

2019 Regular Session

SENATE BILL NO. 137

BY SENATOR BISHOP

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENTS. Provides relative to student discipline. (gov sig)

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AN ACT

To amend and reenact R.S. 9:2798.3, R.S. 17:415, 416.18(A) and (B), 3911(B)(3), 3981(4), 3982(A)(1)(a)(i), 3983(A)(3)(c), 3991(B)(14), 3996(B)(2), (3), (7), (26), (29), (32) and (40) and 4041(7), and R.S. 32.431(B)(1) and (E), to enact Subpart B-1 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:201 through 201.37, and to repeal R.S. 17:100.5, 183, 223, 223.1, 224, 239, Subpart C-1 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:251, 252 and 253, 416 through 416.8, 416.11, 416.12, 416.13, 416.15, 416.17, 416.20, and 416.21, relative to student discipline; to revise, reorganize, and recodify certain statutory provisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2798.3 is hereby amended and reenacted to read as follows:

§2798.3. Limitation of liability for school systems

No school board or other entity having jurisdiction over a public elementary or secondary school shall be liable for any acts or omissions of any student who has been assigned to perform public work ~~as defined by R.S. 17:416~~ as a disciplinary

1 measure.

2 Section 2. R.S. 17:415, 416.18(A) and (B), 3911(B)(3), 3981(4), 3982(A)(1)(a)(i),
3 3983(A)(3)(c), 3991(B)(14), 3996(B)(2), (3), (7), (26), (29), (32) and (40), and 4041(7) are
4 hereby amended and reenacted, and Subpart B-1 of Part III of Chapter 1 of Title 17 of the
5 Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:201 through 201.37, are
6 hereby enacted to read as follows:

7 **SUBPART B-1. STUDENT BEHAVIOR AND DISCIPLINE**

8 **§201. Definitions**

9 **As used in this Subpart:**

10 **A. "Alternative education programs" means programs designed to offer**
11 **variations of traditional instructional programs and strategies for the purpose**
12 **of increasing the likelihood that students who are unmotivated or unsuccessful**
13 **in traditional programs or who are disruptive in the traditional school**
14 **environment remain in school and obtain a high school diploma. Alternative**
15 **education programs may include but not be limited to programs that hold**
16 **students to strict standards of behavior in highly structured and controlled**
17 **environments.**

18 **B. "Alternative school" means a school created by a city, parish, or other**
19 **local public school board and approved by the state board in accordance with**
20 **R.S. 17:100.5.**

21 **C. "Bullying" means:**

22 **(1) A pattern of any one or more of the following:**

23 **(a) Gestures, including but not limited to obscene gestures and making**
24 **faces.**

25 **(b) Written, electronic, or verbal communications, including but not**
26 **limited to calling names, threatening harm, taunting, malicious teasing, or**
27 **spreading untrue rumors. Electronic communication includes but is not limited**
28 **to a communication or image transmitted by email, instant message, text**
29 **message, app, blog, or social networking website through the use of a telephone,**

1 mobile phone, pager, computer, or other electronic device.

2 (c) Physical acts, including but not limited to hitting, kicking, pushing,
3 tripping, choking, damaging personal property, or unauthorized use of personal
4 property.

5 (d) Repeatedly and purposefully shunning or excluding from activities.

6 (2)(a) Where the pattern of behavior as provided in Subparagraph(1) of
7 this Subsection is exhibited toward a student, more than once, by another
8 student or group of students and occurs or is received by a student while on
9 school property, at a school-sponsored or school-related function or activity, in
10 any school bus or van, at any designated school bus stop, in any other school or
11 private vehicle used to transport students to and from schools or any
12 school-sponsored activity or event.

13 (b) The pattern of behavior as provided in Subparagraph(1) of this
14 Subsection must have the effect of physically harming a student, placing the
15 student in reasonable fear of physical harm, damaging a student's property,
16 placing the student in reasonable fear of damage to the student's property, or
17 must be sufficiently severe, persistent, and pervasive enough to either create an
18 intimidating or threatening educational environment, have the effect of
19 substantially interfering with a student's performance in school, or have the
20 effect of substantially disrupting the orderly operation of the school.

21 D.(1) "Corporal punishment" means using physical force to discipline
22 a student, with or without an object.

23 (2) Corporal punishment does not include:

24 (a) The use of reasonable and necessary physical restraint of a student
25 to protect the student, or others, from bodily harm or to obtain possession of a
26 weapon or other dangerous object from a student.

27 (b) The use of seclusion and restraint as provided in R.S. 17:201.37.

28 E. "Detention" means any activity or assignment before or after the
29 normal school day, or on the weekends.

1 **F. "Expulsion" means the removal of a student from all regular school**
2 **settings and all school-sponsored activities for a period of time not less than one**
3 **semester during which he is assigned to an alternative school or alternative**
4 **educational program.**

5 **G. "Hazing" means:**

6 **(1) Any knowing behavior, whether by commission or omission, of a**
7 **student to encourage, direct, order, or participate in any activity which subjects**
8 **another student to potential physical, mental, or psychological harm for the**
9 **purpose of initiation or admission into, affiliation with, continued membership**
10 **in, or acceptance by existing members of any organization or extracurricular**
11 **activity at a public elementary or secondary school, whether the behavior is**
12 **planned or occurs on or off school property, including any school bus and**
13 **school bus stop.**

14 **(2) Hazing does not mean any adult-directed and school-sanctioned**
15 **athletic program practice or event or military training program.**

16 **H. "In-school suspension" means the removal of a student from his**
17 **normal classroom setting but maintaining him under supervision within the**
18 **school.**

19 **I. "Out-of-school suspension" means the removal of a student from all**
20 **classes of instruction and all other school-sponsored activities.**

21 **J. "State board" means the State Board of Elementary and Secondary**
22 **Education.**

23 **K. "Willful disobedience" means the refusal of a student to follow a**
24 **reasonable request of a teacher, administrator, school bus operator, or other**
25 **school employee.**

26 **§201.1. School master plans for supporting student behavior and discipline**

27 **A.(1) The State Board of Elementary and Secondary Education, in**
28 **collaboration with the Louisiana Juvenile Justice Planning and Coordination**
29 **Board Reform Act Implementation Commission, upon advisement of the**

1 Advisory Council on Student Behavior and Discipline, shall adopt, and
2 recommend to the Juvenile Justice Reform Act Implementation Commission by
3 March 1, 2004, a model master plan for improving behavior and discipline
4 within schools.

5 (2) The model master plan may include but need not be limited to
6 guidelines for accomplishing the following:

7 (a) Improving communication, coordination, and collaboration between
8 the schools and juvenile justice agencies.

9 (b) Improving safe school planning.

10 (c) Revising school zero tolerance policies to ensure compliance with all
11 applicable provisions of law to ensure that schools do not make inappropriate
12 referrals to juvenile justice agencies.

13 (d) Providing improved mental health services in or through the schools.

14 (e) Providing better assistance to the parent or legal guardian in knowing
15 about and accessing family strengthening programs.

16 (f) Improving the coordination of special education and juvenile justice
17 services.

18 (g) Improving classroom management using positive behavioral supports
19 and other effective disciplinary tools.

20 (h) Improving methods and procedures for the handling of school
21 suspensions, the referral of students to alternative schools, and the use of
22 seclusion and physical restraint in addressing challenging student behavior.

23 (i) Providing for better and more useful reporting on an annual basis of
24 school behavioral and disciplinary problems.

25 (3) The model master plan shall be reviewed annually by the Advisory
26 Council on Student Behavior and Discipline.

27 B. Each city, parish, and other local public school board shall implement
28 a master plan for improving behavior and discipline for each school under its
29 jurisdiction. Each school's master plan shall be based on the model master plan

1 adopted by the State Board of Elementary and Secondary Education.

2 C.(1) The school master plans shall make provision for pre-service and
3 ongoing grade appropriate classroom management training for teachers,
4 principals, and other appropriate school personnel regarding positive
5 behavioral supports and reinforcement, conflict resolution, mediation, cultural
6 competence, restorative practices, guidance and discipline, and adolescent
7 development.

8 (2) City, parish, and other local public school boards shall provide
9 ongoing classroom management courses and regularly review discipline data
10 from each school to determine what additional classroom management training
11 is needed, if any, and what additional classroom support activities should be
12 provided by the principal and school administration.

13 D. The model master plan for improving behavior and discipline and the
14 school master plans required of city, parish, and other local public school
15 boards by this Section shall not prohibit a teacher from removing a pupil from
16 the classroom for disciplinary reasons in accordance with the provisions of this
17 Subpart or any other laws.

18 §201.2. Advisory Council on Student Behavior and Discipline

19 A. There is hereby established the Advisory Council on Student Behavior
20 and Discipline to provide advice and guidance to the State Board of Elementary
21 and Secondary Education and the state Department of Education regarding the
22 model master plan for student behavior and discipline and best practices in
23 providing support to public school governing authorities in the adoption and
24 implementation of each school's master plan for student behavior and discipline
25 as provided in R.S. 17:201.1.

26 B. The advisory council shall be composed of twenty-nine members as
27 follows:

28 (1) The state superintendent of education, or his designee.

29 (2) Three members shall be appointed by the Louisiana Association of

1 Principals. The association shall appoint one principal or assistant principal
2 from the elementary, middle, and high school levels.

3 (3) One member shall be a local school superintendent, appointed by the
4 Louisiana Association of School Superintendents.

5 (4) One member shall be a child welfare and attendance officer,
6 appointed by the Louisiana Association of School Superintendents.

7 (5) One member shall be a safe and drug-free schools coordinator,
8 appointed by the Louisiana Association of School Superintendents.

9 (6) One member shall be a director of special education, appointed by the
10 Louisiana Association of Special Education Administrators.

11 (7) One member shall be a pupil appraisal coordinator, appointed by the
12 Louisiana Association of School Superintendents.

13 (8) Three members shall be the parent or legal guardian of a student who
14 presents challenging behavior, two of whom shall be the parent or legal
15 guardian of a student with exceptionalities, other than gifted and talented, all
16 of whom shall be appointed by the Louisiana Developmental Disabilities
17 Council.

18 (9) One member appointed by the Louisiana Developmental Disabilities
19 Council.

20 (10) One member appointed by the Louisiana Advocacy Center.

21 (11) One member appointed by the Louisiana School Boards Association.

22 (12) One member appointed by the Louisiana Council of Juvenile and
23 Family Court Judges.

24 (13) The secretary of the Louisiana Department of Health, or his
25 designee.

26 (14) One member shall be a classroom teacher appointed by the
27 Louisiana Federation of Teachers.

28 (15) One member shall be a classroom teacher appointed by the
29 Louisiana Association of Educators.

1 (16) One member shall be a classroom teacher appointed by the
2 Associated Professional Educators of Louisiana.

3 (17) One member appointed by the Southern Poverty Law Center.

4 (18) One member appointed by the Louisiana Association of Public
5 Charter Schools.

6 (19) One member appointed by the Louisiana Center for Children's
7 Rights.

8 (20) One member appointed by the Louisiana Parent Teacher
9 Association.

10 (21) The executive director of Families and Friends of Louisiana's
11 Incarcerated Children, or his designee.

12 (22) The president of the Urban League of Louisiana, or his designee.

13 (23) The president of MetroMorphosis, or his designee.

14 (24) The president of the Louisiana Psychological Association, or his
15 designee.

16 (25) The president of the Louisiana School Counselors Association, or his
17 designee.

18 C. The state Department of Education shall provide staff support to the
19 council.

20 D. The council shall serve in an advisory capacity and shall comply with
21 the Open Meetings Law.

22 E. By February fifteenth of each calendar year, the members of the
23 council shall elect a new chair from among its membership.

24 F. The council shall meet at least three times annually. Meetings shall be
25 called by the chair, who shall set the agenda.

26 G. The advisory council shall annually submit a written report to the
27 State Board of Elementary and Secondary Education regarding its findings
28 and recommendations with respect to the implementation of school master
29 plans for improving student behavior and discipline.

1 **§201.3. Discipline Rules and Regulations**

2 **A. Each city, parish, and other local public school board shall adopt rules**
3 **and regulations it deems necessary to implement the provisions of this Subpart.**

4 **B. The rules and regulations shall include at a minimum the following:**

5 **(1) A uniform procedure whereby a teacher, administrator, school bus**
6 **operator, or other school employee may report incidents of alleged discipline**
7 **violations to the appropriate school administrator on the uniform discipline**
8 **reporting forms provided for in this Subpart.**

9 **(2) Procedures implementing the provisions of R.S. 17:201.12 regarding**
10 **bullying.**

11 **(3) A procedure requiring that, within a specific and reasonable period**
12 **of time, the school administrator or his designee shall review an incident report**
13 **and then act upon the report, or explain the reasons for failing to act to the local**
14 **superintendent of schools or his designee and to the person initiating the**
15 **incident report.**

16 **(4) Procedures requiring the recusal of any public school administrator**
17 **and any administrator's designee on any matter involving the discipline of a**
18 **student who is an immediate family member of the school administrator or of**
19 **the administrator's designee that provides:**

20 **(a) Upon the recusal, the discipline matter shall be acted upon by the**
21 **school system superintendent or an impartial designee of the superintendent.**

22 **(b) For the purposes of this Paragraph, immediate family means the**
23 **individual's children, brothers, sisters, parents, and spouse and the children,**
24 **brothers, sisters, and parents of the spouse.**

25 **(5) Procedures for the implementation and control of any form of**
26 **corporal punishment used in schools under its jurisdiction.**

27 **(6) Procedures for implementation of a student code of conduct.**

28 **(7) Procedures requiring that at least annually the discipline policies are**
29 **reviewed to ensure policies:**

1 (a) Delineate the specific authority of teachers and other designated
2 school employees to discipline and the specific consistent actions allowed to
3 maintain order in the schools and on the school grounds.

