AN ACT

To amend and reenact R.S. 17:416(A)(2)(c), (B)(2) and (3)(b) and (d)(i), (C)(2), and R.S. 17:416.2(A) and (B) and to enact R.S. 17:416.2(H), relative to student suspensions and expulsions; to provide for minimum expulsion periods for certain offenses; to provide relative to student participation in appropriate rehabilitation or counseling programs; to provide relative to student admission to regular and alternative education programs; to provide relative to local school board applications for waivers from certain requirements; to provide relative to compliance monitoring; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416(A)(2)(c), (B)(2) and (3)(b) and (d)(i), and (C)(2), and R.S. 17:416.2(A) and (B) are hereby amended and reenacted and R.S. 17:416.2(H) is hereby enacted to read as follows:

§416. Discipline of pupils; suspension; expulsion

A. * * *

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(2) As used in this Section:

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(c) Unless otherwise defined as a permanent expulsion and except as otherwise provided by Paragraph B(2) Subsections B and C of this Section, an expulsion shall be defined as a removal from all regular school settings for a period of not less than one school semester, during which time the city, parish, or other local public school board shall place the pupil in an alternative school or in an alternative school setting unless the board is exempt as provided by law from providing such alternative school or alternative school setting.
(2) Any pupil after being suspended on three occasions for committing any of the offenses enumerated in this Subsection or Subsection C of this Section during the same school year, shall, upon committing the fourth such offense, be expelled from all the public schools of the parish or 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.

(3) 

(b) No student who has been expelled pursuant to the provisions of R.S. 17:416(C)(2) Paragraph (C)(2) of this Section shall be readmitted to a public school in the city, parish, or other local public school system in from which he was expelled without the expressed approval of the school board of such school system prior to the completion of the specified period of expulsion, unless he has complied with the provisions of Subparagraph (C)(2)(d) of this Section.

(d)(i) In addition to any other limitations established by this Subsection on the admission of previously expelled pupils to public elementary and secondary schools in Louisiana, no pupil who has been expelled from any public or nonpublic school within or outside the state of Louisiana for possessing on school property or on a school bus a firearm, knife, or other dangerous weapon or instrumentality customarily used or intended for probable use as a dangerous weapon, or for possessing, possessing with intent to distribute, or distributing, selling, giving, or loaning while on school property or on a school bus any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law 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 as provided in Subsection C of this Section, until
the pupil produces written documentation that he has enrolled and participated in an
appropriate rehabilitation or counseling program related to the reason or reasons for
the pupil's expulsion.

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C. * * *
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(2)(a)(i) Notwithstanding the provisions of Subsection B of this Section, any
student, sixteen years of age or older, found guilty of being in possession of a firearm
on school property, on a school bus, or in actual possession at a school sponsored
event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall
be expelled from school for a minimum period of twelve calendar months four
complete school semesters, and shall be referred to the district attorney for
appropriate action. However, the superintendent of a city, parish, or other local
public school system may modify the length of such minimum expulsion
requirement on a case-by-case basis, provided such modification is in writing.

(ii) Notwithstanding the provisions of Subsection B of this Section, any
student sixteen years of age or older found guilty of possession of, or knowledge of
and intentional distribution of, or possession with intent to distribute any illegal
narcotic, drug, or other controlled substance on school property, on a school bus, or
at a school sponsored event pursuant to a hearing as provided for by Paragraph (1)
of this Subsection shall be expelled from school for a minimum of twenty-four
calendar months unless such student has agreed to participate and participates full
time in a juvenile drug court program operated by a court of this state as required for
such student by the appropriate authority. Such student may be placed by the school
system in an alternative education program for suspended and expelled students
approved by the State Board of Elementary and Secondary Education: period of four
complete school semesters.

