

Advisory Council on Student Behavior and Discipline (ACSBD)

Legislative Report

December 2018

The ACSBD Legislative Report serves as fulfillment of requirements specified in Act 600 of 2018 directing the ACSBD to review current state laws, policies, and regulations and submit its findings and recommendations to the Senate Committee on Education, the House Committee on Education and the state senator who represents Senate District No. 4, not later than February 15, 2019.

Pursuant to La. R.S. 17:253, the ACSBD 2018 Annual Report will be a separate report to the Senate Committee on Education, the House Committee on Education, and the State Board of Elementary and Secondary Education (BESE) with findings and recommendations with respect to the implementation of school master plans for improving student behavior and discipline as provided in R.S. 17:252.

Since the 2018 Legislative Session, the full ACSBD convened four times (June 5th, August 24th, October 12th, and December 7th, 2018) and the ACSBD Legislative Workgroup convened three additional times (i.e., July 13th, September 7th, and November 16th, 2018). The full ACSBD and the ACSBD Legislative Workgroup are comprised of a diverse set of stakeholders who have worked together to reach compromise and consensus on a set of principles and specific language changes recommended to improve Louisiana laws related to student behavior and discipline.

The ACSBD refined a set of principles to guide develop and revision of state laws and policies related to student behavior (see Appendix I). The entire set of state laws, policies and regulations related to student behavior and discipline were reviewed and considered (See Appendices III and IV).

The ACSBD recommends for the 2019 Legislative Session, the Louisiana Legislature consider revising the primary Louisiana statute related to student behavior and discipline, La. R.S. 17:416, to ensure it aligns with the Principles developed and, to the extent appropriate, incorporate specific language developed by the ACSBD Legislative workgroup and adopted by the ACSBD in February 2018. Language developed and endorsed by the full ACSBD can be found on the BESE website at the link below and available in Microsoft Word from the current and incoming chair of the ACSBD: [https://www.boarddocs.com/la/bese/Board.nsf/files/AWF24W79D58C/\\$file/4.6_AGII_Advisory%20Council%20on%20Student%20Behavior%20and%20Discipline.pdf](https://www.boarddocs.com/la/bese/Board.nsf/files/AWF24W79D58C/$file/4.6_AGII_Advisory%20Council%20on%20Student%20Behavior%20and%20Discipline.pdf).

The ACSBD appreciates the need for and welcomes the expertise necessary to revise certain issues presented in the version of revisions developed and endorsed by the full ACSBD. The ACSBD is committed to and would appreciate the opportunity to facilitate feedback from the wide range of stakeholders represented on the ACSBD on specific language considered to revise La. R.S. 17:416.

Principles to guide changes to laws, regulations and policies related to student behavior and discipline include:

- A. Laws related to behavior of students shall include language clarifying the expectation for schools to provide a multi-tiered continuum of evidence-based and data-driven behavioral interventions that support the behavioral competence, social development and emotional learning of all students.
- B. Remove explicit zero tolerance mandates that tie the hands of teachers administrators and school boards; excepting weapons, drugs, serious bodily injury and crimes of violence.
- C. Ensure all disciplinary statutes apply to all public schools receiving MFP funding.
- D. Clarify the role of the Louisiana Department of Education in providing leadership and support for schools with regards to student behavior, discipline and school climate.
- E. Enhance format and structure of 17:416 to group like items together with the goal of improving readability.