4 (b) Contain specific consistent penalties which shall be imposed when
5 students violate school discipline policies or state laws on school discipline.

6 (8) Procedures requiring that copies of school board discipline policies
7 are distributed to:

8 (a) Each school within its jurisdiction prior to each school year.

9 (b) Each student and his parent or legal guardian within the first week
10 of each school year.

11 (9) Procedures requiring that each school conduct meetings to fully
12 inform all employees and students of all discipline policies within the first week
13 of each school year, and methods to inform new employees and new students of
14 the discipline policies.

15 (10) Procedures providing that a student who fails to or refuses to
16 participate in assigned detention or to comply fully with the rules for in-school
17 suspension shall be subject to immediate suspension.

18 (11) Procedures providing how students participating in in-school
19 suspension may receive credit for work performed during the in-school
20 suspension.

21 §201.4. Uniform Discipline Reporting Forms

22 A. Each report of an incident of alleged disciplinary violation shall be
23 reported on the uniform incident form created by the State Board of
24 Elementary and Secondary Education and, if applicable, accompanied by the
25 uniform form created by the appropriate city, parish or other local public
26 school board.

27 B. The State Board of Elementary and Secondary Education shall
28 develop two forms for reporting incidents of alleged violations of discipline
29 rules.

1 **(1) One form shall be used to report only school transportation-related**
2 **incidents.**

3 **(2) One form shall be used to report all other incidents.**

4 **(3) Each form shall provide for the following information:**

5 **(a) Name and position of person making the report.**

6 **(b) Student's name, grade level, homeroom number, bus number, and**
7 **telephone number.**

8 **(c) School name and name of the principal.**

9 **(d) Date, time, and location of the incident.**

10 **(e) A menu of check-off items to indicate the nature of the incident.**

11 **(f) A menu of check-off items indicating corrective action taken by the**
12 **person initiating the incident report, including having a conference with the**
13 **student, changing the student's seat assignment, or referring the student to a**
14 **counselor.**

15 **(g) Space to provide specific remarks and comments concerning the**
16 **incident.**

17 **(h) Space to indicate the student's prior history of discipline violations.**

18 **(i) A statement to be signed and dated by the person reporting the**
19 **incident that the named student is causing a discipline problem, that**
20 **disciplinary action against the student is recommended, and that the signatory**
21 **desires to be informed of action taken on the incident report or the reasons for**
22 **not taking action.**

23 **(j) Space for recommendations from the person initiating the incident**
24 **report.**

25 **(k) Space to report action taken on the incident report, including a menu**
26 **of check-off items to indicate that a parent or legal guardian has been contacted,**
27 **that a conference has been conducted with the student's parent or legal**
28 **guardian, that the student has been reprimanded, and a description of the**
29 **reprimand. The report on action taken shall be dated and signed by the school**

1 principal.

2 (l) Space for comments and remarks by the student and the student's
3 parent or legal guardian concerning the incident and action taken.

4 (m) A menu of check-off items to indicate that copies of the completed
5 forms have been supplied to the student's parent or legal guardian, the school's
6 student file, the school employee filing the incident report, the principal, and if
7 applicable, the supervisor of transportation services.

8 C. A city, parish, or other local public school board may create a
9 uniform reporting form to request additional information it deems necessary.

10 §201.5. Discipline Review Committee; membership; duties

11 A. Each city, parish, and other local public school board shall establish
12 a discipline policy review committee composed of sixteen members as follows:

13 (1) Five classroom teachers to be elected by their peers with at least one
14 teacher each representing an elementary, middle or junior high, and high
15 school.

16 (2) One special education teacher to be elected by his peers.

17 (3) Two guidance counselors to be elected by their peers.

18 (4) Two principals to be elected by their peers, one representing an
19 elementary school and one representing a high school.

20 (5) One school bus operator to be elected by his peers.

21 (6) One child welfare and attendance supervisor to be elected by his
22 peers.

23 (7) One school board member to be elected by his peers.

24 (8) The local superintendent or his designee.

25 (9) Two parents to be appointed by a method as provided by rules and
26 regulations adopted by the State Board of Elementary and Secondary
27 Education.

28 B. At least annually, the discipline policy review committee shall review
29 all school board discipline policies and, if necessary, make recommendations at

1 a public hearing to the school board for appropriate revisions to the board's
2 discipline policies.

3 C. Except as may be provided otherwise for the development or review
4 of a school's discipline policy under the terms of a collective bargaining
5 agreement applicable to the public school, the administrators, teachers, and
6 parents at each public school shall review the discipline policy for their school
7 at least annually. In all cases, a school's discipline policy shall be in compliance
8 with current state law and school board policies.

9 D. The provisions of Subsection A of this Section shall not be required
10 for any city, parish, or other local public school board that had a discipline
11 policy review committee in existence on August 27, 1994. The existing
12 committee shall remain in existence and shall retain the composition and
13 authority with which it was created.

14 §201.6. Approved schools

15 The State Board of Elementary and Secondary Education shall
16 formulate, develop, adopt, and fully implement methods and procedures for use
17 as part of the board's school-approval process to determine whether or not state
18 laws and board policies regarding student discipline are being fully complied
19 with by a school's administrators, teachers, and other employees. A school
20 determined to be in noncompliance with the discipline laws and procedures
21 shall not be approved. The provisions of this Section shall not apply to
22 nonpublic schools.

23 §201.7. Authority to discipline; legal defense and indemnification; limitations

24 A. Every teacher is authorized to hold every pupil to a strict
25 accountability for any disorderly conduct in school or on the playground of the
26 school, or on any school bus going to or returning from school, or during
27 intermission or recess.

28 B. Each teacher, administrator, school bus operator, or other school
29 employee may take disciplinary action to correct a student who is disruptive,

1 disrespectful, willfully disobedient, uses abusive or foul language, engages in
2 bullying, violates school rules, or otherwise interferes with an orderly education
3 process.

4 C.(1) No teacher, principal, or administrator in a public school system
5 or in an approved nonpublic school shall be personally liable for any act or
6 failure to act in the directing of or disciplining of a student under his care and
7 supervision, unless the action or failure to act was malicious and willfully and
8 deliberately intended to cause bodily harm.

9 (2) This Section shall not be applicable to the operation, use, or
10 maintenance of any motor vehicle.

11 D. Should a public school employee be sued for damages by a student or
12 a person qualified to bring suit on behalf of the student based upon any action
13 or statement or the omission of any action or statement by the employee when
14 in the proper course and scope of his assigned duties, then it shall be the
15 obligation of the employee's school board to provide legal defense to the suit
16 including reasonable attorney fees, investigatory costs, and other related
17 expenses.

18 E.(1) Should the employee be cast in judgment for damages in the suit,
19 it shall be the obligation of the employing school board to indemnify him fully
20 against the judgment including all principal, interest, and costs, except that the
21 employing school board shall not be responsible for any costs which the court
22 stipulates are to be borne by a party other than the employee or school board.

23 (2) Should the employee be awarded a judgement for damages or other
24 awards for costs or any fees, the employee shall reimburse the school board for
25 its costs incurred for the defense. The requirement of reimbursement by the
26 employee shall not exceed the award received by the employee.

27 (3) If a judgment is rendered in favor of the teacher in an action
28 provided for in this Subpart, it may include an award for attorney fees if the
29 court finds that the action was brought in bad faith or was otherwise brought

1 without sufficient merit.

2 F. Nothing in this Section shall require a school board to indemnify an
3 employee against a judgment wherein:

4 (1) There is a specific decree in the judgment that the action of the
5 employee was malicious and willfully and deliberately intended to cause bodily
6 harm or to harass or intimidate the student.

7 (2) There is a specific decree in the judgment that the employee
8 purposefully or with gross disregard of the facts ignored the complaints of the
9 student, or the student's parent or legal guardian, that the student was being
10 bullied and the bullying led to the physical harm or death of the student.

11 G. It shall be the responsibility of each city, parish, and other local public
12 school board to notify its employees of the provisions for legal defense and
13 indemnification as provided in this Section and to provide the notice in writing
14 in a clear and concise manner to its employees on an annual basis prior to the
15 beginning of each school year.

16 §201.8. Student code of conduct

17 A. The governing authority of each public elementary and secondary
18 school shall adopt a student code of conduct for the students in the schools
19 under its jurisdiction.

20 B. The code of conduct shall be in compliance with all existing rules,
21 regulations, and policies of the school board and of the State Board of
22 Elementary and Secondary Education and all state laws relative to student
23 discipline.

24 C. The code of conduct shall delineate disciplinary action to be taken
25 against a student who violates the code of conduct.

26 D. The code of conduct shall:

27 (1)(a) Require each student in each public school to exhibit appropriate
28 conduct when speaking with any public school system employee while on school
29 property or at a school sponsored event, address and respond to a public school

1 system employee by using the respectful terms "Yes, Ma'am" and "No, Ma'am"
2 or "Yes, Sir" and "No, Sir", as appropriate, or "Yes, Miss, Mrs., or Ms.
3 (Surname)" and "No, Miss, Mrs., or Ms. (Surname)" or "Yes, Mr. (Surname)"
4 and "No, Mr. (Surname)", as appropriate, each title to be followed by the
5 appropriate surname.

6 (b) Each city, parish, and other local public school board shall take or
7 provide for appropriate actions necessary to discipline a student who fails to
8 comply with the requirements of this Paragraph. However, no school board may
9 provide suspension nor expulsion from school as an appropriate punishment for
10 violation of this Paragraph.

11 (2) Prohibit the bullying of a student by another student.

12 (3) Require each student to abide all discipline rules of the school.

13 §201.9. Student orientation on discipline policies

14 A. In addition to any other requirements established by law, rule, or
15 regulation relative to student discipline and conduct, the governing authority
16 of each public elementary or secondary school shall require that every student
17 be provided an orientation during the first five days of each school year
18 regarding school disciplinary rules and the student code of conduct, including
19 the policy on bullying.

20 B. Orientation instruction shall be provided by the school principal or
21 his designees and shall include:

22 (1) Consequences for failure to comply with school disciplinary rules and
23 the code of conduct, including suspension, expulsion, and the possibility of
24 suspension of a student's driver's license for one year as provided in R.S.
25 32:431.

26 (2) Possible criminal consequences of violent acts committed on school
27 property, at a school-sponsored function, or in a firearm-free zone.

28 (3) The rights afforded teachers pursuant to the applicable law relative
29 to the Teacher Bill of Rights and other applicable law relative to the discipline

1 of students.

2 C. The orientation instruction required by this Section shall be age and
3 grade appropriate and shall give full consideration as to whether the student is
4 in a regular or special program of education.

5 D. A student who for any reason does not receive the orientation
6 provided for by this Section during the first five days of a school year shall be
7 provided orientation during the first five days of the student's attendance at the
8 public elementary or secondary school.

9 §201.10. Parent orientation

10 A. Each city, parish, and other local public school board shall conduct
11 a parent orientation meeting in accordance with the provisions of R.S. 17:235.1.

12 B. At the orientation, each parent or legal guardian shall be provided a
13 copy of and an explanation of school board policies relative to discipline,
14 including those which:

15 (1) Govern the discipline of students, including corporal punishment,
16 detention, suspension, and expulsion of students.

17 (2) Govern the attendance of students and truancy sanctions.

18 (3) Govern the behavior and decorum expected of students at all times,
19 including the student code of conduct and prohibitions against bullying.

20 (4) Govern dress codes for students for all school functions, including in-
21 school and out-of-school functions, including dances.

22 §201.11. Statements of compliance; students and parents; required

23 A. Each city, parish, and other local public school board shall require
24 each student in grades four through twelve in each school under the control of
25 the board to annually sign a statement of compliance committing to follow the
26 discipline policies of the school and to comply with student code of conduct.

27 B. The parent or legal guardian of each student in grades four through
28 twelve in any public school shall annually sign a statement of receipt of the
29 discipline policies and the student code of conduct and committing to attend all

1 required parent and teacher or principal conferences.

2 §201.12. Prohibition against bullying; notice; reporting; accountability

3 A. Bullying of a student by another student is prohibited.

4 B. The governing authority of each public elementary and secondary
5 school shall:

6 (1) Create a program to provide a minimum of four hours of training for
7 new employees who have contact with students and two hours of training each
8 year for all school employees who have contact with students, including school
9 bus operators, with respect to bullying. The training shall specifically include
10 the following:

11 (a) How to recognize the behaviors defined as bullying.

