewer shall be assigned school work missed while he is suspended and shall receive either partial or full credit for such work if it is completed satisfactorily and timely as determined by the principal or his designee, upon the recommendation of the pupil's teacher. A pupil 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 pupil was suspended or expelled.~~

~~(j) When a pupil is suspended for a second time within one school year, the principal may require that a counseling session be held with the parent and pupil by the school counselor if a counselor is assigned or available to that school. In the event there is no school counselor available, the principal may require a conference between the parent, pupil, and all the pupil's teachers and the principal or other administrator.~~

~~(6) The governing authority of each public elementary and secondary school shall adopt such rules and regulations as it deems necessary to implement the provisions of this Subsection and of R.S. 17:416.13. Such rules and regulations shall include but not be limited to the following provisions:~~

~~(a) A procedure permitting any teacher or other school employee to report any violation of the provisions of this Subsection to the appropriate school principal. The procedure shall provide for the uniform use throughout the school system of two forms to report incidents of alleged discipline violations. One form shall be used to report only school transportation-related incidents and one form shall be used to report all other incidents.~~

~~(iii) The form for reporting a transportation-related incident shall provide for the following information:~~

~~(aa) Bus number and name of operator.~~

~~(bb) Pupil name and grade level.~~

~~(cc) School name and name of the principal.~~

~~(dd) Date of the incident and whether it occurred on the way to or on the way from the school or school function.~~

~~(ee) A menu of check-off items to indicate the nature of the incident, including fighting or bullying at the bus stop, fighting or bullying on the bus, smoking on the bus, leaving the bus without permission, boarding the bus at the incorrect stop, showing disrespect toward the operator, committing an immoral or vicious act, throwing objects within the bus or out of bus windows or doors, refusing to occupy an assigned seat, using profane language, showing willful disobedience, defacing the bus, carrying objects or implements which can be used as weapons, or committing some other undesignated violation.~~

~~(ff) Space to provide specific remarks and comments concerning the incident and alleged discipline violation.~~

~~(gg) Space to indicate a pupil's prior history of discipline violations related to school transportation incidents.~~

~~(hh) A statement to be signed and dated by the bus operator or other school employee, if applicable, that the named pupil is causing a discipline problem, that disciplinary action against the pupil is recommended, and that the signatory desires to be informed of action taken on the incident report or the reasons for not taking action.~~

~~(iv)A space to report action taken on the incident report, including a menu of check off items to indicate that a parent or other person responsible for the pupil's school attendance has been contacted, that a conference has been conducted with the pupil's parent or other responsible person, that the pupil has been reprimanded, that the pupil has been suspended from receiving school transportation services and for what period of time, that the pupil has been suspended from school and for what period of time, or that some other action has been taken and an explanation of such action. The report on action taken shall be dated and signed by the school principal.~~

~~(jj) Space for comments and remarks by the pupil or a pupil's parent or other responsible person concerning the incident and action taken.~~

~~(kk) A menu of check off items to indicate that copies of the completed document have been supplied to the pupil's parent or other responsible person, the school's pupil file, the school employee filing the incident report, the supervisor of transportation services for the school system, and the principal.~~

~~(*II*) Such other information as may be determined by the city or parish school board.~~

~~(ii) The form for reporting a nontransportation-related incident shall provide for the following information:~~

~~(aa) School name.~~

~~(bb) Name and telephone number of the pupil.~~

~~(cc) Indication of whether the pupil is in regular or special education and the pupil's homeroom number.~~

~~(dd) Time and location of the incident.~~

~~(ee) Space to provide specific remarks and comments concerning the incident and alleged discipline violation.~~

~~(ff) A menu of check-off items indicating action taken by the teacher, including having a conference with the pupil, assigning remedial work, referring the pupil to a counselor, referring the pupil to a social worker, placing the pupil in detention, or taking other action with an explanation of such other action.~~

~~(gg) A menu of check off items indicating the type and date of contact with the pupil's parent or other person responsible for the pupil's school attendance, including by phone, by letter, by school conference, or by behavior reports.~~

~~(hh) A space for recommendations from the teacher or other school employee initiating the incident report.~~

