

Act 522 Advisory Council on Student Behavior and Discipline
2017 Annual Report

I. Overview

The Louisiana state legislature created the Act 522 Advisory Council on Student Behavior and Discipline (ACSBD) pursuant to statute in the 2016 Regular Legislative Session.¹ The purpose of the ACSBD is to provide advice and guidance to the state Board of Elementary and Secondary Education (BESE) and the state Department of Education (LDOE) regarding best practices in providing support to public school governing authorities in the adoption and implementation of master plans for student behavior and discipline as provided in R.S. § 17:252.²

Per Act 522, the ACSBD shall annually submit a written report to the Senate Committee on Education, the House Committee on Education, and BESE regarding its findings and recommendations with respect to the implementation of master plans for improving student behavior and discipline as provided in R.S. § 17:252.

The ACSBD convened six meetings in the 2017 calendar year: February 10, March 17, May 5, July 21, September 15, and December 12. Per statute, the following agencies and organizations have appointed the following members to the ACSBD, who elected member Jennifer Coco as Chair at the inaugural meeting in 2016.

Seat	Appointee	Work Title
State Superintendent of Education or Designee	Katie Barras	Education Program Consultant, LDOE
Elementary Principal or asst. principal appointed by LA Principal's Assoc. (LPA)	Christina Conforto	Principal, Marrero Middle School
Middle School Principal or asst. principal appointed by LPA	Lakesha Beauchamp	Assist. Principal, Emily Watkins Elementary School
High School Principal or asst. principal appointed by LPA	Rob Schlicher	Assist. Principal, New Iberia Senior High School
District Superintendent appointed by LA Association of School Superintendents (LASS)	Kevin George	Superintendent, St. John School System
Child Welfare and Attendance Officer appointed by LASS	Brad Prudhomme	Student Services, Vermilion Parish School System
Safe and drug-free schools coordinator appointed by LASS	Al Simmons	Child Welfare & Attendance Human Resources Supervisor, Winn Parish School System
Pupil Appraisal Coordinator appointed by LASS	Michael Ortego	Special Education Psychologist, Jefferson Davis Parish School System
Director of Special Ed appointed by LA Assoc of Special Education Administrators (LASEA)	Larry Gage	Coordinating Supervisor of Special Education, Vermilion Parish School System
Parent of child with challenging behavior appointed by the LA Developmental Disabilities Council (LA DDC)	Liz Gary	Parent
Parent of child with exceptionalities, other than gifted and talented appointed by LA DDC	Julie Comeaux	Parent

¹ La. R.S. § 17:253(A).

² *Id.*

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Parent of child with exceptionalities, other than gifted and talented appointed by LA DDC	Laci Polotzola	Parent
One member appointed by the LA DDC	Shawn Fleming	Assist. Director, DD Council
One member appointed by the LA Advocacy Center	Debra Weinberg	Staff Attorney with LA Advocacy Center
One member appointed by the LA School Boards Association (LSBA)	Scott Richard	Executive Director
One member appointed by the LA Council of Juvenile and Family Court Judges	Judge Kim Stansbury	City Court of Morgan City
DHH Secretary or Designee	Gina Easterly	Supportive Services Program Manager
One classroom teacher appointed by LFT	Angela Reams-Brown	Teacher, East Baton Rouge Parish School System
One classroom teacher appointed by LAE	Cyndy Rutherford	Teacher, East Baton Rouge Parish School System
One classroom teacher appointed by APEL	JoAnn Achord	Teacher, Ascension Parish School System
One member appointed by the Southern Poverty Law Center (SPLC)	Jennifer Coco	Senior Staff Attorney
One member appointed by the LA Assoc of Public Charter Schools (LAPCS)	Caroline Roemer	Executive Director
One member appointed by the LA Center for Children's Rights (LCCR)	Anna Arkin-Gallagher	Civil Litigation Staff Attorney
One member appointed by the LA Parent Teacher Assoc. (LAPTA)	Brenda Cosse'	Diversity, Inclusion, Outreach Committee Chairperson, Board of Directors

This report will summarize the ACSBD's 2017 activities and recommendations on the following the topics:

- Developing Recommendations for Statutory Revisions to R.S. § 17:416
- Data Integrity
- Implementation of Positive Behavioral Interventions and Supports (PBIS)
- Alternative Education
- Planning for 2018

II. Developing Recommendations for Statutory Revisions to R.S. 17:416

From its inception, the ACSBD has spent significant time discussing the need for revisions to state statutes governing student behavior and discipline to fulfill its statutory charge of providing advice and guidance on the topics of student behavior and discipline.

a. Creation of a Working Group

At the December 9, 2016 full ACSBD meeting, the ACSBD formally moved to create a working group to develop recommendations for statutory revisions to R.S. § 17:416.

