copy to contributors @ end of work day 1.10 @ 5pm

pg. 1 SAIRP/ACSBD

1.3.18 Response to 17:416 Redraft 12.12.17

1 A a OK

1 A b Also to support record of actual academic instructional time received by student (Nothing in way of academic/positive contact requirements is reinforcing to some students).

2 OK

3 (a – d) OK

3 e – i add out of school to immediate suspension

ii – "taken", such as a positive behavior support intervention," and an....

ii "some other ... taken, such as posit behav. support intervention,"

prevention ?

ALSO "summary" "and" time table "of conference proceedings" and action plans

(4) 3 all others OK thru (b)(i)

(c)(i) ... "immediately" and temporarily ... "remov

pg.5 c (ii)(aa) ... his "experienced" designee

pg. 6

Joe Carr 1-16
SHIRP

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

(A) General Preamble

(1)(a) Every teacher and other school employee shall endeavor to hold every student accountable for their behavior 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)*

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

(2) The provisions of this statute 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. *(17:416(A)(5))*

(3) As used in this Section:

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

(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 subject the student to immediate 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 of the student. *(17:416(A)(2)(b)(iii))*

(iv) Each local education agency shall adopt rules regarding the implementation of detention by no later than January 1 *(17:416(A)(2)(b)(iv))* ?

(c) "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))*

(d) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, assault rifle, air rifle, air gun, compressed air rifle, or compressed air gun which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

(e)(i) "In-school suspension" means removing a student from his normal classroom setting but maintaining him under supervision within the school. Students participating in in-school suspension may receive credit for work performed during the in-school suspension. However, any student who fails to comply fully with the rules for in-school suspension shall be subject to immediate suspension. *(17:416(A)(2)(e)(i))*

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(ii) Each 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))*

(f) "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 its own local education agency in accordance with R.S. 17:3995.

(g) "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.

(h) "Suspension," also referred to as out-of-school suspension, means the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities for a period of at least one full school day.

(B)(1) Responding to Student Misconduct

(a) The governing authority of each 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))*

(i) 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 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))*

(ii) 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))*

(iii) 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.

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(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.

B1 (ii) A space to report to-be-dated 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 to-be-dated 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, and the principal.

(ll) Such other information as may be determined by the local education agency.

(iv) 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.

B(iv) (ff) A menu of check off items indicating to-be-dated 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 social worker, placing the student 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 student's parent or other

D

Email

~~FAX~~

(12) 5 05-10 pm

Date: 1 • 18 (1 • 19 • 18) 5 35+

To: Jennifer Coco

email jennifer coco@splcenter.org

Fax #: 504 486-8947

Phone #: 504.526.1505

RE: ACSBD Draft Rx

From: Joseph T. Carr, LCSW
LMFT, BCD, BCIAC-F

c/o 1001 Homestead Ave.
Metairie, La 70005

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SA/RP

Number of pages: 1+18 (19)

COMMENTS: 1 pg - Caroline Batiste
1 pg - Ivy Mathieu
16 pg - Joe Carr (1-2 pgs of some typing to follow Sat. or Sun. (of handwritten changes) (& comments)

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Revised : 6 / 2010

L7b8-98t325

Via SAIRP/ Joe Carr LCSW/PSIT
Social Action Initiatives of River Parishes

M Gmail

joe carr <joe.carr.sairp@gmail.com>

Re: 'D' /Clean copy of 17:416 Draft Recommendations _ pages 4 + 5; plus copy of Wednesday 's suggested changes via LaPlace discussion group FEEDBACK FROM IVY

1 message

Ivy Mathieu <ivy_mathieu@yahoo.com> Tue, Jan 9, 2018 at 3:03 PM

Reply-To: Ivy Mathieu <ivy_mathieu@yahoo.com>
To: joe carr <joe.carr.sairp@gmail.com>

Joe, here is input from the remaining paper copies you handed out from the meeting at the library. Remember, you have the right to edit my input and follow your best judgment when submitting my feedback. It saddens me that we have to have such a long list of general guidelines that focuses on punishment vs learning and development. Anyway, here is my 2 cents:

- Page 6: (v) - ~~should suspending driver's license be included and not just~~ recreational license. Also, before imposing a financial fine, shouldn't early stage counseling or some sort of an assessment be executed?; (ii) - at the end of the sentence add " or counseling."
- Page 7: (c) - Besides the superintendent approving suspensions, shouldn't Baton Rouge have a well rounded panel review all school suspensions in the state? My rationale, it would elevate a pattern of behaviors and conduct in school districts that can be seen at a larger view and shared success plans could be shared in dealing with similar matters, etc. Just a recommendation.; (d) - no payment should come from students/parents for property damage, that is the purpose of insurance, however, meaningful community service including a military type school camp enrollment, working with senior citizens, etc. should be the standards. Usually the financially challenged parents have the greater impact, unless there is a mean test based on income which would determine who pays. However, my thought is stick to a meaningful community service program, even if it takes a year or greater to pay the debt.; (e) - question, how robust and engaging is this process of homework assignment while suspended? Is there anyone person who monitors, especially if you are a student who is normally performing poorly in school, what will make this step be effective for continued learning? Again, more questions than answers.
- Page 8: (f) - question, why wouldn't counseling be engaged for the first suspension and/or any infraction, so the adult can gain insight to why a student is disrupting their learning? Inquiring mind.
- Page 10: (6 ii) - include other students into the sentence. It should not only be authority figures.
- Page 12: (4 a) - question, Is there a policy to random drug screen high school students and or school staff? Not sure if state law allows you to random drug screen minors, inquiring mind. If permitted, then random drug screening should be added.
- Page 14: (i) - question, how is enhancing parenting skills, etc. funded and executed? Does each school district have a parent liaison to facilitate this "learning?" Is the PTA engaged in driving this concept?
- Page 15: (G) - question, should the year timeline be updated? Also, should the recent HB 79 (see Advocate article you gave us) be included in this section?
- Page 16: (I 2) - definition of immediate family should be expanded to include step and foster siblings, etc.

