**Advisory Council on Student Behavior and Discipline**

**Legislative Workgroup Minutes**

**July 13, 2018 10:00 a.m. – 2:30 p.m.**

Claiborne Building, Montana Room (1-142)

1201 N. Third St., Baton Rouge, La. 70802

**Members Present:** Katie Barras, Alan Coulter, Shawn Fleming, Arielle McConduit, Brad Prudhomme, and Zoe Savitsky

**Members Absent:** Dannie Garrett, Liz Gary, Raymond Jetson, Caroline Roemer, Rob Schlicher, and Gina Womack

Lacking a quorum precluded Mr. Fleming from calling the meeting to order.

Members present discussed the following issues:

1. Reviewed the purpose of the Advisory Council on Student Behavior and Discipline as defined by Act 600 of 2018 regarding the requirement to review current state laws, policies, and regulations regarding student behavior and discipline and shall submit a written report of its findings, including recommendations for needed changes, 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.
2. Reviewed and discussed feedback from legislative staff members regarding making recommendations for proposed changes to state statutes. Specifically, legislative staff recommended the ACSBD consider the following:

General things to consider with regard to the recommended revisions to R.S. 17:416:

* The key to drafting useable, workable legislation is to make it clear, concise, and technically sound
* In order to do that, you must first determine the main purpose or objective of the legislation -- in many instances it is less complicated and more clear to simply repeal a section of law and create all new law than to make various changes and additions throughout the section
* This may be easier to accomplish by separating the technical changes from the substantive changes
* Be consistent with use of terms throughout (i.e. definitions (alphabetical order), references to law - both internally within section 416 and outside of that section -- including use of "Subsection", "Section", "Paragraph", etc.)

Other notes specific to the language in the recommended revisions:

* Preambles are not typically used in the La. Revised Statutes (mainly used in the state constitution)
* The state constitution recognizes "school boards", "school systems", and "school districts" and not "local education agencies" -- if the purpose is to include charter schools, the preferred terminology is "the governing authority of each public school" -- this can also be accomplished by simply amending the charter school law (R.S. 17:3996(B)) to add R.S. 17:416
* References to "this statute" must be to the specific unit/subunit of law (i.e., "this Section", "this Subsection", "this Paragraph", etc.)
* **Consider making recommendations "in concept" (this would comply with Section 2 of Act 600 since it simply requires a review of state law and not a rewrite) -- then if a legislator agrees to introduce legislation to change the law to incorporate those recommendations, legislative staff can draft the legislation**

Recommend requesting a Legislator sponsor legislation so legislative staff can provide recommended language changes to align with principles established by the ACSBD and utilize previously developed [recommendations to revise La. R.S. 17:416 endorsed by the full ACSBD on February 6, 2018](https://www.boarddocs.com/la/bese/Board.nsf/files/AWF24W79D58C/$file/4.6_AGII_Advisory%20Council%20on%20Student%20Behavior%20and%20Discipline.pdf) as much as possible.

Present members were in agreement to recommend the ACSBD adopt concepts or principles that accurately reflect desired changes to guide the drafting of language for legislation. It seems necessary to ensure agreement among ACSBD constituencies in the accuracy of the translation of desired principles into specific language proposed.

Key discussion points included:

1) The expectation for any language drafted to R.S. 17:416 would respect most of the specific changes agreed upon by ACSBD members in February 2018.

1. Ensure agreement among ACSBD constituencies in the accuracy of the translation of desired principles into specific language proposed by allowing ACSBD members to review actual language proposed.

3) The need for the principles agreed upon by the ACSBD to more accurately reflect nuances, exceptions and clarity provided for in the specific language agreed upon by the ACSBD in February 2018.

1. Members present agreed there is a need to better align the principles developed by the ACSBD in September 2017 to guide recommendations to language in discipline statutes with specific language recommendations to R.S. 17:416 developed in February 2018.