At the December 9, 2016 meeting, the following members volunteered to serve on the working group: Jennifer Coco (SPLC); Shawn Fleming (LA DDC); Rob Schlicher (LPA); Brad Prudhomme (Louisiana Association of Child Welfare and Attendance Officers); Larry Gage (LASEA); Scott Richard (LSBA); Roy McCoy (LAPCS); and Liz Gary (parent appointed by LA DDC).

Since its December 2016 creation, the working group had multiple staffing changes. In August 2017, Roy McCoy left the ACSBD and his vacancy was filled by Caroline Roemer. At the September 2017 meeting, upon the request of LDOE to add a representative, the ACSBD agreed to add Katie Barras, representing LDOE, to the working group. In October 2017, Liz Gary asked to step off the working group. Finally, at the December 2017 meeting, the ACSBD agreed to open up the working group membership to any educators currently serving on the ACSBD. The invitation currently stands.

b. Full ACSBD Discussions

Throughout 2017, to aid the working group in completing its charge, the full ACSBD discussed R.S. § 17:416 at multiple meetings, focusing its early discussions on the roles and responsibilities of various stakeholders in a school discipline framework, and what content belonged in state statute as compared to local districts. The ACSBD also received information from various stakeholders, who were invited to present to the ACSBD on the various issues and considerations for approaching statutory revisions. These discussions and presentations were intended to accomplish the following goals: hear various perspectives of ACSBD members and the public for approaching statutory revisions; establish common principles shared by ACSBD members for approaching the task of revisions; and establish the various bottom lines of organizations represented on the ACSBD.

To this end, the ACSBD discussed and received information about related topics at the following meetings:

- As previously reported in the *2016 Annual Report*, in December 2016 the ACSBD received information from Mr. Frank Pasqua, a child welfare and attendance officer from a local school system, on possible revisions to the state discipline statute at R.S. § 17:416.
- At the February 10, 2017 meeting, the ACSBD heard a presentation by the non-profit organization, Families and Friends of Louisiana's Incarcerated Children (FFLIC). FFLIC's recommendations focused on eliminating out-of-school disciplinary removals for truancy, dress code violations, and subjective disciplinary offenses (specifically, willful disobedience and disrespect). FFLIC also recommended promoting trauma-informed practices throughout all public schools and requiring school personnel to be trained on recognizing implicit bias and the ways it leads to harsher consequences for students based on race.
- At the May 5, 2017 meeting, the ACSBD conducted a facilitated discussion and exercise to identify the relative roles and responsibilities of all stakeholders in the school

discipline process. Identified stakeholders included students, parents, teachers, administrators, school boards, superintendents, district-level staff, LDOE, and communities. The goal of this exercise was to identify consensus on each stakeholder's roles and responsibilities, and assist the working group with recognizing where current law did not align.

- At the July 21, 2017 meeting, the ACSBD engaged in further discussions on stakeholder rights and responsibilities in the discipline process, and individual members were invited to share their organizational bottom lines for what must be included, or needed to be omitted, from current discipline statutes.
- At the September 15, 2017 meeting, the Chairperson presented the ACSBD with a draft proposal for statutory revisions reflective of the rights and responsibilities of all stakeholders. The ACSBD discussed and favorably approved the following operating principles for the working group to approach revisions of R.S. § 17:416:
 - To align R.S. § 17:416 with R.S. § 17:252.
 - To remove explicit zero tolerance mandates that tie the hands of teachers, administrators, and school boards.
 - To ensure that all disciplinary statutes apply to charter schools, including charter schools that are their own LEAs.
 - To identify areas of current law best left to BESE for promulgating regulations and issuing guidance.
 - To establish an appropriate role for LDOE to provide leadership and support for schools with regards to student behavior, discipline, and climate.

c. *Summary of the working group's meetings discussing revisions of R.S. § 17:416*

The working group met nine times and spent a total of nearly forty hours discussing revisions. Specifically, the working group convened on August 28, September 8, September 26, October 6, October 24, October 31, November 10, November 27, and December 8. Working group members also conducted business via email exchanges between meetings.