~~(iv) A statement to be signed and dated by the teacher or other school employee initiating the incident report that the named pupil is causing a discipline problem, that disciplinary action against the pupil is recommended, and that the signatory desires to be informed of action taken on the incident report or the reasons for not taking action.~~

~~(jj) A space to report action taken on the incident report, including a menu of check off items to indicate contact with the pupil's parent or other responsible person, conduct of a conference with the pupil and the pupil's parent or other responsible person and a summary of conference proceedings, referral to a counselor, issuance of a reprimand, placement on detention, placement on probation, suspension, or that some other action has been taken and an explanation of such action. The report on action taken shall be dated and signed by the school principal.~~

~~(kk) Space for comments and remarks by the pupil or a pupil's parent or other responsible person concerning the incident and action taken.~~

~~(*ll*) A menu of check off items to indicate that copies of the completed document have been supplied to the pupil's parent or other responsible person, the school's pupil file, the teacher or other school employee filing the incident report, and the principal.~~

~~(mm) Such other information as may be determined by the city or parish school board.~~

~~(v) The State Board of Elementary and Secondary Education shall develop the forms necessary to implement the provisions of this Subparagraph and such forms shall be used by each city and parish school board.~~

~~(b) Procedures implementing the provisions of R.S. 17:416.13 regarding bullying.~~ *(17:416(A)(4)(b))*

~~(c) A procedure requiring that, within a reasonable period of time, a principal shall review any such report and then act upon it as provided by this Section, or R.S. 17:416.13, or explain the reasons for failing to act to the local superintendent of schools or his designee and to the teacher, other school employee, student, parent, or legal guardian reporting the violation.~~
~~(7) The provisions of this Subsection shall not be construed to conflict with any federal or state rules or regulations or other guidelines affecting special education students as defined in R.S. 17:1943 et seq.~~

~~H. (1)(a) Any student after being suspended for committing any of the offenses enumerated in this Section may be expelled, upon recommendation by the principal of the public school in which said student is enrolled, which recommended expulsion shall be subject to the provisions of Subsection C.~~ *(17:416(B)(1)(a))*

Serious Disciplinary Incidents

(b)(i) Notwithstanding the provisions of Subsection ~~A~~ of this Section, the principal or his designee shall immediately suspend a student who is found carrying or possessing a firearm or another dangerous instrumentality other than a knife, or who possesses, distributes, sells, gives, or loans any controlled dangerous substance governed by the Uniform

Controlled Dangerous Substances Law, in any form. The principal or his designee shall immediately recommend the student's expulsion in accordance with ~~Subsection C of this Section~~ this statute. *(17:416(B)(1)(b)(i))*

~~(c) The provisions of this Section shall not apply to the following:~~ *(17:416(B)(1)(c))*

~~(i) A student carrying or possessing a firearm or knife for purposes of involvement in a school class or course or school approved cocurricular or extracurricular activity or any other activity approved by the appropriate school officials.~~

~~(ii) A student possessing any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law that has been obtained directly or pursuant to a valid prescription or order from a licensed physician. However, such student shall carry evidence of that prescription or physician's order on his person at all times when in possession of any controlled dangerous substance which shall be subject to verification.~~

~~(2) Any pupil who has been suspended on three occasions for committing any of the offenses enumerated in this Subsection or Subsection C of this Section during the same school year shall may, upon committing the fourth such offense, be expelled from all the public schools of the city, parish, or other local public school system wherein he resided until the beginning of the next regular school year, and the pupil's reinstatement shall be subject to the review and approval of the local school board.~~

~~(b) No student who has been expelled pursuant to the provisions of Paragraph (C)(2) of this Section shall be readmitted to a regular public school in the city, parish, or other local public school system from which he was expelled prior to the completion of the specified period of expulsion at the school system's alternative education setting, unless he has complied with the following provisions: of Subparagraph (C)(2)(d) of this Section.~~

