

Regular Session, 2008

HOUSE BILL NO. 684

BY REPRESENTATIVE TRAHAN

STUDENT/DISCIPLINE: Provides relative to the discipline, suspension, and expulsion of certain pupils

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(1)(c)(i) and (3)(e), (B)(1)(b)(i) and (ii)(bb) and (cc)  
3 and (2), and (C)(1) and (2)(a)(ii), (b)(ii), and (d) and to repeal R.S. 17:416(B)(3),  
4 relative to pupil discipline; to provide that certain pupils may receive credit for  
5 missed work under certain circumstances; to provide for discretion by principals in  
6 the suspension of certain students; to require certain expelled pupils to enroll and  
7 participate in certain rehabilitation and counseling programs; to authorize certain  
8 superintendents to modify the lengths of certain expulsion periods; and to provide  
9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:416(A)(1)(c)(i) and (3)(e), (B)(1)(b)(i) and (ii)(bb) and (cc) and  
12 C(1) and (2)(a)(ii), (b)(ii), and (d) are hereby amended and reenacted to read as follows:

13 §416. Discipline of pupils; suspension; expulsion

14 A.(1)

15 \* \* \*

16 (c)(i) When a pupil's behavior prevents the orderly instruction of other  
17 pupils; or poses an immediate threat to the safety or physical ~~well-being~~ well-being  
18 of any pupil or teacher; or when a pupil exhibits disrespectful behavior toward the  
19 teacher such as using foul or abusive language directed at a teacher or threatening a  
20 teacher, the teacher may have the pupil immediately removed from his classroom

1 and placed in the custody of the principal or his designee. A pupil removed from the  
2 classroom pursuant to this Subparagraph shall not receive credit for ~~school work~~  
3 schoolwork missed unless the student satisfactorily completes assigned make-up  
4 work.

5 \* \* \*

6 (3)

7 \* \* \*

8 (e) A pupil who is suspended or expelled shall receive no credit for ~~school~~  
9 ~~work~~ schoolwork missed while he is suspended or expelled unless assigned  
10 schoolwork and homework are completed satisfactorily during the period of  
11 suspension or expulsion or as make-up work.

12 \* \* \*

13 B.(1)

14 \* \* \*

15 (b)(i) Notwithstanding the provisions of Subsection A of this Section, the  
16 principal ~~shall~~ may immediately suspend a student who is found carrying or  
17 possessing a firearm or another dangerous instrumentality other than a knife; or who  
18 possesses, distributes, sells, gives, or loans any controlled dangerous substance  
19 governed by the Uniform Controlled Dangerous Substances Law; in any form. ~~He~~  
20 ~~shall immediately~~ If he suspends the student, he may recommend the student's  
21 expulsion in accordance with Subsection C of this Section.

22 (ii)

23 \* \* \*

24 (bb) A student who is found carrying or possessing a knife with a blade less  
25 than two inches in length may be suspended by the school principal as provided in  
26 Paragraph (A)(3) of this Section; however, in appropriate cases, such a student, at a  
27 ~~minimum, shall~~ may be placed in in-school suspension.

28 (cc) The principal ~~shall~~ may immediately suspend a student who is found  
29 carrying or possessing a knife with a ~~the~~ blade of which equals or exceeds two inches

1 in length. He also shall immediately recommend the student's expulsion in  
2 accordance with Subsection C of this Section, except that, in the case of a student  
3 less than eleven years of age in ~~pre-kindergarten~~ prekindergarten through grade five,  
4 the principal may, but shall not be required to, recommend the student's expulsion  
5 in accordance with Subsection C of this Section.

6 \* \* \*

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

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

17 \* \* \*

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

23 ~~(c)~~ To facilitate the review and approval mandated by this Paragraph, any  
24 student who has been suspended or expelled from any city, parish, or other local  
25 public or nonpublic school within or outside the state of Louisiana shall provide to  
26 any city, parish, or other local public school or school system in the state to which  
27 the student is seeking admission information on the dates of any suspensions or  
28 expulsions and the reason or reasons for which the student was suspended or  
29 expelled. Additionally, the transfer of a student's records by any city, parish, or other



1 the principal ~~and~~/or teacher concerned may be represented by any person appointed  
2 by the superintendent. The concerned teacher shall be permitted to attend such  
3 hearing and shall be permitted to present information the teacher believes relevant.  
4 Until such hearing takes place, the student shall remain suspended from the school.  
5 At such hearing, the student ~~may~~ shall be represented by any person of his choice.

6 (2)(a)

7 \* \* \*

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

18 (b)

19 \* \* \*

20 (ii) Any student who is under sixteen years of age and in grades six through  
21 twelve and who is found guilty of possession of, or knowledge of and intentional  
22 distribution of, or possession with intent to distribute, any illegal narcotic, drug, or  
23 other controlled substance on school property, on a school bus, or at a ~~school~~  
24 ~~sponsored~~ school-sponsored event pursuant to a hearing as provided for by  
25 Paragraph (1) of this Subsection shall be expelled from school for a minimum period  
26 of two complete school semesters. However, the superintendent of a city, parish, or  
27 other local public school system may modify the length of such minimum expulsion  
28 requirement on a case-by-case basis, provided such modification is in writing.