Appendix II: ACSBD Membership and ACSBD Legislative Workgroup Members

| Advisory Council on Student Behavior and Discipline Seat Established in R.S. 17:253 | Appointee | Legislative Workgroup |
|--|---------------------|------------------------------|
| Southern Poverty Law Center Member | Victor Jones | x |
| State Superintendent or designee | Katie Barras | x |
| Local Superintendent; Louisiana Association of School Superintendents (LASS) | Kevin George | |
| Child Welfare and Attendance Officer; LASS | Brad Prudhomme | x |
| Pupil Appraisal Coordinator; LASS | Michael Ortego | |
| Member; La. Developmental Disabilities Council (LaDDC) | Shawn Fleming | x |
| Families and Friends of Louisiana's Incarcerated Children Executive Director or designee | Gina Womack | x |
| Louisiana Psychological Association President or designee | Dr. Alan Coulter | x |
| Elementary principal or asst. principal; La. Principal's Assoc. | Dr. Cassidy Juneau | |
| Middle School Principal or asst. principal; La. Principal's Assoc. | Christina Conforto | |
| High School Principal or asst. principal; La. Principal's Assoc. | Rob Schlicher | x |
| Safe and drug-free schools Coordinator; LASS | Al Simmons | |
| Director of Special Education; La. Assoc of Special Education Administrators | Melanie Jacobs | |
| Parent; LaDDC | Liz Gary | |
| Parent; LaDDC | Tia Edwards | |
| Parent; LaDDC | Laci Polotzola | |
| La. Advocacy Center Member | Debra Weinberg | |
| La. School Boards Association Member | Dannie Garrett | x |
| La. Council of Juvenile and Family Court Judges Member | Judge Kim Stansbury | |
| La. Department of Health Secretary or designee | Gina Easterly | |
| Classroom teacher; Louisiana Federation of Teachers | Tamara Cupit | |
| Classroom teacher; Louisiana Association of Educators | Cyndy Rutherford | |
| Classroom teacher; Associated Professional Educators of Louisiana | JoAnn Achord | |
| La. Association of Public Charter Schools Member | Caroline Roemer | x |
| La. Center for Children's Rights Member | Ariel Test | |
| La. Parent Teacher Association Member | Brenda Cosse' | |
| Urban League of Louisiana President or designee | Arielle McConduit | x |
| MetroMorphosis President or designee | Raymond Jetson | x |
| Louisiana School Counselors Association President or designee | Jill Lockhart | |

La. R.S. 17 Education

- [§416](#) Discipline of students; suspension; expulsion
- [§416.1](#) Discipline of students; additional disciplinary authority
- [§416.2](#) Supervision of suspended or expelled students; alternative education programs
- [§416.3](#) Search of students' persons, desks, lockers, other areas; defense of suits against school personnel; indemnification; reporting of implements seized
- [§416.8](#) Discipline policy review committees; school option
- [§416.11](#) Discipline of pupils; limitation of liability
- [§416.12](#) Students; appropriate conduct; compliance
- [§416.13](#) Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability
- [§416.15](#) Zero tolerance policies; authorization; conflict resolution classes; fees; compliance
- [§416.17](#) Youth development and assistance programs; legislative findings and purpose; school authority for programs for elementary students
- [§416.18](#) Teacher Bill of Rights
- [§416.19](#) School resource officers
- [§416.20](#) Student conduct standards; awareness and understanding by students; required orientation; guidelines
- [§416.21](#) Behavior of students with exceptionalities; use of seclusion and physical restraint
- [§13.1](#) Crime Prevention in Schools Act
- [§100.5](#) Alternative schools; establishment by local board
- [§183](#) Hazing; public elementary and secondary students; intent and findings; definitions; policies
- [§224](#) Unadjustable or incorrigible children; reports to juvenile courts; expulsion, assignments, and transfers
- [§235.1](#) Parent orientation; local public school boards; guidelines
- [§251](#) Short title; legislative intent THE EDUCATION/JUVENILE JUSTICE PARTNERSHIP ACT
- [§252](#) School master plans for supporting student behavior and discipline
- [§253](#) Advisory Council on Student Behavior and Discipline
- [§3996](#) Charter schools; exemptions; requirements
- [R.S. 32:431](#) Driving is a privilege; expulsion or suspension from school, cause for suspension of license

BESE policies related to student behavior and discipline

[Bulletin 119 - Louisiana School Transportation Specifications and Procedures](#)
Revised February 2016

Chapter 13. Student Instruction

§1301. Safe Riding Practices

§1305. Verification of Classroom Instruction and Drill Procedures

[Bulletin 741 - Louisiana Handbook for School Administrators](#) Revised February 2018

§337. Written Policies and Procedures (24 & 26)

§519. Teacher Bill of Rights (3 & 5)

§1113. Orientation for Parents of First-Time Students (B.4.c)

§1127. Preventive Programs B.

Chapter 13. Discipline

§2911. Alternative Education Providers B.1.

[Bulletin 126 - Charter Schools](#) Revised February 2018

§4003. Applicability of State Laws

[Bulletin 131 - Alternative Education Schools/Programs Standards](#) Adopted February 2015

Chapter 5. Learning Environment

[Bulletin 1530 - Louisiana's IEP Handbook for Students with Exceptionalities](#)
Revised March 2015

§303. Initial IEPs (A.7.a. & B.9.b.i.)

§305. Review IEPs (A.8., B.5, C.8.,

§705. ESY Eligibility Criteria (C.2.c.iii.(a))

[Bulletin 1706 - Regulations for Implementation of the Children with Exceptionalities Act](#) Revised December 2017

§170. Suspension and Expulsion Rates

§226. Early Intervening Services

§324. Development, Review, and Revision of IEP

Subchapter B. Discipline Procedures for Students with Disabilities

Subchapter C. Seclusion and Physical Restraint

§704. State-level Activities (B.3.c)