12 (b) How to identify students at each grade level in the employee's school
13 who are most likely to become victims of bullying, while not excluding any
14 student from protection from bullying.

15 (c) How to use appropriate intervention and remediation techniques and
16 procedures.

17 (d) The procedures by which incidents of bullying are to be reported to
18 school officials.

19 (e) Information on suicide prevention, including the relationship between
20 suicide risk factors and bullying. This content shall be based on information
21 supported by peer-reviewed research conducted in compliance with accepted
22 scientific methods and recognized as accurate by leading professional
23 organizations and agencies with relevant experience.

24 (2) Develop and implement discipline policies relative to bullying.

25 C. The State Board of Elementary and Secondary Education shall
26 develop and adopt rules and regulations to be used to report and investigate
27 bullying and which shall provide for the following:

28 (1) Notice to Students and Parents.

29 The governing authority of each public elementary and secondary school

1 **shall:**

2 **(a) Inform each student, orally and in writing at the orientation required**
3 **under R.S. 17:203.2, of the prohibition against bullying of a student by another**
4 **student, the nature and consequences of bullying, including the potential**
5 **criminal consequences and loss of driver's license as provided in R.S. 32:431,**
6 **and the proper process and procedure for reporting any incidents involving**
7 **bullying.**

8 **(b) Require a copy of the written notice be provided at the parental**
9 **orientation required under R.S. 17:203.3, as well as be delivered to each**
10 **student's parent or legal guardian.**

11 **(2) Reporting.**

12 **(a)The state Department of Education shall develop and provide the**
13 **form used to report all incidents of bullying. However, the local public school**
14 **governing authority may provide an additional form to require that additional**
15 **information be provided.**

16 **(i) The form shall include an affirmation of truth of statement.**

17 **(ii) The form shall be available on the state Department of Education's**
18 **website.**

19 **(b) The governing authority of each public elementary and secondary**
20 **school shall develop a procedure for the reporting of incidents of bullying**
21 **which:**

22 **(i) Require the use of the forms developed and provided by the**
23 **department.**

24 **(ii) Require any report of bullying to remain confidential.**

25 **(iii) Provide that a student who believes that he has been, or is currently,**
26 **the victim of bullying, or a student, or a parent or legal guardian, who witnesses**
27 **bullying or has good reason to believe bullying is taking place, may report the**
28 **situation to a school administrator and may also report the situation to a**
29 **teacher, counselor, other school employee, or to any parent chaperoning or**

1 supervising a school function or activity.

2 (iv) Require that a teacher, counselor, bus operator, or other school
3 employee, whether full- or part-time, and a parent chaperoning or supervising
4 a school function or activity, who witnesses bullying or who receives a report of
5 bullying from a student, report the incident to a school administrator.

6 (aa) Provide that a verbal report shall be submitted by the school
7 employee or the parent on the same day as the employee or parent witnessed or
8 otherwise learned of the bullying incident.

9 (bb) Provide that a written report shall be filed by the school employee
10 or parent no later than two school days after the school employee or the parent
11 witnessed or otherwise learned of the bullying incident.

12 (3) Retaliation.

13 (a) Retaliation against any person who reports bullying in good faith,
14 who is thought to have reported bullying, who files a complaint, or who
15 otherwise participates in an investigation or inquiry concerning allegations of
16 bullying is prohibited.

17 (b) Retaliation against anyone who meets the specifications is subject to
18 discipline.

19 (c) No school or district resources shall be used to prohibit or dissuade
20 a person who reports bullying in good faith, who is thought to have reported
21 bullying, who files a complaint, or who otherwise participates in an
22 investigation or inquiry concerning allegations of bullying.

23 (4) False Reports.

24 Intentionally making false reports about bullying to school officials is
25 prohibited conduct and will result in the appropriate disciplinary measures as
26 determined by the governing authority of the school in accordance with the
27 rules and regulations of the State Board of Elementary and Secondary
28 Education.

29 (5) Investigation Procedure.

1 Upon receiving a report of bullying, the school official shall conduct an
2 investigation. The investigation shall be conducted in accordance to the
3 procedure developed by the State Board which shall, at a minimum, require:

4 (a) An interview of the reporter, the victim, the alleged bully, and any
5 witnesses, and shall include obtaining copies or photographs of any audio-visual
6 evidence.

7 (b) The school to begin an investigation of any complaint that is properly
8 reported the next school day during which school is in session after the report
9 is received by the school official.

10 (c) The school to complete the investigation not later than ten school days
11 after the date the written report of the incident is received by the appropriate
12 school official.

13 (d) If additional information is received after the end of the ten-day
14 period, the school principal or his designee shall amend all documents and
15 reports required by this Section to reflect the additional information.

16 (6) Appeal.

17 (a) If the school official does not take timely and effective action
18 pursuant to this Section, the student, parent, or school employee may report the
19 bullying incident to the city, parish, or other local public school board or local
20 school governing authority.

21 (b) The school board or school governing authority shall begin an
22 investigation of any complaint that is properly reported and that alleges
23 conduct prohibited in this Section the next business day during which school is
24 in session after the report is received by a school board or governing authority
25 official.

26 (c) If the school board does not take timely and effective action, the
27 student, parent, or other school employee may report the bullying incident to
28 the state Department of Education. The department shall track the number of
29 reports, shall notify in writing the superintendent and the president of the

1 school's governing authority, and shall publish the number of reports by
2 governing authority on its website. The department shall provide both the
3 number of actual reports received and the number of reports received by
4 affected student.

5 (7) Parental Notification.

6 (a) Upon receiving a report of bullying, the school official shall notify the
7 student's parent or legal guardian.

8 (b) Under no circumstances shall the delivery of the notice to the parent
9 or legal guardian be provided by an involved student.

10 (c)(i) Before a student under the age of eighteen is interviewed, his parent
11 or legal guardian shall be notified by the school official of the allegations made
12 and have the opportunity to attend any interviews with the student conducted
13 as part of the investigation.

14 (ii) If, after three attempts in a forty-eight-hour period, the parent or
15 legal guardian of a student cannot be reached or do not respond, the student
16 may be interviewed.

17 (d) The school official shall conduct separate interviews with the parent
18 or legal guardian of the victim and the parent or legal guardian of the alleged
19 perpetrator. At each interview, the school official shall:

20 (i) Notify the parent or legal guardian of the victim and of the alleged
21 perpetrator of the available potential consequences, penalties, and counseling
22 options.

23 (ii) In any case where a parent or legal guardian of a student who is
24 under the age of eighteen and not judicially emancipated or emancipated by
25 marriage is required to attend a conference regarding the student's behavior
26 and, after notice, the parent or legal guardian refuses to attend, the principal
27 or his designee shall file a complaint with a court exercising juvenile
28 jurisdiction, pursuant to Children's Code Article 730(8) and 731. The principal
29 may file a complaint pursuant to Children's Code Article 730(1) or any other

1 applicable ground when, in his judgment, doing so is in the best interest of the
2 student.

3 (8) Disciplinary Action.

4 If the school has determined that an act of bullying has occurred and
5 after conducting a meeting with the parent or legal guardian of the students
6 involved, the school official shall take prompt and appropriate disciplinary
7 action as provided in the school's disciplinary rules and report criminal conduct
8 to law enforcement, if appropriate.

9 (9) Parental Relief.

10 (a) If a parent, legal guardian, teacher, or other school official has made
11 four or more reports of separate instances of bullying, as provided in this
12 Section, and no investigation has occurred, the parent or legal guardian with
13 responsibility for decisions regarding the education of the victim about whom
14 the report or reports have been made may exercise an option to have the
15 student enroll in or attend another school operated by the governing authority
16 of the public elementary or secondary school in which the student was enrolled
17 on the dates when at least three of the reports were submitted.

18 (i) The parent or legal guardian shall file a request with the
19 superintendent for the transfer of the student to another school under the
20 governing authority's jurisdiction.

21 (ii) The governing authority of the public elementary or secondary school
22 in which the student is enrolled shall make a seat available at another public
23 elementary or secondary school under its jurisdiction within ten school days of
24 the parent or legal guardian's request for a transfer.

25 (b) If the governing authority has no other school under its jurisdiction
26 servicing the grade level of the victim, within fifteen school days of receiving the
27 request, the governing authority shall:

28 (i) Inform the student and his parent or legal guardian and facilitate the
29 student's enrollment in a statewide virtual school.

1 (ii) Offer the student a placement in a full-time virtual program or
2 virtual school under the jurisdiction of the school's governing authority.

3 (iii) Enter into a memorandum of understanding with the governing
4 authority of another public school to secure a placement and provide for the
5 transfer of the student to a school serving the grade level of the victim, pursuant
6 to R.S. 17:105 and 105.1.

7 (c) If no seat or other placement is made available within thirty calendar
8 days of the receipt by the superintendent of the request, the parent or legal
9 guardian may request a hearing with the school's governing authority, which
10 shall be public or private at the option of the parent or legal guardian. The
11 school's governing authority shall grant the hearing at the next scheduled
12 meeting or within sixty calendar days, whichever is sooner.

13 (d) At the end of any school year, the parent or legal guardian may make
14 a request to the governing authority of the school at which the student was
15 enrolled when at least three of the reports were filed to transfer the student
16 back to the school. The governing authority shall make a seat available at the
17 school at which the student was originally enrolled. No other schools shall
18 qualify for transfer under this Subparagraph.

19 (10) Documentation.

20 (a) The state Department of Education shall develop a behavior
21 incidence checklist that the governing authority of each public elementary and
22 secondary school shall use to document the details of each reported incident of
23 bullying.

24 (b) The governing authority of each public elementary and secondary
25 school shall use the checklist to report all incidences of reported bullying to the
26 state Department of Education.

27 (c) The school official, after the investigation and interview conducted
28 pursuant to this Section, shall:

29 (i) Compose a written document containing the findings of the

1 investigation, including input from the student's parent or legal guardian, and
2 the determination made by the school official. The document shall be placed in
3 the school records of both students.

4 (ii) Promptly notify the complainant of the findings of the investigation
5 and that remedial action has been taken, if the release of information does not
6 violate the law.

7 (iii) Keep complaints and investigative reports confidential, except as
8 provided in this Section and where disclosure is required to be made pursuant
9 to 20 U.S.C. 1232g or by other applicable federal laws, rules or regulations, or
10 by state law.

11 (d) Maintain complaints and investigative reports for three years in the
12 event that disclosure is warranted by law enforcement officials.

13 (e) As applicable, provide a copy of any reports and investigative
14 documents to the governing authority of the school.

15 (f) As applicable, provide a copy of any reports and investigative
16 documents to the state Department of Education. Upon receipt, the department
17 shall remove any reports related to the investigative documents from notation
18 on the department's website, but shall maintain a record of those reports for
19 three years.

20 D. Nothing in this Section shall be deemed to interfere with the authority
21 and the responsibility that a parent or legal guardian has for the student at all
22 times, but particularly when the student is not on the school premises, is not
23 engaged in a school-sponsored function or school-sponsored activity, and is not
24 being transported by school-sponsored means of transportation.

25 E. This Section shall not be interpreted to conflict with or supercede the
26 provisions requiring mandatory reporting pursuant to Louisiana Children's
27 Code Article 609 and as enforced through R.S. 14:403.

28 F.(1) This Section shall not be interpreted to prevent a victim of bullying,
29 or his parent or legal guardian, from seeking redress under any other available

1 law, either civil or criminal.

2 (2) Nothing in this Section is intended to infringe upon the right of a
3 school employee or student to exercise their right of free speech.

4 G. All students subject to the provisions of this Section shall be protected
5 equally and without regard to the subject matter or the motivating animus of
6 the bullying.

7 §201.13. Prohibition against hazing

8 A. Hazing is prohibited in public elementary and secondary schools.

9 B. Each city, parish, and other local public school board shall develop,
10 adopt, and post a policy prohibiting hazing which includes, at a minimum, the
11 following:

12 (1) A statement that hazing of students is prohibited.

13 (2) A statement that any solicitation to engage in hazing is prohibited.

14 (3) A statement that aiding and abetting another person who engages in
15 hazing is prohibited.

16 (4) A statement that consent of the hazing victim is not a defense.

17 (5) A statement that all students, teachers, and other school employees
18 shall take reasonable measures within the scope of their individual authority to
19 prevent hazing.

20 (6) A description of the procedures for students, teachers, and other
21 school employees to report hazing and the procedures to file a complaint on
22 hazing.

23 (7) Procedures to investigate reports or complaints of hazing.

24 (8) A description of the circumstances under which hazing incidents shall
25 be reported to the appropriate law enforcement agency.

26 (9) A description of the appropriate penalties and appeal mechanisms for
27 persons that violate the policy.

28 C. Nothing in this Section shall be construed to limit or exclude
29 prosecution of or punishment for any crime or to limit the right to pursue any

1 civil remedy.