~~d)(i) In addition to any other limitations established by this Subsection on the admission of previously expelled students to public elementary and secondary schools in Louisiana, No student who has been expelled from any public or nonpublic school within or outside the state of Louisiana for possessing on school property or on a school bus a firearm, knife, or other dangerous weapon or instrumentality customarily used or intended for probable use as a dangerous weapon, or for possessing, possessing with intent to distribute, or distributing, selling, giving, or loaning while on school property or on a school bus any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law shall may be admitted to any public elementary or secondary school in the state, or readmitted to any such school on a probationary basis prior to the completion of the minimum period of expulsion as provided in Subsection C of this Section, until the student produces written documentation that he and his parent or legal guardian have enrolled and participated in an appropriate rehabilitation or counseling program related to the reason or reasons for the student's expulsion.~~

~~(c) The rehabilitation or counseling required by the provisions of this Subparagraph shall be provided by existing or new programs approved by the juvenile or family court having jurisdiction, if applicable, or by the school system and shall be at no additional cost to the school system. Such rehabilitation or counseling programs may include the following components relative to successful programs, approaches, and activities for parental involvement which better equip parents to provide support for the education of their children:~~

~~(aa) Enhancing parenting skills and expanding curriculum offerings relative to character development, the development of a healthy self-esteem and sense of personal and social responsibility, violence prevention, and conflict resolution.~~

~~(bb) Raising the educational level of the parents of public school students through instruction in basic skills.~~

~~(cc) Improving developmental skills of students to prepare them for academic success.~~

~~(dd) Providing a role model for the child through parental interest in education.~~

~~(ee) Enabling parents to become familiar with and comfortable in the school setting.~~

~~(ff) Enhancing the relationship of the parent and child through planned, structured parent-school interaction.~~

~~(gg) Demonstrating to parents their power to affect their child's ability to learn.~~

~~(d) The requirements of this Subparagraph for a student's enrollment and participation in a rehabilitation or counseling program shall be waived by the school system upon a documented showing by the student that no appropriate program is available in the area or that the student cannot enroll or participate due to financial hardship.~~

~~(e) The provisions of this Subparagraph shall be applicable to exceptional children provided special education services pursuant to Part I of Chapter 8 of this Title only to the extent the provisions are not in conflict with federal rules, regulations, and guidelines applicable to the education of exceptional students.~~

~~A. (1) Upon the recommendation by a principal for the expulsion of any student as authorized by Subsection B hereof, a hearing shall be conducted by the superintendent or by any other person designated so to do by the superintendent to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. Upon the conclusion of the hearing and upon a finding that the student is guilty of conduct warranting expulsion, the superintendent, or his designee, shall determine whether such student shall be expelled from the school system or if other corrective or disciplinary action shall be taken. At said hearing the principal or teacher concerned may be represented by any person appointed by the superintendent. The concerned teacher shall be permitted to attend such hearing and shall be permitted to present information the teacher believes relevant. Until such hearing takes place the student shall remain suspended from the school. At such hearing the student may be represented by any person of his choice.~~

Knives

B. Notwithstanding any provision of this Section to the contrary, school officials shall have total discretion and shall exercise such discretion in imposing on a student any disciplinary actions authorized by this Section for possession by a student of a ~~firearm or~~ knife on school property when such ~~firearm or~~ knife is stored in a motor vehicle and there is no evidence of the student's intent to use the ~~firearm or~~ knife in a criminal manner. *(17:416(F))*

(ii)(aa) Except ~~as provided in Item (c)(i) of this Paragraph~~ for a student carrying or possessing a ~~firearm or~~ knife for purposes of involvement in a school class or course or school approved co-curricular or extracurricular activity or any other activity approved by the appropriate school officials, no student shall be permitted to carry or possess a knife of any blade length. *(17:416(B)(1)(b)(ii)(aa), (17:416(B)(1)(c)(i))*

(bb) A student who is found carrying or possessing a knife with a blade less than two-and-a-half inches in length may be suspended by the school principal ~~as provided in Paragraph (A)(3) of this Section~~; however, in appropriate cases such student, at a minimum, shall be placed in in-school suspension. *(17:416(B)(1)(b)(ii)(bb))*

(cc) The principal shall immediately suspend a student who is found carrying or possessing a knife the blade of which equals or exceeds two-and-a-half inches in length. He also shall immediately recommend the student's expulsion ~~in accordance with Subsection C of this Section,~~ except that, in the case of a student less than eleven years of age in pre-kindergarten through grade five, the principal may, but shall not be required to, recommend the student's expulsion in accordance with Subsection ~~C~~ of this Section. *(17:416(B)(1)(b)(ii)(cc))*