The working group used the information gathered at previous meetings of the ACSBD as a whole and considered those substantive areas where consensus generally existed. The working group agreed to discuss the existing R.S. § 17:416, line by line, proposing and negotiating amendments along the way. The working group also agreed to reorganize substantial provisions of existing law in an effort to streamline content and make the statute easier for stakeholders to understand. Generally, members had an opportunity to review proposed ideas in advance of meetings, and they came prepared to discuss new proposed language. Members also checked in with their organizational leadership and membership to gauge likely responses to various proposals. As specific issues or questions arose, the working group solicited specific feedback from LAE on November 15, 2017; LFT on November 15, 2017; APEL on November 17, 2017; LASS on November 22 and 28, 2017; and the Louisiana Senate's Chief Legislative Researcher on November 9 and 28, 2017.

On December 8, the working group agreed to present a comprehensive set of proposed legislative revisions with the full ACSBD.

At the December 12, 2017 meeting, the working group presented the proposed legislative revisions to the full ACSBD. Council members and members of the public provided initial feedback and asked questions.

Moving forward into 2018, all stakeholders (both ACSBD members as well as the public) have been invited to submit written feedback on the proposal by January 12, 2018. The Chair will ensure that any written feedback provided is available to the public. The working group will meet in January 2018 to review the feedback and update the draft. The full ACSBD is expected to vote on the proposed legislative revisions before the 2018 legislative session.

III. Data Integrity

At the February 10, 2017 meeting, LDOE shared preliminary recommendations for improving the collection and integrity of discipline data from public school systems, as well as some additional data previously requested by the ACSBD.

Specifically, LDOE made three recommendations:

1. LDOE proposed a review of its practices for collecting, verifying, and reporting student discipline data, and proposed requesting feedback from the ACSBD on ways to improve these practices. In its review, the Department agreed to review its Student Information System (SIS),³ and all discipline data elements, codes, forms, and definitions in SIS. LDOE also agreed to have the ACSBD and other stakeholders review suggested changes to discipline data collection systems. Separately, LDOE agreed to create additional reports for school system data managers to aid in districts' self-evaluation of their discipline data.
2. Second, that LDOE would create a Data Quality Review Committee to assist with the review of discipline data reported into SIS. The committee was to include staff from within LDOE.
3. Third, that LDOE would collect and annually review data related to the implementation of Positive Behavioral Interventions and Supports (PBIS).

The ACSBD formally moved to accept the Department's recommendations, and the motion was approved without objection. The ACSBD also formally moved to add four additional recommendations:

³ The Student Information System (SIS) is an LDOE database that maintains multiple data points on student demographics and student discipline, in addition to many other data points. All school districts report data into SIS.

1. Regarding LDOE's first recommendation to review SIS: that the review should be similarly extended to include the Special Education Reporting system (SER)⁴.
2. Regarding LDOE's second recommendation above: that LDOE should staff this committee with external stakeholders as well as LDOE staff, and provide the ACSBD with a list of those external stakeholders invited to join.
3. As part of the review of existing data systems: that the review should include consideration of how data is utilized once it is collected by LDOE, accessed and what infrastructure exists for how data is utilized by LDOE.
4. For LDOE to publicly report all relevant data.

In addition, the ACSBD formally moved to combine a working group on data integrity, previously proposed in 2016, into the Department's Data Quality Review Committee. The motion was approved. Last, the ACSBD formally moved for five members, selected by the Chair, to be appointed to the Data Quality Review Committee. The motion was approved.

At the March 17, 2017 meeting, the Chair announced that the following members had been asked and had agreed to serve on the Data Quality Review Committee: Larry Gage, Shawn Fleming, Brad Prudhomme, Michael Ortego, and Rob Schlicher. The Chair selected members based on their experience and interest in the issue of discipline data, as shared at previous ACSBD meetings, as well as their availability to serve.