2 §201.14. Prohibition against unauthorized use of electronic telecommunication
3 devices

4 A. Unless authorized by the school principal or his designee, the use or
5 operation of any electronic telecommunication device including any facsimile
6 system, radio paging service, mobile telephone service, intercom, or electro-
7 mechanical paging system in any public elementary or secondary school
8 building or on the grounds thereof or in any school bus by a student is
9 prohibited.

10 B. Each city, parish, or other local public school board shall establish a
11 policy to prohibit the use of electronic telecommunications devices and provide
12 for appropriate disciplinary action for violators.

13 C. Nothing in this Section shall affect the conduct of law enforcement
14 activities including the use of electronic detection devices, dogs, or other means
15 of conducting searches for weapons, drugs, or other contraband in whatever
16 manner is otherwise permitted by law and consistent with local school board
17 policy.

18 D. Nothing in this Section shall prohibit the use and operation by any
19 person, including students, of any electronic telecommunication device in the
20 event of an emergency. Emergency means an actual or imminent threat to
21 public health or safety which may result in loss of life, injury, or property
22 damage.

23 §201.15. Prohibition against use and possession of tobacco

24 A.(1) Notwithstanding any other provision of law, no student shall
25 smoke, chew, inhale, absorb, or otherwise consume or possess any tobacco
26 product on any other school property, school bus, or at any school function.
27 However, this prohibition shall not apply to the use of any tobacco product that
28 has been approved by the United States Food and Drug Administration as a
29 tobacco cessation product that has been prescribed for a student by a licensed

1 physician.

2 (2) The governing authority of each public elementary or secondary
3 school and each nonpublic elementary or secondary school shall develop a
4 policy and provide for appropriate disciplinary action for violators.

5 §201.16. Prohibition against possessing a knife

6 A. Possession of a knife of any blade length on school property, on a
7 school bus, or at a school-sponsored event by a student is prohibited.

8 B. A student who is found possessing a knife with a blade less than two
9 inches in length may be suspended by the school principal; however, in
10 appropriate cases the student, at a minimum, shall be placed in in-school
11 suspension.

12 C. The principal shall immediately suspend a student who is found
13 carrying or possessing a knife with a blade which equals or exceeds two inches
14 in length.

15 D. The principal shall also immediately recommend the student's
16 expulsion in accordance with the provisions of this Subpart, except that, in the
17 case of a student less than eleven years of age in pre-kindergarten through
18 grade five, the principal may, but shall not be required to, recommend the
19 student's expulsion.

20 E. The provisions of this Section shall not apply to a student carrying or
21 possessing a knife for purposes of involvement in a school class or course or
22 school approved cocurricular or extracurricular activity or any other activity
23 approved by the appropriate school officials.

24 F. Notwithstanding any provision of this Section to the contrary, school
25 officials shall have total discretion and shall exercise discretion in imposing on
26 a student any disciplinary actions authorized by this Section for possession by
27 a student of a knife on school property when the knife is stored in a motor
28 vehicle and there is no evidence of the student's intent to use the knife in a
29 criminal manner.

1 **§201.17. Prohibition against possessing a firearm**

2 **A. Possession of a firearm on school property, on a school bus, or at a**
3 **school-sponsored event by a student is prohibited.**

4 **B. The principal shall immediately suspend a student who is found**
5 **carrying or possessing a firearm.**

6 **C.(1) The principal shall also immediately recommend the student's**
7 **expulsion in accordance with this Subpart, except that, in the case of a student**
8 **less than eleven years of age in prekindergarten through grade five, the**
9 **principal may, but shall not be required to, recommend the student's expulsion.**

10 **(2) Unless the superintendent of the city, parish, or other local public**
11 **school system modifies in writing the length of the expulsion, the minimum**
12 **expulsion shall be:**

13 **(a) For a student sixteen years of age or older found guilty of being in**
14 **possession of a firearm on school property, on a school bus, or in actual**
15 **possession at a school-sponsored event, pursuant to a hearing as provided for**
16 **by R.S. 17:201.27, shall be expelled from school for a minimum period of four**
17 **complete school semesters.**

18 **(b) A student who is under sixteen years of age and in grades six through**
19 **twelve and who is found guilty of being in possession of a firearm on school**
20 **property, on a school bus, or in actual possession at a school-sponsored event,**
21 **pursuant to a hearing as provided for by R.S. 17:201.27, shall be expelled from**
22 **school for a minimum period of four complete school semesters.**

23 **(c) A student in kindergarten through grade five found guilty of being**
24 **in possession of a firearm on school property, on a school bus, or at a school-**
25 **sponsored event, pursuant to a hearing as provided for by R.S. 17:201.27, shall**
26 **be expelled from school for a minimum period of two complete school semesters**
27 **and shall be referred to the district attorney for appropriate action.**

28 **D. A student found guilty of possessing a firearm on school property, on**
29 **a school bus, or in actual possession at a school-sponsored event, pursuant to a**

1 hearing as provided for by R.S. 17:201.27, shall be referred to the district
2 attorney for appropriate action.

3 E. The provisions of this Section shall not apply to a student carrying or
4 possessing a firearm for purposes of involvement in a school class or course or
5 school approved cocurricular or extracurricular activity or any other activity
6 approved by the appropriate school officials.

7 F. Notwithstanding any provision of this Section to the contrary, school
8 officials shall have total discretion and shall exercise discretion in imposing on
9 a student any disciplinary actions authorized by this Section for possession by
10 a student of a firearm on school property when the firearm is stored in a motor
11 vehicle and there is no evidence of the student's intent to use the firearm in a
12 criminal manner.

13 §201.18. Prohibition against possessing any illegal drug or controlled substance

14 A. The possession of any illegal drug or controlled dangerous substance
15 on school property, on a school bus, or at a school-sponsored event by a student
16 is prohibited.

17 B. The principal shall immediately suspend a student who is found
18 carrying or possessing any illegal drug or controlled dangerous substance.

19 C.(1) The principal shall also immediately recommend the student's
20 expulsion in accordance with this Subpart, except that, in the case of a student
21 less than eleven years of age in prekindergarten through grade five, the
22 principal may, but shall not be required to, recommend the student's expulsion.

23 (2) Unless the superintendent of the city, parish, or other local public
24 school system modifies in writing the length of the expulsion, the minimum
25 expulsion shall be:

26 (a) For a student sixteen years of age or older found guilty of being in
27 possession of any illegal narcotic, drug, or other controlled substance on school
28 property, on a school bus, or at a school-sponsored event pursuant to a hearing
29 as provided for by R.S. 17:201.27 shall be expelled from school for a minimum

1 period of four complete school semesters.

2 (b) A student who is under sixteen years of age and in grades six through
3 twelve and who is found guilty of being in possession of any illegal narcotic,
4 drug, or other controlled substance on school property, on a school bus, or at
5 a school-sponsored event pursuant to a hearing as provided for by R.S.
6 17:201.27 shall be expelled from school for a minimum period of two complete
7 school semesters.

8 (c) A student in kindergarten through grade five found guilty of any
9 illegal narcotic, drug, or other controlled substance on school property, on a
10 school bus, or at a school-sponsored event pursuant to a hearing as provided for
11 by R.S. 17:201.27 shall be referred to the city, parish, or other local public
12 school board where the student attends school through a recommendation for
13 action from the superintendent.

14 D.(1) A student suspended for possession of, or intentional distribution
15 of, or possession with intent to distribute any illegal narcotic, drug, or other
16 controlled substance on school property shall be referred by the school principal
17 or his designee, within five days after suspension, for testing or screening by a
18 qualified medical professional for evidence of abuse of alcohol, illegal narcotics,
19 drugs, or other controlled dangerous substances.

20 (2) If evidence of abuse is found, the student shall be referred to an
21 alcohol and drug abuse treatment professional chosen by the student's parent
22 or legal guardian. If the student is found by the professional to be in need of
23 treatment, and if the student agrees to cooperate in the recommended
24 treatment, as certified in writing by the medical professional, the documentation
25 may be used to initiate reopening the student's case. The school board shall take
26 into consideration the student's agreement to receive treatment as a positive
27 factor in the final decision relative to any final disciplinary action.

28 E. The provisions of this Section shall not apply to a student possessing
29 any controlled dangerous substance governed by the Uniform Controlled

1 Dangerous Substances Law that has been obtained directly or pursuant to a
2 valid prescription or order from a licensed physician. However, a student shall
3 carry evidence of that prescription or physician's order on his person at all
4 times when in possession of any controlled dangerous substance which shall be
5 subject to verification.

6 §201.19. Prohibition against assault and battery

7 A. Notwithstanding any provision of law to the contrary, whenever a
8 student is formally accused of violating the provisions of R.S. 14:34.3 or school
9 disciplinary rules, or both, by committing a battery on a school employee or is
10 formally accused of violating the provisions of R.S. 14:38.2 or school
11 disciplinary rules, or both, by committing an assault on a school employee, the
12 principal shall suspend the student from school immediately and the student
13 shall be removed immediately from the school premises without the benefit of
14 the suspension procedures provided by this Subpart; however, the necessary
15 notifications and other procedures shall follow as soon as is practicable.

16 B. No student suspended in accordance with the provisions of this
17 Section shall be considered for readmission to the school to which the school
18 employee, allegedly assaulted or battered, or both, by the student, is assigned
19 until all hearings and appeals associated with the alleged violation have been
20 exhausted.

21 C. Except when the school system has no other school of suitable grade
22 level for the student to attend, no student found guilty by a court of competent
23 jurisdiction of violating the provisions of R.S. 14:34.3 or 38.2, or both, or found
24 guilty at a school system suspension hearing of committing a battery on a school
25 employee or committing an assault on a school employee, or both, shall be
26 assigned to attend or shall attend the school to which the school employee
27 battered or assaulted by the student is assigned.

28 D. Notwithstanding any provision of R.S. 17:158 to the contrary, a school
29 system shall not be required to provide transportation to a student reassigned

1 to attend a school pursuant to the provisions of this Section if providing
2 transportation for the student will result in additional transportation costs to
3 the school system.

4 §201.20. Zero tolerance policies for fighting; authorization

5 A. A city, parish, or other local public school board may adopt and
6 implement a zero tolerance policy for fighting in the schools under its
7 jurisdiction.

8 B.(1) The policy may include a requirement that a student who is
9 disciplined pursuant to the policy and the student's parent or legal guardian
10 shall attend a conflict resolution class or classes.

11 (2) The policy may include provisions for the school board to take
12 appropriate action, as determined by the board, against a student or parent or
13 legal guardian who fails to comply with the class attendance requirement.

14 (3) The classes may be provided by the school board or other
15 appropriate provider as determined by the board.

16 (4) The board may charge a fee for attendance in an amount as may be
17 determined by the board. However, the fee amount shall not exceed one
18 hundred dollars.

19 §201.21. Dress codes; authorization; notification requirement

20 A.(1) Each city, parish, or other local public school board may adopt
21 rules and regulations it deems necessary to implement a school dress code,
22 which may include the use of uniforms. Each school may select a uniform for
23 its students and shall display the uniform for a reasonable period prior to the
24 proposed effective date of the dress code.

25 (2) If a city, parish, or other local public school board adopts a school
26 dress code, it shall notify in writing the parent or legal guardian of each student
27 of the dress code specifications and their effective date.

28 (3) If a city, parish, or other local public school board adopts a new
29 uniform policy or modifies an existing uniform policy, it shall notify in writing

1 the parent or legal guardian of each student of the uniform policy adoption or
2 uniform policy modification at least sixty days prior to the effective date of the
3 policy or modification to the policy.

4 B.(1) Nothing in this Section shall prohibit a city, parish, or other local
5 public school board from requiring a new dress code or uniform policy or
6 modifying an existing dress code or uniform policy without providing the
7 required notice in the event of what the school board deems an emergency. For
8 the purposes of this Subparagraph, "emergency" means an actual or imminent
9 threat to health or safety which may result in loss of life, injury, or property
10 damage.

11 (2) Nothing in this Section shall require the additional expenditure of
12 school or school board funds.

13 C.(1) No student enrolled in grades prekindergarten through five shall
14 be suspended or expelled from school or suspended from riding on any school
15 bus for a uniform violation that is not tied to willful disregard of school policies.

16 (2) Notwithstanding any other provision of law to the contrary, this
17 Paragraph shall apply to charter schools. Furthermore, no charter school shall
18 suggest to a student's parent or legal guardian that it has the authority to
19 suspend or expel a student for a uniform violation that is not tied to willful
20 disregard of school policies.

21 §201.22 Disciplinary Actions

22 Disciplinary action may include but is not limited to:

23 (1) Oral or written reprimands.

24 (2) Referral for a counseling session which shall include conflict
25 resolution, social responsibility, family responsibility, peer mediation, and stress
26 management.

27 (3) Written notification to the student's parent or legal guardian of
28 disruptive or unacceptable behavior, a copy of which shall be provided to the
29 principal.