Members recommended the full ACSBD consider making the following changes to the principles and goals established by the ACSBD in September 2017 in making recommendations to state laws, policies and regulations:

* 1. ~~Align~~ Infuse R.S. 17:416 with the systemic, proactive, approaches to discipline expressed in R.S. 17:252
     + Emphasis of 17:252 as the overall systems framework for promoting positive student behavior and 17:416 as providing clearly stated actions for addressing student misbehaviors.
       - The need for this infusion of 17:252 stems from 17:416 perceived as the discipline bible while the legal mandate for positive, proactive, approaches to discipline tend to be overlooked.
  2. Remove explicit zero tolerance mandates that tie the hands of teachers administrators and school boards; excepting weapons, drugs, serious bodily injury and sexual violence.
  3. Ensure all disciplinary statutes apply to all public schools reveiving MFP funding. ~~charter schools, including charter schools acting as their own LEA.~~
  4. Include language specifying evidence-based social, emotional learning and behavioral interventions.
  5. Identify areas of current law best left to BESE for promulgating regulations and issuing guidance.
  6. Establish an appropriate role for the La. Department of Education to provide leadership and support for schools with regards to student behavior, discipline and school climate.

Recommended Reading:

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| --- | --- |
| ACSBD Proposed Recommendations for RS 17 416 9.15.17 found at ACSBD September 15, 2017 Meeting | [Download](https://www.louisianabelieves.com/docs/default-source/advisory-council/acsbd-september-15-2017-meeting.zip?sfvrsn=3) |

1. Reviewed of list of current state laws, policies and regulations regarding student behavior and discipline (see attached lists) to determine whether recommendations are necessary to align with principles established by ACSBD.

* Workgroup members were asked to provide any additional state laws, policies or regulations related to behavior. ESSA will be added.
* Shawn agreed to send a pdf file containing the essential pages of each document listed below.
* Katie agreed to develop a template to determine how each state law, policy and regulation is congruent with the Principles and mandates training.
* Workgroup members agreed to review a set of the state laws, policies and regulations in accordance with the alphabetical ranking of their surnames.

1. Members present recommended a timeline of activities/decision making opportunities related to recommendations of laws, policies and regulations
   1. Request all constituency groups on ACSBD solicit feedback, input and endorse or provide recommended recommendations to principles and any specific language proposals.

**Proposed Timeline:**  
August 24, 2018 Full ACSBD meeting

1) Establish revised Principles and goals to guide recommended changes to state law, policies and regulations (Principles)

2) Adopt timeline for presentation of review of and recommendations to state laws, policies and regulations.

September 7, 2018 Legislative Workgroup Meeting

1) Review language proposed for 17:416 to align with the Principles. Provide feedback to legislative staff regarding suggestions to improve alignment of proposed language changes with the Principles.

2) Determine any mis-alignment in other state laws, policies and regulations with the Principles.

Make recommendations for the full ACSBD to consider recommendations to identified state laws, policies and regulations in need of alignment with the Principles.

3) Consider whether any adjustments are necessary to the Principles.

October 12, 2018 Full ACSBD Meeting

1) Review feedback of the workgroup to legislative staff for better aligning proposed language to R.S. 17:416 with the Principles. Offer any additional feedback to legislative staff.

2) Consider any other state laws, policies and regulations in need of alignment with the Principles.

3) Consider the need to make adjustments to the Principles.

Request all constituency groups on ACSBD solicit feedback, input and endorse or provide recommended recommendations to principles and any specific language proposals.

November 16, 2018 Legislative Workgroup Meeting

1) Review language proposed for 17:416 to align with the Principles. Provide feedback to legislative staff regarding suggestions to improve alignment of proposed language changes with the Principles.

2) Determine any mis-alignment in other state laws, policies and regulations with the Principles.

Make recommendations for the full ACSBD to consider recommendations to identified state laws, policies and regulations in need of alignment with the Principles.

3) Consider whether any adjustments are necessary to the Principles.

Request all constituency groups on ACSBD solicit feedback, input and endorse or provide recommended recommendations to principles and any specific language proposals.

December 7, 2018 Full ACSBD Meeting – Final version.

1) Review feedback of the workgroup to legislative staff for better aligning proposed language to R.S. 17:416 with the Principles. Offer any additional feedback to legislative staff.

2) Consider any other state laws, policies and regulations in need of alignment with the Principles.

3) Consider the need to make adjustments to the Principles.

Request all constituency groups on ACSBD solicit feedback, input and endorse or provide recommended recommendations to principles and any specific language proposals.