Firearms

I. Disciplinary consequences enumerated in this section shall not apply to a student carrying or possessing a firearm ~~or knife~~ for purposes of involvement in a school class or course or school approved co-curricular or extracurricular activity or any other activity approved by the appropriate school officials. *(17:416(B)(1)(c)(i))*

J. Notwithstanding any provision of this Section to the contrary, school officials shall have total discretion and shall exercise such discretion in imposing on a student any disciplinary actions authorized by this Section for possession by a student of a firearm ~~or knife~~ on school property when such firearm ~~or knife~~ is stored in a motor vehicle and there is no evidence of the student's intent to use the firearm ~~or knife~~ in a criminal manner. *(17:416(F))*

~~(2)(a)(i) Notwithstanding the provisions of Subsection B of this Section, any student sixteen years of age or older found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of four complete school semesters and shall be referred to the district attorney for appropriate action. However, the superintendent of a city, parish, or other local public school system may modify the length of the such minimum expulsion requirement on a case-by-case basis, provided such modification is in writing.~~
(17:416(C)(2)(a)(i)

(b)(i) Any student ~~who is under sixteen years of age and~~ in grades six through twelve ~~and who is~~ found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school sponsored event, pursuant to a hearing as provided for by this Paragraph ~~(1) of this Subsection~~, shall be expelled from school for a minimum period of four complete school semesters, and shall be referred to the district attorney for appropriate action. However, the superintendent of a ~~city, parish, or other~~ local education agency ~~public school system~~ may modify the length of the ~~such minimum~~ expulsion requirement on a case-by-case basis, provided such modification is in writing.;890 *(17:416(C)(2)(b)(i))*

(c)(i) Any case involving a student in kindergarten through grade five found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school sponsored event, pursuant to a hearing as provided for by Paragraph ~~(1) of this Subsection~~, shall be expelled from school for a minimum period of two complete school semesters, and shall be referred to the district attorney for appropriate action. However, the superintendent of a ~~city, parish, or other~~ local education agency ~~public school system~~ may modify the length of ~~such~~ the ~~minimum~~ expulsion requirement on a case- by-case basis, provided such modification is in writing. *(17:416(C)(2)(c)(i))*

Controlled Substances

(i) Disciplinary consequences enumerated in this subsection shall not apply to a student possessing any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law that has been obtained directly or pursuant to a valid prescription or order from a licensed ~~physician~~ medical provider. However, such student shall carry evidence of that prescription or ~~physician's~~ licensed medical provider order on his person at all times when in possession of any controlled dangerous substance which shall be subject to verification. Evidence of that prescription or ~~physician's~~ licensed medical provider's order includes possession of that controlled dangerous substance in its original packaging as received from the pharmacy. *(17:416(B)(1)(c)(ii))*

(ii) ~~Notwithstanding the provisions of Subsection B of this Section,~~ Any student sixteen years of age or older found guilty of possession of, or knowledge of and intentional distribution of, or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school sponsored event pursuant to a hearing as provided for by Paragraph ~~(1) of this Subsection~~ shall be expelled from school for a minimum period of four complete school semesters. *(17:416(C)(2)(a)(ii))* However, the superintendent of a ~~city, parish, or other lo~~local education agency ~~public school system m~~may modify the length of the ~~such minimum~~ expulsion requirement on a case-by-case basis, provided such modification is in writing.

~~(b)(i) Any student who is under sixteen years of age and in grades six through twelve and who is found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of four complete school semesters, and shall be referred to the district attorney for appropriate action. However, the superintendent of a city, parish, or other local public school system may modify the length of such minimum expulsion requirement on a case-by-case basis, provided such modification is in writing.~~

(ii) Any student who is under sixteen years of age and in grades six through twelve and who is found guilty of possession of, or knowledge of and intentional distribution of, or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school sponsored event pursuant to a hearing as

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provided for by Paragraph ~~(1) of this Subsection~~ shall be expelled from school for a minimum period of two complete school semesters. *(17:416(C)(2)(b)(ii))* However, the superintendent of a ~~city, parish, or other~~ local education agency ~~public school system~~ may modify the length of the ~~such minimum~~ expulsion requirement on a case-by-case basis, provided such modification is in writing.