1 **(4) Reassignment of seat.**

2 **(5) Reporting of alleged disciplinary violation to the principal or his**
3 **designee.**

4 **(6) Immediate removal from the classroom and placement into the**
5 **custody of the principal or his designee.**

6 **(7) Other disciplinary measures in compliance with school board policy.**

7 **§201.23. Corporal punishment**

8 **A. The governing authority of a public elementary or secondary school**
9 **shall have discretion with respect to the use of corporal punishment.**

10 **B. No form of corporal punishment shall be administered to a student**
11 **with an exceptionality, excluding gifted and talented, as defined in R.S. 17:1942,**
12 **or to a student who has been determined to be eligible for services under Section**
13 **504 of the Rehabilitation Act of 1973 and has an Individual Accommodation**
14 **Plan.**

15 **C. The governing authority of each public school shall adopt rules and**
16 **regulations it deems necessary to implement and control any form of corporal**
17 **punishment in the schools under its jurisdiction.**

18 **§201.24. Removal from the classroom and placement into custody of principal**

19 **A. The governing authority of each public school shall adopt rules and**
20 **regulations it deems necessary regarding the removal of a student from a**
21 **classroom for disciplinary reasons.**

22 **B. The rules and regulations shall at a minimum require the following:**

23 **(1) The principal or his designee shall:**

24 **(a) Advise the student of the particular misconduct of which he is**
25 **accused as well as the basis for the accusation.**

26 **(b) Provide the student an opportunity at that time to explain his version**
27 **of the facts.**

28 **(c) In the cases of bullying, follow all procedures set forth in R.S.**
29 **17:2012.**

1 (d) Conduct a counseling session with the student as may be appropriate
2 to establish a course of action, consistent with school board policy, to identify
3 and correct the behavior for which the student is being disciplined.

4 (e) Readmit the student to the class after:

5 (i) Implementing disciplinary measures in accordance with school system
6 rules and regulations or with the concurrence of the teacher or the building
7 level committee pursuant to law and board policy.

8 (ii) Holding a conference with the teacher initiating the removal and the
9 student's parent or legal guardian, if required by the teacher initiating the
10 removal.

11 (iii) The student has been removed from the classroom for the following
12 period of time:

13 (aa) At least thirty minutes if the student is in kindergarten through
14 grade six.

15 (bb) The remainder of the class period if the student is in grades seven
16 through twelve.

17 (f) Provide oral or written notification to the parent or legal guardian of
18 a student removed from the classroom. Notification shall include a description
19 of any disciplinary action taken and any required conferences.

20 (2) The principal or his designee may:

21 (a) Provide oral or written feedback to the person initiating the removal
22 of the student.

23 (b) Provide guidance and support on practicing effective classroom
24 management including positive behavior supports to the person initiating the
25 removal of the student.

26 (3)(a) Upon the third removal from the same classroom, the teacher and
27 the principal shall discuss the disruptive behavior patterns of the student and
28 the potentially appropriate disciplinary measure before the principal
29 implements a disciplinary measure. If appropriate, a referral of the matter may

1 be made to an appropriate building level committee.

2 (b) In addition, a conference between the teacher or other appropriate
3 school employee and the student's parent or legal guardian shall be required
4 prior to the student being readmitted.

5 (c) If disruptive behavior persists, the teacher may request that the
6 principal transfer the student into another setting.

7 (d)(i) Each city, parish, or other local public school board may adopt a
8 policy that requires the parent or legal guardian of a student removed from the
9 classroom pursuant to this Paragraph to attend after school or Saturday
10 intervention sessions with the student.

11 (ii) The school board may refer a parent or legal guardian who fails to
12 attend the sessions to the court of competent jurisdiction in accordance with
13 Chapter 2 of Title VII of the Louisiana Children's Code. Each time a parent or
14 legal guardian is referred to the court of competent jurisdiction, the court may
15 impose a fine of not less than twenty-five dollars and not more than two
16 hundred fifty dollars, forty hours of court-approved school or community
17 service activities, or a combination of forty hours of court-approved school or
18 community service and attendance at a court-approved family counseling
19 program by both a parent or legal guardian and the student, and may suspend
20 any recreational license issued by the Department of Wildlife and Fisheries.

21 C. A student removed from a class pursuant to this Section that is
22 assigned discipline other than out-of-school suspension or expulsion shall be
23 assigned school work missed during his removal from the classroom and shall
24 receive either partial or full credit for the work if it is completed satisfactorily
25 and timely as determined by the principal or his designee, upon the
26 recommendation of the student's teacher, in accordance with the school's
27 discipline policy; however, the teacher shall not be required to interrupt class
28 instruction time to prepare any assignment.

29 §201.25. Suspension

1 A. Upon receiving a discipline referral form or upon having a student
2 referred to his authority, the school principal or his designee, in accordance
3 with applicable law and school board rules, may determine that the appropriate
4 course of action for the student's behavior is to suspend the student from school
5 or suspend him from riding on any school bus.

6 B.(1) No student enrolled in grades prekindergarten through five shall
7 be suspended or expelled from school or suspended from riding on any school
8 bus for a uniform violation that is not tied to willful disregard of school policies.

9 (2) Notwithstanding any other provision of law to the contrary, this
10 Paragraph shall apply to charter schools. Furthermore, no charter school shall
11 suggest to a parent or legal guardian that it has the authority to suspend or
12 expel a student for a uniform violation that is not tied to willful disregard of
13 school policies.

14 C.(1) Prior to any suspension, the school principal, or his designee, shall
15 contact the student's parent or legal guardian by telephone or certified mail and
16 provide:

17 (a) Notice of the suspension.

18 (b) The reasons for the suspension.

19 (c) A date and time for a conference with the principal or his designee as
20 a requirement for readmitting the student.

21 (2) If the parent or legal guardian fails to attend the required conference
22 within five school days of mailing the certified letter or other contact with the
23 parent or legal guardian, the truancy laws shall become effective.

24 (3) If on more than one occasion each school year the parent or legal
25 guardian refuses to attend the required conference, the principal may determine
26 whether readmitting the student is in the best interest of the student.

27 (4) On any subsequent occasions in the same year, the student shall not
28 be readmitted unless the parent, legal guardian, court, or other appointed
29 representative responds.

1 D. The principal shall notify in writing the local superintendent of
2 schools and the visiting teacher or supervisor of child welfare and attendance
3 of the suspension and of the facts concerning each suspension, including reasons
4 and terms.

5 E. A student suspended for damages to any property belonging to the
6 school system or to property contracted to the school system shall not be
7 readmitted until payment in full has been made for the damage or until directed
8 by the local superintendent of schools. If the property damaged is a school bus
9 owned by, contracted to, or jointly owned, a student suspended for the damage
10 shall not be permitted to enter or ride any school bus until payment in full has
11 been made for the damage or until directed by the local superintendent of
12 schools.

13 F. A student who is suspended for:

14 (1) Ten days or fewer shall be assigned school work missed while he is
15 suspended and shall receive either partial or full credit for work if it is
16 completed satisfactorily and timely as determined by the principal or his
17 designee, upon the recommendation of the student's teacher, in accordance with
18 the school's discipline policy.

19 (2) More than ten days and receives educational services at an alternative
20 school site shall be assigned work by a certified teacher and shall receive credit
21 for school work if it is completed satisfactorily and timely as determined by the
22 teacher, in accordance with the school's discipline policy. The work shall be
23 aligned with the curriculum used at the school from which the student was
24 suspended.

25 G. The parent or legal guardian of a student suspended shall have the
26 right to appeal to the local superintendent of schools or his designee, who shall
27 conduct a hearing on the merits. The decision of the local superintendent of
28 schools on the merits of the case, as well as the term of suspension, shall be final,
29 reserving to the superintendent the right to remit any portion of the time of

1 suspension.

2 H. When a student is suspended for a second time within one school year,
3 the principal may require that a counseling session be held with the parent or
4 legal guardian and student by the school counselor if a counselor is assigned or
5 available to that school. In the event there is no school counselor available, the
6 principal may require a conference between the parent or legal guardian,
7 student, and all the student's teachers and the principal or other administrator.

8 §201.26. Required parental conferences

9 A. In any case where a teacher, principal, or other school employee is
10 authorized in this Subpart to require the parent or legal guardian of a student
11 who is under the age of eighteen and not judicially emancipated or emancipated
12 by marriage to attend a conference or meeting regarding the student's behavior
13 and, after notice, the parent or legal guardian willfully refuses to attend, the
14 principal or his designee, shall file a complaint with a court exercising juvenile
15 jurisdiction, pursuant to Children's Code Article 730(8) and 731. The principal
16 may file a complaint pursuant to Children's Code Article 730(1) or any other
17 applicable ground when, in his judgment, doing so is in the best interest of the
18 student.

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

23 C.(1) The school board may refer a parent or legal guardian who fails to
24 attend the conference to the court of competent jurisdiction in accordance with
25 Chapter 2 of Title VII of the Louisiana Children's Code.

26 (2) Each time a parent or legal guardian is referred to the court of
27 competent jurisdiction, the court may impose a fine of not less than twenty-five
28 dollars and not more than two hundred fifty dollars, forty hours of court-
29 approved school or community service activities, or a combination of forty

1 hours of court-approved school or community service and attendance at a
2 court-approved family counseling program by both a parent or legal guardian
3 and the student, and may suspend any recreational license issued by the
4 Department of Wildlife and Fisheries.

5 §201.27. Expulsion

6 A.(1)(a) A student, after being suspended for committing any
7 disciplinary offense, may be expelled, upon recommendation by the principal
8 of the public school in which said student is enrolled.

9 (b) The principal shall immediately recommend for expulsion a student
10 who is found carrying or possessing a firearm or another dangerous
11 instrumentality other than a knife, or who possesses, distributes, sells, gives, or
12 loans any controlled dangerous substance governed by the Uniform Controlled
13 Dangerous Substances Law, in any form.

14 (2) A student who has been suspended on three occasions during the
15 same school year shall, upon committing the fourth offense, be expelled from
16 the public schools of the city, parish, or other local public school system wherein
17 he resided until the beginning of the next regular school year, and the pupil's
18 reinstatement shall be subject to the review and approval of the local school
19 board.

20 B.(1) Upon the recommendation by a principal for the expulsion of a
21 student, a hearing shall be conducted by the local superintendent of schools, or
22 by his designee, to determine the facts of the case and make a finding of whether
23 or not the student is guilty of conduct warranting a recommendation of
24 expulsion.

25 (2) At the hearing the principal or teacher concerned may be represented
26 by any person appointed by the local superintendent of schools.

27 (3) A concerned teacher shall be permitted to attend the hearing and
28 shall be permitted to present information the teacher believes relevant.

29 (4) At the hearing the student may be represented by any person of his

1 choice.

2 (5) Until the hearing takes place the student shall remain suspended from
3 the school.

4 (6) Upon the conclusion of the hearing and upon a finding that the
5 student is guilty of conduct warranting expulsion, the local superintendent of
6 schools, or his designee, shall determine whether the student shall be expelled
7 from the school system or if other corrective or disciplinary action shall be
8 taken.

9 C. The parent or legal guardian of the student may, within five days after
10 the decision on expulsion is rendered, request the city, parish, or other local
11 public school board to review the findings of the superintendent or his designee
12 at a time set by the school board; otherwise the decision of the superintendent
13 shall be final. If requested, as herein provided, and after reviewing the findings
14 of the superintendent or his designee, the school board may affirm, modify, or
15 reverse the action previously taken.

16 D. The parent or legal guardian of the student may, within ten days,
17 appeal to the district court for the parish in which the student's school is
18 located, an adverse ruling of the school board in upholding the action of the
19 superintendent or his designee. The court may reverse or revise the ruling of the
20 school board upon a finding that the ruling of the board was based on an
21 absence of any relevant supporting evidence.

22 E.(1) A student expelled from school may be readmitted on a
23 probationary basis to school at any time during the specified period of expulsion
24 on terms and conditions as may be stipulated by the city, parish, or other local
25 public school board and agreed to in writing by the student and by the student's
26 parent or legal guardian.

27 (2) The terms and conditions may include placing the student in a
28 suitable alternative education program as determined by the school board.

29 (3)(a) Any written agreement shall include a provision that upon the

1 school principal or local superintendent of schools making a determination that
2 the student has violated any term or condition agreed to, the student shall be
3 immediately removed from the school premises without the benefit of any
4 hearing or other procedure applicable to student suspensions and expulsions.

5 (b) As soon as possible after such immediate suspension or expulsion, the
6 principal, or his designee, shall provide verbal notice to the local superintendent
7 of schools of any determination and also shall attempt to provide verbal notice
8 to the student's parent or legal guardian. The principal or his designee also shall
9 provide written notice of the determination and the reasons therefor to the
10 superintendent and to the student's parent or legal guardian.

11 F.(1) No student who has been expelled pursuant to the provisions of this
12 Section shall be readmitted to a public school in the city, parish, or other local
13 public school system from which he was expelled prior to the completion of the
14 specified period of expulsion, unless he has complied with the provisions of this
15 Section.