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Via SAIRP/ Joe Carr LCSW/PSIT

River Parishes Resource Information Service
Social Action Initiatives of the River Parishes

RS 17.416+Draft Rev.Notes01062018_0001.pdf
1798K

Caroline Batiste

Amanda Martin <amandamartin1950@gmail.com> Tue, Jan 9, 2018 at 4:04 PM
To: joe carr <joe.carr.sairp@gmail.com>

504 258 7345
Pg.5 (bb) The method of sending is very important,children usually will not give anything like that to parents.
(cc) There should be a timeline,we had 48 hrs.feedback should be in writing and shall provide feedback,Shall provide guidance for clarifying everyone on the same page.
(dd)Parents should have clear knowledge of this program.
All information should be in the code of conduct.
In-School suspension should have Teachers,they are the instructors.
[Quoted text hidden]

---

joe carr <joe.carr.sairp@gmail.com> Tue, Jan 9, 2018 at 4:16 PM
To: Amanda Martin <amandamartin1950@gmail.com>

Thank you so much, for not quite 'blindfoldedly' (?) offering your time and thoughts/experience and risking the feedback of unknown others on a topic drawing strong emotions from all.

Joe Carr LCSW/LMFT
Office: (504) 831-1671 Cell: (504) 453-4676
Email: joe.carr.sw@gmail.com

River Parishes Resource Information Service

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.

B(iv) (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, 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.

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

B(iv) (*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.

B(iv) (mm) Such other information as may be required by the local education agency.

(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 local education agency. *(17:416(A)(4)(a)(iii))*

type B(v)(b)(i) Each teacher may take disciplinary action against a student who violates school rules, or interferes with an orderly education process. *(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))*

B(v)(b)(ii) (aa) Oral or written ~~reprimands~~. explanations

B(v)(b)(iii) (bb) Referral for a counseling session which ~~shall~~ may include but shall not be limited to conflict resolution, student social responsibility, family responsibility, peer mediation, and stress management. Who counsels?

B(v)(b)(iv) (cc) Written ~~notification~~ notice mailed to parents of disruptive or unacceptable behavior, and a copy ~~of which shall be~~ provided to the principal. No child should be given the task of delivery to parent/guardian

(dd) Other disciplinary measures approved by the principal and faculty of the school and in compliance with 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

class until the principal has implemented one of the following disciplinary measures. *(17:416(A)(1)(c)(iii))*

(aa) Conferencing with a principal or designee.

(bb) Referral to counseling

Followup, as needed pre-discipline intervention, by counselor with staff Re: positive behavior support plan. Review & adjustments, and same by counselor / staff with student.

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

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

(ee) Suspension. *(17:416(A)(1)(c)(iii)(cc))*

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

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

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

all assignments must be provided to student and parent/guardians by teacher(s) or discipline coordinator, and dated as to delivery to recipients.

(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 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. (3)(a)(i) Upon the recommendation by a principal for the expulsion of any student as authorized by statute or a local education agency code of conduct, a hearing shall be conducted by the superintendent or their designee within fifteen school days to determine the facts of the case and make a finding of whether or not the student has engaged in ~~is guilty of~~ conduct warranting a recommendation of expulsion. ~~Upon the~~ after 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 or if other corrective or disciplinary action shall be taken. *(17:416(C)(1))*

B. 3 ~~a~~ (ii) 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))* (What ~~provisions~~ exist for parent/guardian attendance and representation?)

(iii) 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))*

(b) A student who is expelled or suspended longer than ten days 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).

(c) The parent or legal guardian of the student may, within five school days after the decision is rendered, submit a request to the 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))*

(d) The parent or 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 local education agency in upholding the action of the superintendent or his designee. The court may reverse or revise the ruling of the local education agency upon a finding that the local education agency's ruling was based on an absence of any relevant evidence in support thereof. *(17:416(C)(5))*

(C) Assault and Battery of School Employees

C. (1)(a) 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 suspension procedures provided by this Section; however, the necessary notifications and other procedures shall follow as soon as is practicable.

D. "necessary notifications and other procedures" Where is a listing of ~~procedures~~?

(b) 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 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))*

(2) 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))*

(3) Except when the local education agency 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 suspension hearing ~~of committed~~ to have 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))*

C (4) Notwithstanding any provision of R.S. 17:158 to the contrary, a local education agency 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. *(17:416(A)(1)(c)(vii)(dd))* Unclear, but suggestive of [illegible] inequities [illegible] on student/family.

(D) Local Education Agency Codes of Conduct

(1) 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))*

(2) 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.

(3) 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.

(4) 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 lower tiers in the code of conduct, except in instances where the expulsion referral is the result of accumulated lower level 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 most severe tier of behavioral infractions involving weapons, drugs, or when the safety of students and staff has been put in imminent jeopardy.

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

D

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 local education agency.

(x) 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 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 an assigned classroom during class hours or a detention without permission.

(xvi) Being habitually tardy or absent.

(xvii) Engaging in bullying.

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