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~~(c)(i) Any case involving a student in kindergarten through grade five found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of two complete school semesters and shall be referred to the district attorney for appropriate action. However, the superintendent of a city, parish, or other local public school system may modify the length of such minimum expulsion requirement on a case-by-case basis, provided such modification is in writing.~~

(ii) Any case involving a student in kindergarten through grade five found guilty of possession of, or knowledge of and intentional distribution of, or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school sponsored event pursuant to a hearing as provided for by Paragraph (1) ~~of this Subsection~~ shall be referred to the governing authority of the ~~city, parish, or other local~~ ~~public school board~~ local education agency where the student attends school through a recommendation for action from the superintendent. *(17:416(C)(2)(c)(ii))*

~~(d)(i) Any student expelled from school may be readmitted on a probationary basis to school at any time during the specified period of expulsion on such terms and conditions as may be stipulated by the city, parish, or other local public school board and agreed to in writing by the student and by the student's parent or other person responsible for the student's school attendance. Such terms and conditions may include but need not be limited to placing the student in a suitable alternative education program as determined by the school board. However, any such written agreement shall include a provision that upon the school principal or superintendent of schools making a determination that the student has violated any term or condition agreed to, the student shall be immediately removed from the school premises without the benefit of any hearing or other procedure applicable to student suspensions and expulsions. As soon thereafter as possible, the principal or his designee shall provide verbal notice to the superintendent of schools of any such determination and also shall attempt to provide such verbal notice to the student's parent or other person responsible for the student's school attendance. The principal or his designee also shall provide written notice of the determination and the reasons therefor to the superintendent and to the student's parent or other responsible person.~~

~~(ii) Any student expelled pursuant to the provisions of this Subsection or Subsection B of this Section seeking readmission on a probationary basis prior to the end of the specified period of expulsion must also comply with the provisions of Subparagraph (B)(3)(d) of this Section.~~ *(17:416(C)(2)(d)(ii))*

~~(iii) The provisions of this Subparagraph shall not be applicable to any student found guilty by a court of competent jurisdiction, or adjudicated a delinquent by a court of competent jurisdiction, of a criminal violation of any provision of Title 14 of the Louisiana Revised Statutes of 1950 which is related to the reason for the suspension, unless the judge finds otherwise.~~

(3)(a) For any student arrested for possession of, or intentional distribution of, or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property~~, shall be referred by~~ the school principal or his designee~~,~~ shall, within five days after such arrest, make a referral for testing or screening by a qualified medical professional for evidence of abuse of alcohol, illegal narcotics, drugs, or other controlled dangerous substances. *(17:416(C)(3)(a))*

(b) If evidence of abuse is found, the principal or his designee ~~student~~ shall refer the student ~~be referred~~ to an alcohol and drug abuse treatment professional chosen by the student's parent or legal guardian ~~tutor~~. If the student is found by the professional to be in need of treatment, and if the student agrees to cooperate in the recommended treatment, as certified in writing by the medical professional, such documentation may be used to initiate reopening the student's case. The school board shall take into consideration the student's agreement to receive treatment as a positive factor in the final decision relative to any final disciplinary action. *(17:416(C)(3)(b))*

~~(4) The parent or tutor of the pupil may, within five days after the decision is rendered, request the city or parish school board to review the findings of the superintendent or his designee at a time set by the school board; otherwise the decision of the superintendent shall be final. If requested, as herein provided, and after reviewing the findings of the superintendent or his designee, the school board may affirm, modify, or reverse the action previously taken.~~

~~(5) The parent or tutor of the pupil may, within ten days, appeal to the district court for the parish in which the student's school is located, an adverse ruling of the school board in upholding the action of the superintendent or his designee. The court may reverse or revise the ruling of the school board upon a finding that the ruling of the board was based on an absence of any relevant evidence in support thereof.~~

Probationary Re-Admission of Expelled Students Prior to the Specified Period of Expulsion