16 (2) No student who has been expelled pursuant to the provisions of this
17 Section shall be admitted to any public school in any other city, parish, or other
18 local public school system in the state except upon the review and approval of
19 the school board of the school system to which he seeks admittance.

20 (3) No student who has been expelled from any public or nonpublic
21 school outside the state of Louisiana or any nonpublic school within Louisiana
22 shall be admitted to any public school in the state except upon the review and
23 approval of the governing body of the admitting school.

24 (4)(a) To facilitate the review and approval mandated by this Paragraph,
25 a student who has been expelled from any public or nonpublic school within or
26 outside the state of Louisiana shall provide to the public school or school system
27 in the state to which the student is seeking admission information on the dates
28 of any expulsions and the reason or reasons for which the student was expelled.

29 (b) The transfer of a student's records by a public school or school

1 system in the state to any other public or nonpublic school or school system
2 shall include information on the dates of any expulsions and the reason or
3 reasons for which the student was expelled.

4 G.(1) In addition to any other limitations established by this Section on
5 the admission of previously expelled pupils to public elementary and secondary
6 schools in Louisiana, no pupil who has been expelled from any public or
7 nonpublic school within or outside the state of Louisiana for possessing on
8 school property or on a school bus a firearm, knife, or other dangerous weapon
9 or instrumentality customarily used or intended for probable use as a
10 dangerous weapon, or for possessing, possessing with intent to distribute, or
11 distributing, selling, giving, or loaning while on school property or on a school
12 bus any controlled dangerous substance governed by the Uniform Controlled
13 Dangerous Substances Law shall be admitted to any public elementary or
14 secondary school in the state, or readmitted to any school on a probationary
15 basis prior to the completion of the minimum period of expulsion, until the
16 pupil produces written documentation that he and his parent or legal guardian
17 have enrolled and participated in an appropriate rehabilitation or counseling
18 program related to the reason or reasons for the pupil's expulsion.

19 (2) The rehabilitation or counseling required by the provisions of this
20 Subsection shall be provided by existing or new programs approved by the
21 juvenile or family court having jurisdiction, if applicable, or by the school
22 system and shall be at no additional cost to the school system.

23 (3) The rehabilitation or counseling programs may include the following
24 components relative to successful programs, approaches, and activities for
25 parental involvement, which better equip the parent or legal guardian to
26 provide support for the education of their children:

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

1 resolution.

2 **(b) Raising the educational level of the parent or legal guardian of public**
3 **school students through instruction in basic skills.**

4 **(c) Improving developmental skills of students to prepare them for**
5 **academic success.**

6 **(d) Providing a role model for the child through parental interest in**
7 **education.**

8 **(e) Enabling the parent or legal guardian to become familiar with and**
9 **comfortable in the school setting.**

10 **(f) Enhancing the relationship of the parent or legal guardian and child**
11 **through planned, structured school interaction.**

12 **(g) Demonstrating to the parent or legal guardian his power to affect his**
13 **child's ability to learn.**

14 **(4) The requirements of this Subsection for a student's enrollment and**
15 **participation in a rehabilitation or counseling program shall be waived by the**
16 **school system upon documentation from the student showing that no**
17 **appropriate program is available in the area or that the student cannot enroll**
18 **or participate due to financial hardship.**

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

24 **H. The provisions of this Section shall be applicable to exceptional**
25 **children provided special education services pursuant to Part I of Chapter 8 of**
26 **this Title to the maximum extent allowed by federal law and rules applicable to**
27 **the education of exceptional children in the state. No policy adopted by the State**
28 **Board of Elementary and Secondary Education applicable to exceptional**
29 **children as provided in this Section shall be more restrictive than required by**

1 federal law and rules.

2 §201.28. Supervision of suspended or expelled students; assignment to
3 alternative education programs

4 A. A student suspended or expelled from school pursuant to the
5 provisions of this Subpart for ten or more days shall remain under the
6 supervision of the governing authority of the city, parish, or other local public
7 school board taking action using alternative education programs for suspended
8 and expelled students.

9 B. Alternative education programs of any local public school shall be
10 approved by the State Board of Elementary and Secondary Education.
11 However, no school system shall be liable for a student attending an alternative
12 education program at a location other than a school site.

13 C.(1) The State Board of Elementary and Secondary Education shall
14 adopt rules and regulations to provide for the implementation of this Section.

15 (2) The rules and regulations shall include provisions for cases in which
16 a school governing authority enters into an agreement with an education service
17 provider for the education of a student who meets any of the following criteria:

18 (a) Has been adjudicated delinquent by a court having juvenile
19 jurisdiction as defined in Article 302 of the Louisiana Children's Code.

20 (b) Has been adjudicated by a court as a member of a family in need of
21 services and is assigned by the office of juvenile justice to a community-based
22 program or facility.

23 (c) Is in the custody of the office of juvenile justice as a result of an
24 adjudication and is assigned by the office of juvenile justice to a community-
25 based program or facility.

26 (d) Is a student who has been suspended or expelled pursuant to the
27 provisions of R.S. 17:201.16, 201.17, or 201.18.

28 (3) Rules and regulations shall include:

29 (a) The services shall be provided to the school governing authority at

1 the actual costs incurred by the provider, not to exceed for each student, the pro
2 rata share of the combined state and local per student amount of the minimum
3 foundation program for the governing authority.

4 (b) In an effort to support the on-time graduation of students who are
5 suspended, expelled, or at high risk for dropping out or entry into the juvenile
6 justice system, academic, behavioral, and mental health interventions must be
7 provided.

8 (c) Interventions offered shall include but not be limited to the following:

9 (i) Academic interventions and supports:

10 (aa) Targeted academic interventions focused on assessed needs in math
11 and reading using an evidence-based and research-supported curriculum.

12 (bb) Use of validated monthly assessments to monitor individual student
13 academic progress.

14 (cc) Implementation of research-supported instructional strategies such
15 as differentiated instruction, experiential education, project-based learning, and
16 computer-assisted instruction to support assessed needs and content mastery.

17 (dd) Opportunities to participate in credit recovery to support
18 progression toward on-time graduation.

19 (ee) On-site access to at least one career or vocational certification
20 option.

21 (ii) Behavioral interventions and supports:

22 (aa) Positive behavioral supports with a high ratio of positive
23 reinforcement over punishment.

24 (bb) Behavioral shaping steps aligned to assessed behavioral needs and
25 goals.

26 (cc) Mentoring and frequent behavioral feedback focused on
27 individualized shaping steps for students enrolled.

28 (dd) Successive approximations and reinforcements to develop more
29 complex social behaviors.

1 (iii) Mental health interventions and supports:

2 (aa) Evidence-based cognitive behavioral interventions to address anger,
3 impulsivity, and aggression.

4 (bb) Interventions to address past childhood traumas, including forms
5 of abuse and neglect, being a victim of or a witness to violence, and involvement
6 in natural disasters.

7 (cc) Interventions to address substance use and to prevent substance
8 abuse.

9 (dd) Interventions to build life skills and social skills in order to increase
10 employability and success in the community.

11 (4) Nothing in this Section shall prevent any nonprofit organization that
12 provides alternative education services to a school governing authority from
13 applying to operate a charter school pursuant to R.S. 17:3983.

14 (5) The governing authority of a Type 5 charter school shall receive
15 approval from the superintendent of the Recovery School District before
16 entering into an agreement with an educational service provider for alternative
17 education services pursuant to the provisions of this Section, and any agreement
18 shall not be subject to the provisions of Subparagraph (3)(a) of this Section.

19 D. The Department of Education shall monitor each city, parish, and
20 other local public school system annually for compliance with the provisions of
21 this Section.

22 E. A student expelled pursuant to the provisions of R.S. 17:201.16
23 through 201.19 may be readmitted only to a city, parish, or other local public
24 school in the school system from which he was expelled prior to the completion
25 of the specified period of expulsion.

26 F.(1) A student placed in an alternative school or an alternative
27 education program, including a student receiving education services pursuant
28 to an agreement subject to Paragraph (2) of Subsection C of this Section, shall
29 attend and participate in the school, program, or education services.

1 **(2) The parent or legal guardian of the student shall ensure attendance**
2 **as required by this Paragraph and any violation of this Paragraph shall be**
3 **subject to the provisions of R.S. 17:221(A)(2) and (3).**

4 **G. Visiting teachers or supervisors of child welfare and attendance, with**
5 **the approval of the superintendent of the local public school system, shall file**
6 **proceedings in court to enforce the provisions of this Section.**

7 **H. Notwithstanding any provision of R.S. 17:158 to the contrary, a school**
8 **system shall not be required to provide transportation to a student suspended**
9 **or expelled from school pursuant to the provisions of this Subpart and**
10 **remaining under the supervision of the governing authority of the school system**
11 **if providing transportation for the student will result in additional**
12 **transportation costs to the school system. No school system shall be liable for a**
13 **suspended or expelled student providing his own transportation pursuant to the**
14 **provisions of this Section.**

15 **§201.29. Alternative schools; establishment by local boards**

16 **A. A city, parish, or other local school board, with the approval of the**
17 **State Board of Elementary and Secondary Education, may establish and**
18 **maintain one or more alternative schools for students whose behavior is**
19 **disruptive. A alternative school shall be maintained and funded at the same**
20 **level of support as other schools for students in the school district.**

21 **B. The State Board of Elementary and Secondary Education shall**
22 **develop, adopt, and implement guidelines for alternative schools which, at a**
23 **minimum, shall provide for the following:**

24 **(1) Identifying the needs of students.**

25 **(2) Using group and individualized courses of study.**

26 **(3) Providing assistance with social skills and work habits.**

27 **(4) Using alternative teaching methods.**

28 **C.(1) Teachers employed in alternative schools established pursuant to**
29 **this Section shall be selected from regularly employed school teachers who**

1 volunteer.

2 (2) Eligibility for enrollment in alternative schools shall be determined
3 from a list compiled by each city and parish school board of students with
4 discipline problems whose behavior is disruptive. Students selected for
5 enrollment in the alternative schools from the eligibility list shall be selected
6 from volunteers, provided that there shall be no racial, sexual, or ethnic
7 discrimination in either the compilation of the eligibility list or in the operation
8 of the school.

9 D. Each city, parish, or other local public school board operating an
10 alternative school shall annually evaluate the school. The evaluation shall
11 include testing of basic skills for student participants. The evaluation process
12 shall also include teacher, parent or legal guardian, and student input.

13 §201.30. Unadjustable or incorrigible children; reports to juvenile courts;
14 expulsion, assignments, and transfers

15 A. Unadjustable or incorrigible children, who, through no fault of their
16 parent or legal guardian, regularly disrupt the orderly processes of the school
17 to which they have been assigned, shall be considered as delinquents and may
18 be reported by the visiting teacher or supervisor of child welfare and
19 attendance, to the juvenile court of the parish, there to be dealt with in the
20 manner prescribed by law.

21 B. Notwithstanding the provisions of this Subpart to the contrary, a
22 student who exhibits disruptive behavior, an incorrigible attitude, or any other
23 discipline problems in general, may be recommended by the principal for
24 expulsion, assignment to an appropriate alternative education program, or
25 transfer to adult education if the student is:

26 (1) Seventeen years of age or older with less than five units of credit
27 toward graduation.

28 (2) Eighteen years of age or older with less than ten units of credit
29 toward graduation.

1 **(3) Nineteen years of age or older with less than fifteen units of credit**
2 **toward graduation.**

3 **§201.31. Conviction of a felony or incarceration in a juvenile institution**

4 **A. The conviction of a student of a felony or the incarceration of a**
5 **student in a juvenile institution for an act which, had it been committed by an**
6 **adult, would have constituted a felony, may be cause for expulsion of the student**
7 **for a period of time as determined by the board. The expulsion shall require the**
8 **vote of two-thirds of the elected members of the school board.**

9 **B. The conviction of a student of a felony or the incarceration of a**
10 **student in a juvenile institution for an act, whether the act is committed in this**
11 **state or outside this state, which had it been committed by an adult, would have**
12 **constituted a felony in this state, may be sufficient cause for any public school**
13 **system superintendent to refuse admission of the student to any school except**
14 **upon review and approval of a majority of the elected members of the school**
15 **board when request for admission is made to the board.**

16 **C. The provisions of this Section shall be applicable to exceptional**
17 **children provided special education services pursuant to Part I of Chapter 8 of**
18 **this Title to the maximum extent allowed by federal law and rules applicable to**
19 **the education of exceptional children in the state. No policy adopted by the State**
20 **Board of Elementary and Secondary Education applicable to exceptional**
21 **children as provided in this Section shall be more restrictive than required by**
22 **federal law and rules.**

23 **§201.32. Suspension of driver's license**

24 **A. The principal or headmaster of a public or nonpublic school shall**
25 **notify the Department of Public Safety and Corrections, office of motor**
26 **vehicles, of a student between the ages of fourteen and eighteen who has been**
27 **expelled or suspended from school for ten or more consecutive school days or**
28 **assigned to an alternative educational setting for ten or more consecutive school**
29 **days in accordance with any policy of the school or of the local public school**

1 board for infractions involving the sale or possession of drugs, alcohol, or any
2 other illegal substance, the possession of a firearm, or an infraction involving
3 assault or battery on a member of the school faculty or staff.