Louisiana statutes regarding student behavior and discipline:

R.S. 17 Education

[§416](http://www.legis.la.gov/Legis/Law.aspx?d=81024) Discipline of students; suspension; expulsion

[§416.1](http://www.legis.la.gov/Legis/Law.aspx?d=81025) Discipline of students; additional disciplinary authority

[§416.2](http://www.legis.la.gov/Legis/Law.aspx?d=81034) Supervision of suspended or expelled students; alternative education programs

[§416.3](http://www.legis.la.gov/Legis/Law.aspx?d=81035)   Search of students' persons, desks, lockers, other areas; defense of suits against school personnel; indemnification; reporting of implements seized

[§416.8](http://www.legis.la.gov/Legis/Law.aspx?d=81040) Discipline policy review committees; school option

[§416.11](http://www.legis.la.gov/Legis/Law.aspx?d=81027)   Discipline of pupils; limitation of liability

[§416.12](http://www.legis.la.gov/Legis/Law.aspx?d=81028) Students; appropriate conduct; compliance

[§416.13](http://www.legis.la.gov/Legis/Law.aspx?d=81029) Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability

[§416.15](http://www.legis.la.gov/Legis/Law.aspx?d=81031)   Zero tolerance policies; authorization; conflict resolution classes; fees; compliance

[§416.17](http://www.legis.la.gov/Legis/Law.aspx?d=81033)   Youth development and assistance programs; legislative findings and purpose; school authority for programs for elementary students

[§416.18](http://www.legis.la.gov/Legis/Law.aspx?d=207023) Teacher Bill of Rights

[§416.19](http://www.legis.la.gov/Legis/Law.aspx?d=285639)   School resource officers

[§416.20](http://www.legis.la.gov/Legis/Law.aspx?d=631006)   Student conduct standards; awareness and understanding by students; required orientation; guidelines

[§416.21](http://www.legis.la.gov/Legis/Law.aspx?d=762879) Behavior of students with exceptionalities; use of seclusion and physical restraint

§[13.1](http://www.legis.la.gov/Legis/law.aspx?d=79823)   Crime Prevention in Schools Act

[§100.5](http://www.legis.la.gov/Legis/law.aspx?d=79741)   Alternative schools; establishment by local board

[§183](http://www.legis.la.gov/Legis/law.aspx?d=285636) Hazing; public elementary and secondary students; intent and findings; definitions; policies

[§224](http://www.legis.la.gov/Legis/law.aspx?d=80290)   Unadjustable or incorrigible children; reports to juvenile courts; expulsion, assignments, and transfers

[§235.1](http://www.legis.la.gov/Legis/law.aspx?d=80328)   Parent orientation; local public school boards; guidelines

§[251](http://www.legis.la.gov/Legis/law.aspx?d=80373)   Short title; legislative intent THE EDUCATION/JUVENILE JUSTICEPARTNERSHIP ACT

§[252](http://www.legis.la.gov/Legis/law.aspx?d=80374) School master plans for supporting student behavior and discipline

[§253](http://www.legis.la.gov/Legis/Law.aspx?d=80375) Advisory Council on Student Behavior and Discipline

[§3996](http://www.legis.la.gov/Legis/law.aspx?d=80981) Charter schools; exemptions; requirements

[R.S. 32:431](http://www.legis.la.gov/Legis/law.aspx?d=88425) 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](http://doa.louisiana.gov/osr/lac/28v113/28v113.doc) 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](http://doa.louisiana.gov/osr/lac/28v115/28v115.doc) 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](http://doa.louisiana.gov/osr/lac/28v139/28v139.doc) Revised February 2018

§4003. Applicability of State Laws

[Bulletin 131 - Alternative Education Schools/Programs Standards](http://www.doa.louisiana.gov/osr/LAC/28v149/28v149.doc) Adopted February 2015

Chapter 5. Learning Environment

[Bulletin 1530 - Louisiana's IEP Handbook for Students with Exceptionalities](http://www.doa.louisiana.gov/osr/lac/28v97/28v97.doc) 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](http://www.doa.louisiana.gov/osr/lac/28v43/28v43.doc) 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)