At the July 21, 2017 meeting, the ACSBD received a report from the Chair that the state Department of Education had not convened a meeting of the Data Quality Review Committee.

At the December 12, 2017 meeting, the ACSBD received a report from the Data Quality Review Committee regarding their first meeting, which occurred on December 1, 2017. The Committee identified four primary objectives:

- First, the Committee recommended that LDOE keep its commitment to lead the Data Quality Review Committee in reviewing existing SIS codes for student behavior, and recommending possible revisions to these codes. Additionally, the Committee recommended that each disciplinary infraction have a clear definition, that duplicative codes be consolidated, and that multi-part codes be separated into distinct elements where warranted.
- Second, the Committee recommended that LDOE host more trainings for district staff responsible for discipline data entry and management.
- Third, the Committee recommended that there should be more guidance on data use and application to ensure full and faithful implementation and data-driven planning and decision making.

⁴ The Special Education Reporting system (SER) is an LDOE database that maintains multiple data points on students with exceptionalities who are eligible for special education services and supports pursuant to R.S. § 17:1941. All school districts report relevant data into SER.

- Fourth, the Committee recommended that LDOE’s website provide better-formatted discipline data so information is easier to use than existing spreadsheets. The Committee also recommended that LDOE include state-level totals in district- and site-level data reports.

LDOE also provided data previously requested by the ACSBD regarding incidents of corporal punishment and school-based arrests, at the February 10 and March 17, 2017 meetings. The corporal punishment data included overall rates by school district, by underlying subgroups of student types, and by incident for which it was administered as a consequence. The student arrest data was self-reported by district and LDOE shared that it had no means of verifying the accuracy of the data.

IV. Implementation of Positive Behavioral Interventions and Supports (PBIS)

In 2017, the ACSBD devoted significant time to discussing PBIS implementation as part of the ACSBD’s overall mandate of improving school climate and discipline. In Louisiana, PBIS (an evidence-based, proven alternative to exclusionary discipline practices) is a required component of school model master discipline plans per R.S. § 17:252. In the past decade, LDOE invested significant resources in PBIS.

a. Statewide Implementation

i. History of Louisiana’s Statewide PBIS Implementation

At the March 17, 2017 meeting, Dr. Ken Denny with Louisiana State University’s School of Education presented to the ACSBD regarding the history of PBIS implementation in Louisiana.

Some relevant events include:

- In 1994, PBIS training of Louisiana educators began.
- From 1997-2000, there was a statewide effort to develop a universal level of training for schools.
- From 2000-2004, LDOE provided PBIS training to schools statewide.
- From 2004-2007, LSU received funding to support ongoing PBIS trainings, and hired dedicated staff. LSU began laying the groundwork for comprehensive and wide-scale PBIS implementation.
- From 2007-2010, LSU engaged in an effort to implement PBIS statewide, including expanding its PBIS staff, and creating eight regional coalitions to implement and distribute funding to support PBIS implementation.
- In July 2010, LDOE decided to take over full supervision of PBIS statewide implementation.
- From 2010-2012, while LDOE supervised implementation, LSU maintained databases of school self-evaluations of PBIS implementation.

- In July 2012, the Department took over responsibility for LSU’s remaining PBIS data collection and reporting functions.

LSU studied the outcomes of PBIS implementation from 2007-2010 and observed a significant correlation between schools’ highly rated Schoolwide Evaluation Tool (SET)⁵ monitoring results, and reductions in in-school suspensions and out-of-school suspensions. Specifically, prior to 2007, out-of-school suspensions (OSS) had steadily increased, but starting in 2007, if a school’s SET rates went up, their OSS rates consistently went down. Dr. Denny noted that although they measured disciplinary removals, researchers find that administrator decision-making is a much more accurate and telling data point for PBIS implementation. To measure such decisions, Dr. Denny suggested that policymakers look to Office Disciplinary Referrals. More broadly, the research suggests that it is more challenging for adults to implement PBIS consistently over time than it is to develop effective interventions for children.

ii. Current Implementation and Funding

At the March 17, 2017 meeting, LDOE provided data about the number of schools that reported implementing PBIS during the 2015-2016 school year. In at least two of the eight PBIS regions, more schools reported they were implementing PBIS than had been trained by LDOE in PBIS. This disconnect between training and reported use raised concerns amongst ACSBD members about the fidelity of implementation in these places. The ACSBD learned that LDOE had ceased collecting data regarding self-evaluation of PBIS implementation for several years, but had recently begun requiring such data collection again.