~~(b)~~ No student who has been expelled pursuant to the provisions of Paragraph ~~(C)(2)~~ of this Section shall be readmitted to a regular public school in the ~~city, parish, or other local public school system~~ local education agency from which he was expelled prior to the completion of the specified period of expulsion at the local education agency's alternative education setting, unless he has complied with the following provisions: ~~of Subparagraph (C)(2)(d) of this Section.~~ *(17:416(B)(3)(b))*

(d)(i) Any student expelled from school may be readmitted on a probationary basis to school at any time during the specified period of expulsion on such terms and conditions as may be stipulated by the ~~city, parish, or other local public school board~~ local education agency and agreed to in writing by the student and by the student's parent or other person responsible for the student's school attendance. ~~Such terms and conditions may include but need not be limited to placing the student in a suitable alternative education program as determined by the school board.~~ *(17:416(C)(2)(d)(i))*

However, any such written agreement shall include a provision that upon the school principal or superintendent of schools making a determination that the student has violated any term or condition agreed to, the student shall be immediately removed from the school premises without the benefit of any hearing or other procedure applicable to student out-of-school suspensions and expulsions and returned to the local education agency's alternative education setting. *(17:416(C)(2)(d)(i))*

As soon thereafter as possible, the principal or his designee shall provide verbal notice to the superintendent of schools of any such determination and also shall attempt to provide such verbal notice to the student's parent or other person responsible for the student's school attendance. The principal or his designee also shall provide written notice of the determination and the reasons therefor to the superintendent and to the student's parent or other responsible person. *(17:416(C)(2)(d)(i))*

(d)(i) ~~In addition to any other limitations established by this Subsection on the admission of previously expelled students to public elementary and secondary schools in Louisiana,~~ No student who has been expelled from any public or nonpublic school within or outside the state of Louisiana for possessing on school property or on a school bus a firearm, knife, or other dangerous weapon or instrumentality customarily used or intended for probable use as a dangerous weapon, or for possessing, possessing with intent to distribute, or distributing, selling, giving, or loaning while on school property or on a school bus any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law ~~shall~~ may be admitted to any public elementary or secondary school in the state, or readmitted to any such school on a probationary basis prior to the completion of the minimum period of expulsion ~~as provided in Subsection C of this Section,~~ until the student produces written documentation that he and his parent or legal guardian have enrolled and participated in an appropriate rehabilitation or counseling program related to the reason or reasons for the student's expulsion. *(17:416(B)(3)(d)(i))*

(c) The rehabilitation or counseling required by the provisions of this Subparagraph shall be provided by existing or new programs approved by the juvenile or family court having jurisdiction, if applicable, or by the local education agency ~~school system~~ and shall be at no additional cost to the local education agency ~~school system~~. Such rehabilitation or counseling programs may include the following components relative to successful programs, approaches, and activities for parental involvement which better equip parents to provide support for the education of their children:

(17:416(B)(3)(d)(ii)(aa-gg)

(aa) Enhancing parenting skills and expanding curriculum offerings relative to character development, the development of a healthy self-esteem and sense of personal and social responsibility, violence prevention, and conflict resolution.

(bb) Raising the educational level of the parents of public school students through instruction in basic skills.

(cc) Improving developmental skills of students to prepare them for academic success.

(dd) Providing a role model for the child through parental interest in education.

(ee) Enabling parents to become familiar with and comfortable in the school setting.

(ff) Enhancing the relationship of the parent and child through planned, structured parent-school interaction.

(gg) Demonstrating to parents their power to affect their child's ability to learn.

(d) The requirements of this Subparagraph for a student's enrollment and participation in a rehabilitation or counseling program shall be waived by the local education agency ~~school system~~ upon a documented showing by the student that no appropriate program is available in the area or that the student cannot enroll or participate due to financial hardship. *(17:416(B)(3)(d)(iii))*

(e) The provisions of this Subparagraph shall be applicable to ~~exceptional children~~ students provided special education services pursuant to Part I of Chapter 8 of this Title, or to students who have an Individualized Education Program or a Section 504 Individualized Accommodation Plan, only to the extent the provisions are not in conflict with federal rules, regulations, and guidelines applicable to the education of ~~exceptional~~ students with exceptionalities, or the provisions of students' specific plans. *(17:416(B)(3)(d)(iv))*

