**Advisory Council on Student Behavior and Discipline**

**Legislative Workgroup Meeting Minutes**

**September 7, 2018**

Louisiana Developmental Disabilities Council Office

626 Main St., Suite A, Baton Rouge, La. 70802

**Members Present:** Katie Barras, Alan Coulter, Shawn Fleming (chair), Brad Prudhomme, Rob Schlicher, and Gina Womack

**Proxies:** Janet Pope (for Dannie Garrett) and Terry Landry, Jr. (Zoe Savitsky)

**Members Absent:** Dannie Garrett, Raymond Jetson, Arielle McConduit Caroline Roemer, and Zoe Savitsky

**Guests:** Cheyenne Blackburn, SPLC

Shawn Fleming called the meeting to order at 11:00 a.m. with a quorum.

Mr. Fleming offered for any member to consider nominating another member to serve as chair. Mr. Prudhomme offered to nominate Rob Schlicher to serve as chair; however, Mr. Schlicher did not accept the nomination. Mr. Fleming continued serving as chair of the ACSBD Legislative Workgroup and left an open invitation for nominations for another chair to occur at future meetings.

The workgroup discussed expected goals and outcomes related to recommendations for changes to state laws, policies and regulations including:

* 1. Review of the Legislative Process
  2. Consideration of the role of Legislative Committee staff
  3. Consideration of recommendations from Legislative Committee Staff
  4. Timeline for achieving outcomes (Appendix I)

**MOTION PASSED.** A motion by Dr. Alan Coulter, seconded by Katie Barras, to direct the chair of the ACSBD Legislative Workgroup to provide Senator Bishop by Monday September 10th, 2018 the [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) and encourage him to consider this for potential legislation passed without objection.

The workgroup reviewed and discussed the principles recommended by the chair.

**MOTION PASSED.** A motion by Dr. Alan Coulter, seconded by Gina Womack, to direct the chair of the ACSBD Legislative workgroup to provide Senator Bishop by Monday, September 10th, 2018, the five principles below to be used in guiding drafting of legislation related to student behavior and discipline:

* 1. 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;
  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 receiving MFP funding;
  4. 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; and,
  5. enhance format and structure of 17:416 to group like items together with the goal of improving readability;

passed without objection.

The workgroup considered the list of laws, policies and regulations related to student behavior and discipline presented by the chair (Appendix II). There was consensus this list was an exhaustive list and concerns over considering recommendations to such a massive amount of potential bills. Agreement between members was to focus on making changes agreed by the full ACSBD on 416 and ensuring adequate time is allocated to address cleaning up language passed in February 2018 for the Legislature to consider during the 2019 Legislative Session.

**MOTION PASSED**. A motion by Katie Barras, seconded by Gina Womack, to

1. recognize the list of documents presented by the chair (Appendix II) as an all-inclusive set of laws, policies and regulations related to student behavior and discipline;
2. limit recommendations for the 2019 Legislative Session to changes related to La. R.S. 17:416 and the principles developed; and,
3. to reserve the right to consider presenting recommendations for other laws, policies and regulations at a later date.

passed without objection.

**MOTION PASSED.** At 1:00 p.m. a motion to adjourn made by Gina Womack, seconded by Brad Prudhomme, passed without objection.

**Appendix I: 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) 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.

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

October 12, 2018 Full ACSBD Meeting

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

2) 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) 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.

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

2) 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.

**APPENDIX II: 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)

Every Student Succeeds Act of 2015

[Louisiana ESSA Plan](https://www.louisianabelieves.com/docs/default-source/louisiana-believes/louisianas-essa-state-plan.pdf?sfvrsn=23) August 8, 2017 (pg. 31)

[Louisiana ESSA Plan Summary: Accountability Policy Update, October 2017](https://www.louisianabelieves.com/docs/default-source/louisiana-believes/essa-accountability-plan-summary.pdf?sfvrsn=12)

Criteria related to student behavior and discipline for schools to earn labels of Urgent Intervention Schools:

* Out of school suspension rate more than 2x the national average for 3 consecutive years (>5.2% for elementary/middle schools, >20.25 for combination/high schools)

School Redesign <https://www.louisianabelieves.com/resources/library/school-redesign-summit>

### SCHOOL SYSTEM PLANNING RESOURCES

| File | Download |
| --- | --- |
| Discipline and Behavior Intervention RFI (F) | [Download](https://www.louisianabelieves.com/docs/default-source/school-redesign/discipline-and-behavior-intervention-rfi-(f).pdf?sfvrsn=8) |

Louisiana School Systems Planning Guide (Appendix A: Resources

<https://www.louisianabelieves.com/docs/default-source/district-support/louisianas-school-system-planning-guide.pdf?sfvrsn=22>