4 B. Upon receipt of the notification from the principal or headmaster, the
5 Department of Public Safety and Corrections, office of motor vehicles, shall
6 suspend the student's driver's license for the operation of a motor vehicle for a
7 period of one year, in accordance with the provisions of R.S. 32:431. The terms
8 "license" or "driver's license" shall include a Class "E" learner's license and
9 intermediate license as provided for in R.S. 32:407.

10 §201.33. Removal from school premises

11 A student whose presence in or about a school poses a continued danger
12 to any person or property or an ongoing threat of disruption to the academic
13 process shall be immediately removed from the school premises. However, the
14 necessary procedure prescribed the school's disciplinary policy pursuant to this
15 Subpart shall follow as soon as is practicable.

16 §201.34. Self-defense

17 A. No student shall be disciplined in any manner by the governing
18 authority of a public elementary or secondary school or by any public
19 elementary or secondary school administrator, teacher, or other school
20 employee for the use of force upon another person when it can be reasonably
21 concluded that the use of force more probably than not was committed solely
22 for the purpose of preventing a forcible offense against the student or a forcible
23 offense provided that the force used must be reasonable and apparently
24 necessary to prevent the offense.

25 B. A student who is the aggressor or who brings on a difficulty cannot
26 claim the right provided by this Section to defend himself.

27 §201.35. Search of students' persons, desks, lockers, other areas; defense of
28 suits against school personnel; indemnification; reporting of
29 implements seized

1 A.(1) Parish, city, and other local public school systems are the exclusive
2 owners of all public school buildings and all desks and lockers within the
3 building assigned to any student and any other area of any public school
4 building or grounds set aside specifically for the personal use of the students.

5 (2) Any teacher, principal, school security guard, or administrator in any
6 city, parish, and other local public school system may search any building, desk,
7 locker, area, or grounds for evidence that the law, a school rule, or city, parish,
8 or other local public school board policy has been violated.

9 B.(1) The teacher, principal, school security guard, or administrator may
10 search the person of a student or his personal effects when, based on the
11 attendant circumstances at the time of the search, there are reasonable grounds
12 to suspect that the search will reveal evidence that the student has violated the
13 law, a school rule, or a school board policy.

14 (2) A search shall be conducted in a manner that is reasonably related
15 to the purpose of the search and not excessively intrusive in light of the age or
16 sex of the student and the nature of the suspected offense.

17 (3) Random searches with a metal detector of students or their personal
18 effects may be conducted at any time, provided they are conducted without
19 deliberate touching of the student.

20 C.(1) If a teacher, principal, school security guard, or administrator in
21 a public school system is sued for damages by a student, the parent or legal
22 guardian of a student, or other person qualified to bring suit on behalf of the
23 student, based upon a search of that student's person, desk, locker, or any other
24 area of a school building or grounds set aside specifically for that student's
25 personal use, when the teacher, principal, school security guard, or
26 administrator reasonably believed that the student had weapons, illegal drugs,
27 alcohol, stolen goods, or other materials or objects the possession of which is a
28 violation of the city, parish, and other local public school board policy on his
29 person, or had reasonable belief that the desk, locker, or other area contained

1 items, or based upon a search using a metal detector, it shall be the
2 responsibility of the school board employing the teacher, principal, school
3 security guard, or administrator to provide the defendant with legal defense,
4 including reasonable attorney's fees, investigatory costs, and other related
5 expenses.

6 (2) If the teacher, principal, school security guard, or administrator is
7 cast in judgment for damages in the suit, it shall be the obligation of the school
8 board employing the defendant to indemnify him fully against the judgment,
9 including all principal, interest, and costs.

10 (3) Nothing in this Section shall require a school board to indemnify a
11 teacher, principal, school security guard, or administrator against a judgment
12 wherein there is a specific finding that the action of the teacher, principal,
13 school security guard, or administrator was maliciously, wilfully, and
14 deliberately intended to harass, embarrass, or intimidate the student.

15 (4) Nothing in this Section shall require defense and indemnification by
16 a school board, a principal, or other school administrator for suits regarding
17 search and seizure unless the acts are in accordance with the policy adopted by
18 the school board that employs him, if the policy is declared to be reasonable by
19 a court of competent jurisdiction.

20 D.(1)(a) Each city, parish, and other local public school board shall adopt
21 a policy that is consistent with this Section to provide for reasonable search and
22 seizure by public school teachers, principals, and other school administrators
23 of students' persons, desks, lockers, or other school areas for evidence that the
24 law, a school rule, or a parish, city, or other local public school board policy has
25 been violated.

26 (b) The policy shall include at a minimum:

27 (i) Specification of standards regarding procedures for searching
28 students to prevent excessive intrusion.

29 (ii) Specification of standards for retaining and securing confiscated

1 implements and materials.

2 (iii) Directions regarding the disposal of implements and materials
3 reported to law enforcement authorities when the authorities notify the
4 principal that the implements and materials need not be retained.

5 (iv) Specification of disciplinary action when a principal or designated
6 administrator violates any provision of this Section.

7 (2) No teacher, principal, school security guard, or administrator shall
8 be held personally liable for any action authorized by this Section and
9 performed in accordance with school board policies adopted pursuant to this
10 Section.

11 E.(1) Upon the seizure by any public school teacher, principal, school
12 security guard, or administrator of any firearm, bomb, knife, or other
13 implement which can be used as a weapon and the careless use of which might
14 inflict harm or injury, or any controlled dangerous substance as defined in R.S.
15 40:961, the principal or his designee shall report the confiscation of the
16 implement or material to the appropriate law enforcement officials. The
17 principal or his designee may report the confiscation of any other implement or
18 material.

19 (2) Any implement or material required by this Section to be reported
20 to law enforcement officials shall be retained and secured by the school
21 principal in a manner as to prevent the destruction, alteration, or disappearance
22 of it until the law enforcement authority either takes custody of the implement
23 or material or provides notice to the school principal that it need no longer be
24 retained. In the case that it need not be retained, the school principal shall
25 comply with his school board's policy regarding disposal of the item.

26 (3) The failure of a principal or his designee to report the confiscation of
27 the implement or material or the failure to retain and secure the implement or
28 material shall be reported by the law enforcement authority to the employing
29 school board which shall take disciplinary action pursuant to its policy.

1 F. The provisions of this Section shall apply to the State Board of
2 Elementary and Secondary Education as it relates to state schools operated by
3 the board in the same way it applies to city, parish, and other local public school
4 boards.

5 §201.36. Youth development and assistance programs; authority

6 A. A school may, upon approval of its governing authority, develop and
7 offer youth development and assistance programs that employ violence
8 prevention and intervention initiatives for students in kindergarten and the
9 elementary grades. The programs shall provide for early identification of and
10 support for students who are at risk before their behavior escalates into
11 aggression or disruption, disciplinary problems, or juvenile delinquency.

12 B.(1) A youth development and assistance program may consist of age-
13 or grade-appropriate alternative classrooms during school or special
14 intervention or prevention programs before, after, or during the school day.

15 (2) The programs may include to the following components:

16 (a) Provision of services for students including behavioral training and
17 intervention techniques that promote cooperation and enhance interpersonal
18 and conflict resolution skills, peer mediation, anger management, bullying
19 prevention, life skills training, mentoring, counseling, and tutoring programs
20 that improve academic achievement.

21 (b)(i) Provision of services which support the parent or legal guardian
22 of students identified with behavioral needs that may need intervention or
23 support. Parent services may include literacy services or parental training.

24 (ii) Required participation of a parent or legal guardian of a student so
25 identified in the intervention at the school or other designated facility.

26 (c) Collaboration with community-based organizations, including but not
27 limited to youth services, civic, social services, mental health, volunteer services,
28 and juvenile justice agencies.

29 C. The provisions of this Section shall be implemented upon the approval

1 of each city, parish, or other local public school board of any program
2 submitted by a school and the availability of funds to a school for such purpose.

3 §201.37. Behavior of students with exceptionalities; use of seclusion and
4 physical restraint

5 A. As used in this Section:

6 (1) "Imminent risk of harm" means an immediate and impending threat
7 of a person causing substantial physical injury to self or others.

8 (2)(a) "Mechanical restraint" means the application of any device or
9 object used to limit a person's movement.

10 (b) Mechanical restraint does not include:

11 (i) A protective or stabilizing device used in strict accordance with the
12 manufacturer's instructions for proper use and which is used in compliance
13 with orders issued by an appropriately licensed healthcare provider.

14 (ii) Any device used by a duly licensed law enforcement officer in the
15 execution of his official duties.

16 (3)(a) "Physical restraint" means bodily force used to limit a person's
17 movement.

18 (b) Physical restraint does not include:

19 (i) Consensual, solicited, or unintentional contact.

20 (ii) Momentary blocking of a student's action if the student's action is
21 likely to result in harm to the student or any other person.

22 (iii) Holding of a student, by one school employee, for the purpose of
23 calming or comforting the student, provided the student's freedom of movement
24 or normal access to his or her body is not restricted.

25 (iv) Minimal physical contact for the purpose of safely escorting a
26 student from one area to another.

27 (v) Minimal physical contact for the purpose of assisting the student in
28 completing a task or response.

29 (4) "Positive behavior interventions and support" means a systematic

1 approach to embed evidence-based practices and data-driven decision making
2 when addressing student behavior in order to improve school climate and
3 culture.

4 (5) "School employee" means a teacher, paraprofessional, administrator,
5 support staff member, or a provider of related services.

6 (6) "Seclusion" means a procedure that isolates and confines a student
7 in a separate room or area until he or she is no longer an immediate danger to
8 self or others.

9 (7) "Seclusion room" means a room or other confined area, used on an
10 individual basis, in which a student is removed from the regular classroom
11 setting for a limited time to allow the student the opportunity to regain control
12 in a private setting and from which the student is involuntarily prevented from
13 leaving.

14 (8) "Written guidelines and procedures" means the written guidelines
15 and procedures adopted by a school's governing authority regarding
16 appropriate responses to student behavior that may require immediate
17 intervention.

18 B.(1) Seclusion shall be used only:

19 (a) For behaviors that involve an imminent risk of harm.

20 (b) As a last resort when de-escalation attempts have failed and the
21 student continues to pose an imminent threat to self or others.

22 (2) Seclusion shall not be used to address behaviors such as general
23 noncompliance, self-stimulation, and academic refusal. The behaviors shall be
24 responded to with less stringent and less restrictive techniques.

25 (3)(a) A seclusion room shall be used only as a last resort if and when less
26 restrictive measures, such as positive behavioral supports, constructive and
27 non-physical de-escalation, and restructuring of a student's environment, have
28 failed to stop a student's actions that pose an imminent risk of harm.

29 (b) A student shall be placed in a seclusion room only by a school

1 employee who uses accepted methods of escorting a student to a seclusion room,
2 placing a student in a seclusion room, and supervising a student while he or she
3 is in the seclusion room.

4 (c) Only one student may be placed in a seclusion room at any given time,
5 and the school employee supervising the student must be able to see and hear
6 the student the entire time the student is placed in the seclusion room.

7 (4) A seclusion room shall:

8 (a) Be free of any object that poses a danger to the student placed in the
9 room.

10 (b) Have an observation window and be of a size that is appropriate for
11 the student's size, behavior, and chronological and developmental age.

12 (c) Have a ceiling height and heating, cooling, ventilation, and lighting
13 systems comparable to operating classrooms in the school.

14 C.(1) Physical restraint shall be used only:

15 (a) When a student's behavior presents a threat of imminent risk of
16 harm to self or others and only as a last resort to protect the safety of self and
17 others.

18 (b) To the degree necessary to stop dangerous behavior.

19 (c) In a manner that causes no physical injury to the student, results in
20 the least possible discomfort, and does not interfere in any way with a student's
21 breathing or ability to communicate with others.

22 (2) No student shall be subjected to any form of mechanical restraint.

23 (3) No student shall be physically restrained in a manner that places
24 excessive pressure on the student's chest or back or that causes asphyxia.

25 (4) A student shall be physically restrained only in a manner that is
26 directly proportionate to the circumstances and to the student's size, age, and
27 severity of behavior.

28 D. Seclusion and physical restraint shall not be used as a form of
29 discipline or punishment, as a threat to control, bully, or obtain behavioral

1 compliance, or for the convenience of school personnel.

2 E. No student shall be subjected to unreasonable, unsafe, or unwarranted
3 use of seclusion or physical restraint.

4 F. A student shall not be placed in seclusion or physically restrained if
5 he or she is known to have any medical or psychological condition that
6 precludes the action, as certified by a licensed healthcare provider in a written
7 statement provided to the school in which the student is enrolled.

8 G. A student who has been placed in seclusion or has been physically
9 restrained shall be monitored continuously. Monitoring shall be documented at
10 least every fifteen minutes and adjustments made accordingly, based upon
11 observations of the student's behavior.