(f) The provisions of this Subparagraph shall not be applicable to any student found guilty by a court of competent jurisdiction, or adjudicated a delinquent by a court of competent jurisdiction, of a criminal violation of any provision of Title 14 of the Louisiana Revised Statutes of 1950 which is related to the reason for the out-of-school suspension, unless the judge finds otherwise. *(17:416(C)(2)(d)(iii))*

(g) A student seeking enrollment in a local education agency, who had been recommended for expulsion by a previous local education agency within the state of Louisiana but unenrolled prior to completing the expulsion hearing procedure, shall be required to complete the expulsion hearing procedure at the previous local education agency prior to enrolling in the new local education agency.

(h) A student who has been expelled or who has been recommended for expulsion and who is seeking enrollment during the period of their expulsion in a local education agency, independent of the local education agency from which they were expelled, shall be enrolled by that new local education agency into its alternative education setting to finish serving the remainder of their period of expulsion as originally determined by the local education agency of origin.

(i) Such transferring students shall be permitted to seek early probationary readmission with the new local education agency to their regular schools as stipulated pursuant to statute.

Readmission of Expelled Students After Completion of the Specified Period of Expulsion

~~(3)(a)(i) No student who has been expelled pursuant to the provisions of this Section shall be admitted to any public school in any other parish or city school system in the state except upon the review and approval of the school board of the school system to which he seeks admittance.~~ *(17:416(B)(3)(a)(i))*

1. A student who has previously been expelled from any public or nonpublic school, who has completed the period of expulsion at an alternative site, and who is seeking enrollment in a new local education agency other than where the expulsion occurred, shall be enrolled in a regular school within the local education agency's jurisdiction, so long as the

student otherwise meets the general enrollment and registration requirements under state statutes, regulations, and local education agency policies applicable to all students.

~~(ii) No student who has been expelled from any public or nonpublic school outside the state of Louisiana or any nonpublic school within Louisiana for committing any of the offenses enumerated in this Section shall be admitted to any public school in the state except upon the review and approval of the governing body of the admitting school.~~ *(17:416(B)(3)(a)(ii))*

~~(j) No student who has been expelled pursuant to the provisions of Paragraph (C)(2) of this Section shall be readmitted to a public school in the city, parish, or other local public school system from which he was expelled prior to the completion of the specified period of expulsion, unless he has complied with the provisions of Subparagraph (C)(2)(d) of this Section.~~

(k) ~~To facilitate the review and approval mandated by this Paragraph,~~ Any student who has been expelled from any public or nonpublic school within or outside the state of Louisiana shall provide to any public school or ~~school system~~ local education agency in the state to which the student is seeking admission information on the dates of any expulsions and the reason or reasons for which the student was expelled. Additionally, the transfer of a student's records by any public school or ~~school system~~ local education agency in the state to any other public or nonpublic school or ~~school system~~ local education agency shall include information on the dates of any expulsions and the reason or reasons for which the student was expelled. *(17:416(B)(3)(c))*

C.(1) The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which had it been committed by an adult would have constituted a felony may be cause for expulsion of the student for a period of time as determined by the board. The expulsion shall require the vote of two-thirds of the ~~elected~~ members of the governing authority of the local education agency ~~school board~~, shall not be for a period of time longer than the student's period of adjudication as determined by the applicable court presiding over the student's criminal matter, and shall run concurrent to the student's period of adjudication. In the event the student was serving an expulsion period when the student was incarcerated for a separate offense and the student completes the period of incarceration with time left in the expulsion period, the superintendent or their designee may require the student to serve the time left in the expulsion period. *(17:416(D)(1))*

~~(2) The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act, whether said act is committed in this state or outside this state, which had it been committed by an adult would have constituted a felony in this state may be sufficient cause for any public school system superintendent to refuse admission of said student to any school except upon review and approval of a majority of the elected members of the school board when request for admission is made to the board.~~ *(17:416(D)(2))*

(3) A student returning to their local education agency or seeking enrollment in a new local education agency after a period of incarceration or adjudication shall be enrolled into the local education agency according to the following guidelines:

a. The student shall presumptively be enrolled into the regular school for which they are zoned within the local education agency's jurisdiction.
b. At the superintendent or their designee's discretion, the school may develop a transition plan to assist the student in reentering school after a period of incarceration. This transition plan shall not be a replacement of or substitute for any transition plans required pursuant to federal disability laws.
c. Upon review of risk factors and approval of a majority of the members of the governing authority of the local education agency, a local education agency may refuse to readmit a student to a regular school and may instead enroll the student at the local education agency's alternative school or program. In such instances, the student's placement in the alternative school or program may last for up to two semesters.