(b)(i) Any student who is under sixteen years of age and in grades six through
twelve and who is found guilty of being in possession of a firearm on school
property, on a school bus, or in actual possession at a school sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of twelve calendar months four complete school semesters, and shall be referred to the district attorney for appropriate action. **However, the superintendent of a city, parish, or other local public school system may modify the length of such minimum expulsion requirement on a case-by-case basis, provided such modification is in writing.**

(ii) Any student who is under sixteen years of age and in grades six through twelve and who is found guilty of possession of, or knowledge of and intentional distribution of, or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school sponsored event pursuant to a hearing as provided for by Paragraph (1) of this Subsection shall be expelled from school for a minimum period of twelve calendar months unless such student has agreed to participate and participates full time in a juvenile drug court program operated by a court of this state as required for such student by the appropriate authority. Such student may be placed by the school system in an alternative education program for suspended and expelled students approved by the State Board of Elementary and Secondary Education. **two complete school semesters.**

(c)(i) Any case involving a student in kindergarten through grade five found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school sponsored event, pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be expelled from school for a minimum period of twelve calendar months two complete school semesters and shall be referred to the district attorney for appropriate action. **However, the superintendent of a city, parish, or other local public school system may modify the length of such minimum expulsion requirement on a case-by-case basis, provided such modification is in writing.**

(ii) Any case involving a student in kindergarten through grade five found guilty of possession of, or knowledge of and intentional distribution of, or possession
with intent to distribute any illegal narcotic, drug, or other controlled substance on
school property, on a school bus, or at a school sponsored event pursuant to a
hearing as provided for by R.S. 17:416(C)(1) Paragraph (1) of this Subsection shall
be referred to the local city, parish, or other local public school board where the
student attends school through a recommendation for action from the superintendent.

(d)(i) Any student expelled from school pursuant to the provisions of R.S. 17:416(C)(2)(a), (b) or (c) may be readmitted on a probationary basis to school at
any time during the specified period of expulsion on such terms and conditions as
may be stipulated by the city or parish city, parish, or other local public school
board and agreed to in writing by the student and by the student's parent or other
person responsible for the student's school attendance. Such terms and conditions
may include but need not be limited to placing the student in a suitable alternative
education program as determined by the school board. However, any such written
agreement shall include a provision that upon the school principal or superintendent
of schools making a determination that the student has violated any term or condition
agreed to, the student shall be immediately removed from the school premises
without the benefit of any hearing or other procedure applicable to student
suspensions and expulsions. As soon thereafter as possible, the principal or his
designee shall provide verbal notice to the superintendent of schools of any such
determination and also shall attempt to provide such verbal notice to the student's
parent or other person responsible for the student's school attendance. The principal
or his designee also shall provide written notice of the determination and the reasons
therefor to the superintendent and to the student's parent or other responsible person.

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

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

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§416.2. Supervision of suspended students; alternative education programs

A. (1) Effective July 1, 1995, and thereafter and except as otherwise provided by Subsection B of this Section, any student suspended or expelled from school pursuant to the provisions of R.S. 17:416, other than a student expelled pursuant to the provisions of R.S. 17:416(B) and (C)(2), shall remain under the supervision of the governing authority of the city, parish, or other local public school system taking such action using alternative education programs for suspended and expelled students approved by the State Board of Elementary and Secondary Education; however, no school system shall be liable for any student attending an alternative education program at a location other than a school site.

(2) A student expelled pursuant to the provisions of R.S. 17:416(B) and (C)(2) may only be readmitted to a city, parish, or other local public school, including an alternative education program, in the school system from which he was expelled prior to the completion of the specified period of expulsion, in accordance with the provisions of R.S. 17:416(C)(2)(d).

B.(1) Any city, parish, or other local school system unable to comply with the provisions of Subsection A of this Section for economically justifiable reasons as defined by the State Board of Elementary and Secondary Education may apply to the board on a school year to school year basis for a waiver from the requirements of these provisions.

(2) The State Board of Elementary and Secondary Education shall take under review and consideration any request for such a waiver; however, no approval shall be granted by the board until the state superintendent of education has certified the superintendent of the city, parish, or other local school system seeking the waiver has submitted a sworn statement certifying the accuracy and validity of the information submitted to justify the request.

(3) Notwithstanding any provision of law to the contrary, the State Board...
of Elementary and Secondary Education shall not accept or approve any
application from a city, parish, or other local public school system for a waiver
from the requirements of this Section, effective with the 2008-2009 school year
and thereafter.

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(H) The Department of Education shall monitor each city, parish, and
other local public school system annually for compliance with the provisions of
this Section.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _______________