12 H. A student shall be removed from seclusion or released from physical
13 restraint as soon as the reasons for justifying the action have subsided.

14 I.(1) The parent or legal guardian of a student who has been placed in
15 seclusion or physically restrained shall be notified as soon as possible. The
16 student's parent or legal guardian shall also be notified in writing, within
17 twenty-four hours, of each incident of seclusion or physical restraint. The notice
18 shall include the reason for the seclusion or physical restraint, the procedures
19 used, the length of time of the student's seclusion or physical restraint, and the
20 names and titles of any school employee involved.

21 (2) The director or supervisor of special education shall be notified any
22 time a student is placed in seclusion or is physically restrained.

23 J. A school employee who has placed a student in seclusion or who has
24 physically restrained a student shall document and report each incident in
25 accordance with the policies adopted by the school's governing authority. The
26 report shall be submitted to the school principal not later than the school day
27 immediately following the day on which the student was placed in seclusion or
28 physically restrained and a copy shall be provided to the student's parent or
29 legal guardian.

1 **K. If a student is involved in five incidents in a single school year**
2 **involving the use of physical restraint or seclusion, the student's Individualized**
3 **Education Program team shall review and revise the student's behavior**
4 **intervention plan to include any appropriate and necessary behavioral supports.**
5 **Thereafter, if the student's challenging behavior continues or escalates,**
6 **requiring repeated use of seclusion or physical restraint practices, the special**
7 **education director or his designee shall review the student's plans at least once**
8 **every three weeks.**

9 **L.(1) The governing authority of each public elementary and secondary**
10 **school shall adopt written guidelines and procedures regarding:**

11 **(a) Reporting requirements and follow-up procedures.**

12 **(b) Notification requirements for school officials and a student's parent**
13 **or legal guardian.**

14 **(c) An explanation of the methods of physical restraint and the school**
15 **employee training requirements relative to the use of restraint.**

16 **(2)(a) These guidelines and procedures shall be provided to the state**
17 **Department of Education, all school employees, and every parent or legal**
18 **guardian of a student with an exceptionality. The guidelines and procedures**
19 **shall also be posted at each school and on each school system's website.**

20 **(b) The provisions of this Section shall not be applicable to the parent or**
21 **legal guardian of a student who has been deemed to be gifted or talented unless**
22 **the student has been identified as also having a disability.**

23 **M.(1) The State Board of Elementary and Secondary Education shall**
24 **adopt rules establishing guidelines and procedures for public school systems to**
25 **follow regarding the reporting of incidents of seclusion and physical restraint,**
26 **including specific data elements to be included in the reporting.**

27 **(2) The governing authority of each public elementary and secondary**
28 **school, in accordance with state board policy, shall report all instances where**
29 **seclusion or physical restraint is used to address student behavior to the state**

1 Department of Education.

2 (3)(a)The state Department of Education shall maintain a database of all
3 reported incidents of seclusion and physical restraint of students with
4 exceptionalities and shall disaggregate the data for analysis by school; student
5 age, race, ethnicity, and gender; student disability, where applicable; and any
6 involved school employees.

7 (b)(i) Based upon the data collected, the state Department of Education
8 shall annually compile a comprehensive report regarding the use of seclusion
9 and physical restraint of students with exceptionalities, which shall at a
10 minimum include the following:

11 (aa) The number of incidents of physical restraint disaggregated by
12 school system; student age, race, ethnicity, gender, and student disability
13 classification.

14 (bb) The number of incidents of seclusion disaggregated by school
15 system; student age, race, ethnicity, gender, and student disability classification.

16 (cc) A list of the school systems and charter schools that have complied
17 with the reporting requirements pursuant to this Section.

18 (ii) The state Department of Education shall post the annual report on
19 its website and submit a written copy to the Senate and House committees on
20 education and the Advisory Council on Student Behavior and Discipline
21 established pursuant to this Subpart.

22 * * *

23 §415. School records; duty to keep reports by school principal

24 Local superintendents and teachers of the public schools of the state shall
25 make and keep such school records as shall be prescribed by the state superintendent
26 of education, prior to receiving their monthly salaries. Each principal of a school
27 shall make to the local superintendent of schools such reports as may be required,
28 including but not limited to the disciplinary reports ~~required in R.S. 17:416(A)(4).~~

29 If any principal wilfully neglects or fails to do this, the local superintendent of

1 schools may withhold the salary due until the report is satisfactorily made.

2 * * *

3 §416.18. Teacher Bill of Rights

4 A. Respecting the authority of teachers is essential to creating an environment
5 conducive to learning, effective instruction in the classroom, and proper
6 administration of city, parish, and other local public schools. To maintain and protect
7 that authority, it is important that teachers, administrators, parents, and students are
8 fully informed of the various rights conferred upon teachers pursuant to this Section,
9 which are:

10 (1) A teacher has the right to teach free from the fear of frivolous lawsuits,
11 including the right to qualified immunity and to a legal defense, and to
12 indemnification by the employing school board, pursuant to ~~R.S. 17:416.1(C), 416.4,~~
13 ~~416.5, and 416.11~~ **Subpart B-1 of Part III of Chapter 1 of this Title**, for actions
14 taken in the performance of duties of the teacher's employment.

15 (2) A teacher has the right to appropriately discipline students in accordance
16 with ~~R.S. 17:223 and 416 through 416.16~~ **Subpart B-1 of Part III of Chapter 1 of**
17 **this Title** and any city, parish, or other local public school board regulation.

18 (3) A teacher has the right to remove any persistently disruptive student from
19 his classroom when the student's behavior prevents the orderly instruction of other
20 students or when the student displays impudent or defiant behavior and to place the
21 student in the custody of the principal or his designee ~~pursuant to R.S.~~
22 ~~17:416(A)(1)(c).~~

23 (4) A teacher has the right to have his or her professional judgment and
24 discretion respected by school and district administrators in any disciplinary action
25 taken by the teacher in accordance with school and district policy and with
26 ~~R.S. 17:416(A)(1)(c)~~ **Subpart B-1 of Part III of Chapter 1 of this Title**.

27 (5) A teacher has the right to teach in a safe, secure, and orderly environment
28 that is conducive to learning and free from recognized dangers or hazards that are
29 causing or likely to cause serious injury ~~in accordance with R.S. 17:416.9 and~~

1 developed by the State Board of Elementary and Secondary Education in accordance
 2 with the provisions of ~~R.S. 17:416(A)(4)(a)(iii)~~**R.S. 17:201 et seq.** Each board shall
 3 have school-level summaries of the reported student discipline information prepared
 4 for its use and shall formally review and analyze the summary information on a
 5 regular basis. Upon request by the state Department of Education, the student
 6 discipline information required by this Paragraph also shall be collected as part of
 7 the data collection system provided for by this Section. The provisions of this
 8 Paragraph shall apply to schools and educational programs located within secure care
 9 facilities under the jurisdiction of the Department of Public Safety and Corrections,
 10 office of juvenile justice.

11 * * *

12 §3981. State Board of Elementary and Secondary Education; powers and duties
 13 relative to charter schools

14 The State Board of Elementary and Secondary Education shall:

15 * * *

16 (4) Review each proposed charter in a timely manner and determine whether
 17 each proposed charter complies with the law and rules and whether the proposal is
 18 valid, complete, financially well-structured, educationally sound, whether it provides
 19 for a master plan for improving behavior and discipline in accordance with
 20 ~~R.S. 17:252~~**R.S. 17:201.1**, whether it provides a plan for collecting data in
 21 accordance with R.S. 17:3911, and whether it offers potential for fulfilling the
 22 purposes of this Chapter. The board shall engage in an application review process
 23 that complies with the latest Principles and Standards for Quality Charter School
 24 Authorizing, as promulgated by the National Association of Charter School
 25 Authorizers, and shall provide for an independent evaluation of the charter proposal
 26 by a third party with educational, organizational, legal, and financial expertise. The
 27 board shall send to the charter applicant, either by electronic means or hand delivery,
 28 the final evaluation and recommendations, if any, of the third-party evaluator. Such
 29 information shall be sent no later than five business days prior to the meeting at

1 which the board will take action on the charter proposal.

2 * * *

3 §3982. Local school boards; duties; Orleans Parish School Board; immovable
4 property; sale or lease

5 A.(1)(a)(i) Local school boards shall comply with R.S. 17:3983 and shall
6 review and formally act upon each charter proposal received within time lines
7 established by the State Board of Elementary and Secondary Education that are
8 consistent with national best practices in charter school authorizing. Such time lines
9 shall require, at a minimum, an annual charter application process in which local
10 school boards are afforded at least ninety days to evaluate such applications. In
11 conducting such review, the local school board shall determine whether each
12 proposed charter complies with the law and rules, whether the proposal is valid,
13 complete, financially well-structured, and educationally sound, whether it provides
14 for a master plan for improving behavior and discipline in accordance with
15 ~~R.S. 17:252~~**R.S. 17:201.1**, whether it provides a plan for collecting data in
16 accordance with R.S. 17:3911, and whether it offers potential for fulfilling the
17 purposes of this Chapter. The local board shall engage in a transparent application
18 review process that complies with the latest Principles and Standards for Quality
19 Charter School Authorizing, as promulgated by the National Association of Charter
20 School Authorizers, and shall provide for an independent evaluation of the charter
21 proposal by a third party with educational, organizational, legal, and financial
22 expertise. The local board shall send to the charter applicant, either by electronic
23 means or hand delivery, the final evaluation and recommendations, if any, of the
24 third-party evaluator. Such information shall be sent no later than five business days
25 prior to the meeting at which the local board will take action on the charter proposal.
26 Each local board shall use a common charter application developed by the state
27 Department of Education and approved by the state board, but may request
28 additional information from applicants as needed.

29 * * *

1 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental
2 approval

3 A. * * *

4 (3) * * *

5 (c) Each proposal received by the state board shall be carefully reviewed and
6 shall be approved only after there has been a specific determination by the board that
7 the proposed school will be operated in compliance with all applicable state and
8 federal laws, rules, and regulations, that the accounting and financial practices to be
9 used are sound and in accordance with generally accepted standards for similar
10 entities, and that the educational program to be offered will comply with all
11 requirements of this Chapter and be based on generally accepted education research
12 findings applicable to the pupils to be served, including but not limited to school
13 discipline practices and policies that incorporate positive behavior interventions and
14 supports, restorative justice, and other research-based discipline practices and
15 classroom management strategies and otherwise conform to the model master
16 discipline plan required in accordance with ~~R.S. 17:252~~**R.S. 17:201.1**.

17 * * *

18 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation;
19 board membership

20 A. * * *

21 B. * * *

22 (14) School rules and regulations applicable to pupils including disciplinary
23 policies and procedures that incorporate research-based discipline programs, such
24 as positive behavioral interventions and supports ~~and restorative justice principles~~
25 ~~in accordance with R.S. 17:252~~ **R.S. 17:201.1**.

26 * * *

27 §3996. Charter schools; exemptions; requirements

28 * * *

29 B. Notwithstanding any state law, rule, or regulation to the contrary and

1 (7) "Waiver" means a waiver granted pursuant to and in accordance with this
 2 Chapter which exempts the recipient district from any provision of this Title or from
 3 any rule, regulation, or policy of the board that is applicable to public schools and
 4 to public school officers and employees. A waiver may be granted for any
 5 combination of such laws, rules, regulations, or policies, including but not limited
 6 to those related to instructional time, curriculum, funding, personnel, student-to-
 7 personnel ratios, and student support; however, Subpart B of Part III of Chapter 1 of
 8 Title 17 of the Louisiana Revised Statutes of 1950, R.S. 17:158, ~~416:2201.28~~, 3902
 9 and laws, rules, and regulations identified in R.S. 17:3996(B) and those related to
 10 matters identified in R.S. 17:3996(A) shall not be waived. Also, any limitation or
 11 restriction on outsourcing of food, clerical, custodial, or paraprofessional services
 12 shall not be waived.

* * *

13
 14 Section 3. R.S. 32:431 is hereby amended and reenacted to read as follows:
 15 §431. Driving is a privilege; expulsion or suspension from school, cause for
 16 suspension of license

* * *

17
 18 B.(1) In addition to any other authority to deny driving privileges, upon
 19 receipt of written notification from a principal or headmaster at a public or private
 20 school pursuant to ~~R.S. 17:416.1(D)~~ **R.S. 17:201.32**, the Department of Public Safety
 21 and Corrections shall take the following action with respect to the student if he is an
 22 unemancipated minor between fifteen years of age and eighteen years of age:

* * *

23
 24 E. Any student whose license is suspended pursuant to this Section may
 25 otherwise be eligible for reapplication or reinstatement if, after six months from the
 26 date of denial or suspension, the principal notifies the department in writing that the
 27 student has displayed exemplary student behavior at school, has not violated any
 28 school policies or been found guilty of any misconduct pursuant to ~~R.S. 17:416~~ **R.S.**
 29 **17:201 et seq.** or any policy of the school or of the local public school board, and no