C. The provisions of this Section shall be applicable to ~~exceptional children~~ students with exceptionalities provided special education services pursuant to Part I of Chapter 8 of this Title or to students who have an Individualized Education Program or a Section 504 Individualized Accommodation Plan, to the maximum extent allowed by federal law and

rules applicable to the education of exceptional children in the state. No policy adopted by the State Board of Elementary and Secondary Education applicable to exceptional children as provided in this Subsection shall be more restrictive than required by federal law and rules. *(17:416(E))*

~~D. Notwithstanding any provision of this Section to the contrary, school officials shall have total discretion and shall exercise such discretion in imposing on a pupil any disciplinary actions authorized by this Section for possession by a pupil of a firearm or knife on school property when such firearm or knife is stored in a motor vehicle and there is no evidence of the pupil's intent to use the firearm or knife in a criminal manner.~~

E. The State Board of Elementary and Secondary Education shall formulate, develop, adopt, and fully implement by not later than the beginning of the 1998-1999 school year methods and procedures for use as part of the board's school-approval process to determine whether or not state laws and board policies regarding student discipline are being fully complied with by a school's administrators, teachers, and other employees. Any school determined not to be in compliance with such laws and procedures shall not be approved. The provisions of this Subsection shall not apply to private schools. *(17:416(G))*

F. (1) Effective for the 1997-1998 school year and thereafter, no student shall be disciplined in any manner by the governing authority of a public elementary or secondary school or by any public elementary or secondary school administrator, teacher, or other school employee for the use of force upon another person when it can be reasonably concluded that the use of such force more probably than not was committed solely for the purpose of preventing a forcible offense against the student or a forcible offense provided that the force used must be reasonable and apparently necessary to prevent such offense. *(17:416(H)(1))*

(2) A student who is the aggressor or who brings on a difficulty cannot claim the right provided by this Subsection to defend himself. *(17:416(H)(2))*

I. (1) Effective beginning with the 1999-2000 school year and thereafter, any public school administrator and any administrator's designee who is required to make a recommendation, decide an issue, or take action in a matter involving the discipline of a student shall both recuse themselves from doing so whenever a member of the immediate family of the school administrator or of the administrator's designee is involved in any manner in the recommendation to be made, the issue to be decided, or the action to be taken. In case of such recusal, the recommendation shall be made by, the issued decided by, or the action taken by the local education agency ~~school system~~ superintendent or an impartial designee of the superintendent. *(17:416(I)(1))*

(2) For the purposes of this Subsection, immediate family means the individual's children, brothers, sisters, parents, and spouse and the children, brothers, sisters, and parents of the spouse. *(17:416(I)(2))*

J. (1) Notwithstanding the provisions of this Section or any other provision of law, a student enrolled in grades prekindergarten through five shall not be suspended or expelled from school or suspended from riding on any school bus for a uniform violation that is not tied to willful disregard of school policies. *(17:416(J)(1))*

(2) Notwithstanding any other provision of law to the contrary, this Subsection shall apply to charter schools. Furthermore, no charter school shall suggest to a parent that it has the authority to suspend or expel a student for a uniform violation that is not tied to willful disregard of school policies. *(17:416(J)(2))*

K. The state department of education shall annually publish and make publicly available online data regarding disciplinary removals, disaggregated at the state, local education agency, and individual school levels, and also disaggregated and capable of cross-tabulation by the characteristics of gender, race, disability, English learner status, and economically disadvantaged. Such data reporting shall comply with all federal and state student privacy laws, and shall work to ensure that all relevant state accountability metrics are valid and reliable.