29 \* \* \*

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

18 (ii) ~~Any student expelled pursuant to the provisions of this Subsection or~~  
 19 ~~Subsection B of this Section seeking readmission on a probationary basis prior to~~  
 20 ~~the end of the specified period of expulsion must also comply with the provisions~~  
 21 ~~of Subparagraph (B)(3)(d) of this Section.~~

22 (iii) The provisions of this Subparagraph shall not be applicable to any  
 23 student found guilty by a court of competent jurisdiction, or adjudicated a delinquent  
 24 by a court of competent jurisdiction, of a criminal violation of any provision of Title  
 25 14 of the Louisiana Revised Statutes of 1950 which is related to the reason for the  
 26 suspension, unless the judge finds otherwise.

27 \* \* \*

28 Section 2. R.S. 17:416(B)(3) is hereby repealed in its entirety.

---

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

Trahan

HB No. 684

**Abstract:** Provides relative to the discipline, suspension, and expulsion of certain pupils.

Present law provides generally for the discipline, suspension, and expulsion of pupils. Provides that a pupil who is removed from class for disruptive or threatening behavior, suspended, or expelled shall not receive credit for missed school work. Proposed law provides that credit may be received if the student satisfactorily completes assigned make-up work.

Present law requires the principal to suspend a student found carrying or possessing a firearm or another dangerous instrumentality other than a knife or who possesses, distributes, sells, gives, or loans any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law. Further requires the principal to immediately recommend the student's expulsion. Proposed law retains present law but makes the principal's suspension of such a student permissive rather than mandatory.

Present law provides that a student found carrying or possessing a knife with a blade less than two inches long may be suspended by the principal; however, in appropriate cases, such student, at a minimum, shall be placed in in-school suspension. Proposed law retains present law but makes such a student's placement in in-school suspension permissive rather than mandatory.

Present law requires the principal to immediately suspend a student found carrying or possessing a knife with a blade of two inches or more and to immediately recommend the student's expulsion, except that, in the case of a student less than 11-years-old in pre-kindergarten through grade five, the principal may, but shall not be required to, recommend the student's expulsion. Proposed law retains present law but makes the principal's suspension of such a student permissive instead of mandatory. Also makes optional rather than mandatory a provision for recommending expulsion of the student.

Present law provides that any pupil, after being suspended three times during the same school year, shall, upon committing the fourth offense, be expelled from all the public schools of the city, parish, or other local public school system wherein he resided until the beginning of the next regular school year, and the pupil's reinstatement shall be subject to the review and approval of the local school board. Proposed law removes present law.

Present law provides that any student who has been expelled from any school within or outside the state shall provide to any public school or school system in the state to which he is seeking admission information on any such expulsions. Provides that the transfer of a student's records by one school system to another shall include information on student's expulsions. Proposed law retains and additionally applies present law to such a student's suspensions.

Present law provides that in addition to any other limitations established by present law on the admission of previously expelled pupils to public schools in the state, no pupil who has been expelled from any public or nonpublic school within or outside the state for certain actions related to weapons or drugs shall be admitted to any public elementary or secondary school in the state or readmitted to any such school on a probationary basis prior to the completion of the minimum period of expulsion until he produces written documentation that he has enrolled and participated in a rehabilitation or counseling program.

Proposed law removes the provision making such pupils' (re)admission to school conditional upon participation in such a program and instead requires each such pupil to participate in such a program.

Present law provides that upon a principal's recommendation for expulsion, a hearing shall be conducted. Upon a finding that the student is guilty of conduct meriting expulsion, requires the superintendent to determine whether he shall be expelled or if other action shall be taken. Provides that the principal or teacher may be represented by any person appointed by the superintendent, that the teacher shall be permitted to attend and present information at the hearing, and that the student shall remain suspended until the hearing occurs. Provides that at such hearing, the student may be represented by any person of his choice. Proposed law retains present law but makes the student's representation by any person of his choice mandatory rather than permissive.

Present law provides that any student aged 16 or older who is found guilty of certain drug-related actions shall be expelled from school for at least four complete school semesters; provides that any student under age 16 and in grades 6-12 found guilty of such actions shall be expelled from school for at least two complete school semesters. Proposed law retains present law and additionally allows the superintendent to modify the lengths of such minimum expulsion requirements on a case-by-case basis provided such modification is in writing.

Present law provides that any student expelled pursuant to present law who seeks readmission on a probationary basis prior to the end of the specified period of expulsion must also comply with certain present law provisions. Proposed law removes present law.

(Amends R.S. 17:416(A)(1)(c)(i) and (3)(e), (B)(1)(b)(i) and (ii)(bb) and (cc) and (2) and (C)(1) and (2)(a)(ii), (b)(ii), and (d); Repeals R.S. 17:415(B)(3))