At the December 12, 2017 meeting, LDOE provided information on federal funding available for PBIS and other behavioral health programming in public schools. The ACSBD learned about the following sources of federal funds: ESSA Title I - Parts A and D, Title II, and Title IV - Part B; the IDEA; and Medicaid. LDOE also provided a snapshot of the current funding levels for PBIS, compared to historical funding levels. The ACSBD learned that for the 2012-13 school year, PBIS implementation had been funded with \$658,000; in 2013-14 it decreased to \$329,000; in 2014-15 and 2015-16 it decreased further to \$250,000; and in 2016-17 increased to \$425,000.

The ACSBD also learned that LDOE had no official means of tracking dedicated district expenditures on PBIS or other behavioral health programming, because there was no dedicated code to enter for such expenditures in the e-Grant Management System.⁶ LDOE is currently exploring possible methods for creating a specific code to better track district-level expenditures. The ACSBD asked LDOE to provide updates on this issue.

⁵ The SET is designed to assess and evaluate the critical features of school-wide PBIS implementation. See U.S. Dep’t. of Educ., Office of Special Educ. Progs., PBIS Tech. Ass’t. Ctr., “PBIS,” *available at* <https://www.pbis.org/resource/222/school-wide-evaluation-tool-set-v-2-1>.

⁶ LDOE’s e-Grant Management System is a public database which collects school district applications for federal funding allocations from LDOE, and makes those applications and receipts of federal funding allocations publicly available.

iii. Best Practices for Statewide Implementation

At the March 17, 2017 meeting, the ACSBD received information on nationally recognized best practices for statewide implementation of PBIS. Specifically, the ACSBD reviewed the national Technical Assistance Center on Positive Behavioral Intervention and Supports' *Positive Behavioral Interventions and Supports Implementation Blueprint*, "Part 1 – Foundations and Supporting Information," and "Part 2 – Self-Assessment & Action Planning."⁷ The ACSBD learned that creating a Leadership Team to coordinate funding, raise visibility and political support, ensure policy and systems alignment, and assist with personnel readiness are critical components of effective statewide implementation. The ACSBD also learned that in the 2000s, Louisiana had maintained a PBIS Leadership Team, but that no such team currently existed.

iv. ACSBD Recommends that LDOE Develop Plan for Creation of a Statewide Leadership Team

At the March 17, 2017 meeting, the ACSBD formally moved to recommend that LDOE put together a proposal for the creation of a PBIS Leadership Team, including composition of the team and relevant roles and practitioners in the field. The motion was approved.

At the July 21, 2017 meeting, Michael Comeaux, on behalf of LDOE, provided some information responsive to this recommendation. Specifically, LDOE reported that they agreed there should be a PBIS Leadership Team, and that it should include members of the ACSBD. LDOE committed to addressing the following issues through that Team: levels of PBIS training and funding; reviewing data on PBIS implementation; schools and districts struggling with implementation; LDOE's current role and where it could be expanded; the role of school districts in implementing PBIS; reviewing outcomes; and increasing transparency. At that time, the ACSBD requested that LDOE provide their proposals in writing to the ACSBD.

As of the publication of this 2017 Annual Report, the ACSBD has not received this proposal.

a. *Example of Local Implementation – Calcasieu Parish*

At the February 10, 2017 meeting, Calcasieu Parish's PBIS District Coordinator, Sabra Soileau, as well as the PBIS team staff from S.J. Welsh Middle School presented to the ACSBD. The Calcasieu Parish PBIS staff helped educate the ACSBD on the importance of PBIS, the benefits its implementation has brought their district, and the ways in which they have fostered its successful implementation.

Specifically, PBIS District Coordinator, Ms. Soileau, explained to the ACSBD how the district's local PBIS implementation had improved district-level discipline data analysis, which in turn allowed the district to cluster necessary behavioral resources at specific schools with

⁷ See U.S. Department of Education, Office of Special Education Programs, Technical Assistance Center on Positive Behavioral Interventions and Supports, *Positive Behavioral Interventions and Supports Implementation Blueprint*, "Part 1 – Foundations and Supporting Information," and "Part 2 – Self-Assessment & Action Planning," Version 18 (October 2015) (available at www.pbis.org).

demonstrated need. Ms. Soileau also discussed the necessity of ongoing funding from the state Department of Education to support training of local staff. Lastly, Ms. Soileau discussed the importance of district-level monitoring of PBIS implementation, as it signaled expectations for adults to be actively implementing the program.

The S.J. Welsh Middle School PBIS team shared the underlying structure of their PBIS leadership team, and their methods for ensuring students were familiar with their PBIS model and student code of conduct. To incentivize student participation, the S.J. Welsh Middle School team shared that they surveyed students and obtained rewards relevant to their interests. They also emphasized the use of free rewards with high-value to students – dress-down days or movie days, for example. They also shared how they adapted PBIS for use with their teachers, a program they called “PBIT,” whose function helps the school’s staff understand the value of PBIS.

V. Alternative Education

At the May 5, 2017 meeting, LDOE’s Katie Barras presented information about a new study group formed by LDOE to study the topic of alternative education.

LDOE identified several places that the Alternative Education Study Group could partner with the ACSBD: (1) on the consideration of evidence-based practices as part of behavioral modification models; (2) to bolster PBIS in schools; (3) to identify national best practices around the use of suspensions and expulsions; (4) to identify training curricula and resources for educators on student discipline; and (5) to support establishing clear outcomes and learning objectives for student discipline.

In November 2017, LDOE’s Alternative Education study group submitted its initial report and findings to BESE. The ACSBD did not review the report prior to its submission.

At the December 12, 2017 meeting, the ACSBD moved successfully to “Recommend that any work group or committee that the state Department of Education convenes on the topic of discipline, share their recommendations to the Advisory Council on Student Behavior and Discipline for feedback prior to submission to BESE, and consider sharing overlapping memberships between the Advisory Council on Student Behavior and Discipline and those work groups and committees.”

For future work on alternative education, Katie Barras reported at the December 12, 2017 meeting that LDOE would promulgate regulations on alternative education in March 2018. Ms. Barras also noted that the ACSBD maintained an ongoing charge relevant to the issue of alternative education as described in R.S. § 17:252(A)(2)(h), which concerns the “referral of students to alternative schools.” On behalf of LDOE, she welcomed further advice and guidance from the ACSBD on this topic.

VI. Planning for 2018

a. Finalizing Discipline Statutory Recommendations

Moving forward into 2018, all stakeholders (both ACSBD members as well as the public) have been invited to submit written feedback on the proposal by January 12, 2018. The Chair will ensure that any written feedback provided is available to the public. The working group will meet in January 2018 to review the feedback and update the draft. The full ACSBD is expected to vote on the proposed legislative revisions before the 2018 legislative session.

Once the ACSBD makes a formal recommendation of discipline statutory revisions, LDOE will bring those recommendations before BESE, with the goal of LDOE being directed by BESE to pursue the ACSBD's statutory revisions at the Legislature.

b. Creation of Leadership Teams to Coordinate Future Agendas

Prior to the July 21, 2017 meeting, members were invited to participate in a survey to review the nine statutory components of school model master discipline plans, as described within R.S. 17:252(A)(2), and identify two of the nine components that were the most urgent and relevant. Moreover, each member was invited to designate one or more of the nine components for which they had an interest or expertise.

Using the survey results, at the July 21 and September 15, 2017 meetings the Chair announced Leadership Teams assigned to each of the nine statutory components of the model master discipline plan. Each member of the ACSBD has been invited to participate on at least one Leadership Team. Each Leadership Team will assist the Chairperson in identifying best practices, local experts, available resources, and programming relevant to the subject area; providing information about how to implement underlying practices and programs with fidelity; brainstorming targeted recommendations for action; and coordinating the discussion before the Advisory Council at a future meeting.

In 2018, each Leadership Team will begin this work and help shape future ACSBD agendas.