

SENATE BILL NO. 265

BY SENATOR ULLO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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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. * * *

* * *

(2) As used in this Section:

* * *

(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.

1 * * *

2 B. * * *

3 * * *

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

11 (3) * * *

12 * * *

13 (b) No student who has been expelled pursuant to the provisions of ~~R.S.~~
14 ~~17:416(C)(2)~~ Paragraph (C)(2) of this Section shall be readmitted to a public
15 school in the city, parish, or other local public school system ~~in~~ from which he
16 was expelled ~~without the expressed approval of the school board of such school~~
17 ~~system~~ prior to the completion of the specified period of expulsion, unless he has
18 complied with the provisions of Subparagraph (C)(2)(d) of this Section.

19 * * *

20 (d)(i) In addition to any other limitations established by this Subsection on
21 the admission of previously expelled pupils to public elementary and secondary
22 schools in Louisiana, no pupil who has been expelled from any public or nonpublic
23 school within or outside the state of Louisiana for possessing on school property or
24 on a school bus a firearm, knife, or other dangerous weapon or instrumentality
25 customarily used or intended for probable use as a dangerous weapon, or for
26 possessing, possessing with intent to distribute, or distributing, selling, giving, or
27 loaning while on school property or on a school bus any controlled dangerous
28 substance governed by the Uniform Controlled Dangerous Substances Law shall be
29 admitted to any public elementary or secondary school in the state, or readmitted
30 to any such school on a probationary basis prior to the completion of the

1 minimum period of expulsion as provided in Subsection C of this Section, until
2 the pupil produces written documentation that he has enrolled and participated in an
3 appropriate rehabilitation or counseling program related to the reason or reasons for
4 the pupil's expulsion.

5 * * *
6 C. * * *
7 * * *

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

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

29 (b)(i) Any student who is under sixteen years of age and in grades six through
30 twelve and who is found guilty of being in possession of a firearm on school

1 property, on a school bus, or in actual possession at a school sponsored event,
 2 pursuant to a hearing as provided for by Paragraph (1) of this Subsection, shall be
 3 expelled from school for a minimum period of ~~twelve calendar months~~ **four**
 4 **complete school semesters**, and shall be referred to the district attorney for
 5 appropriate action. **However, the superintendent of a city, parish, or other local**
 6 **public school system may modify the length of such minimum expulsion**
 7 **requirement on a case-by-case basis, provided such modification is in writing.**

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

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

29 (ii) Any case involving a student in kindergarten through grade five found
 30 guilty of possession of, or knowledge of and intentional distribution of, or possession

1 with intent to distribute any illegal narcotic, drug, or other controlled substance on
 2 school property, on a school bus, or at a school **sponsored** event pursuant to a
 3 hearing as provided for by ~~R.S. 17:416(C)(1)~~ **Paragraph (1) of this Subsection** shall
 4 be referred to the ~~local~~ **city, parish, or other local public** school board where the
 5 student attends school through a recommendation for action from the superintendent.

6 (d)(i) Any student expelled from school ~~pursuant to the provisions of R.S.~~
 7 ~~17:416(C)(2)(a), (b) or (c)~~ may be readmitted on a probationary basis to school at
 8 any time during the specified period of expulsion on such terms and conditions as
 9 may be stipulated by the ~~city or parish~~ **city, parish, or other local public** school
 10 board and agreed to in writing by the student and by the student's parent or other
 11 person responsible for the student's school attendance. Such terms and conditions
 12 may include but need not be limited to placing the student in a suitable alternative
 13 education program as determined by the school board. However, any such written
 14 agreement shall include a provision that upon the school principal or superintendent
 15 of schools making a determination that the student has violated any term or condition
 16 agreed to, the student shall be immediately removed from the school premises
 17 without the benefit of any hearing or other procedure applicable to student
 18 suspensions and expulsions. As soon thereafter as possible, the principal or his
 19 designee shall provide verbal notice to the superintendent of schools of any such
 20 determination and also shall attempt to provide such verbal notice to the student's
 21 parent or other person responsible for the student's school attendance. The principal
 22 or his designee also shall provide written notice of the determination and the reasons
 23 therefor to the superintendent and to the student's parent or other responsible person.

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

28 ~~(ii)~~**(iii)** The provisions of this Subparagraph shall not be applicable to any
 29 student found guilty by a court of competent jurisdiction, or adjudicated a delinquent
 30 by a court of competent jurisdiction, of a criminal violation of any provision of Title

1 14 of the Louisiana Revised Statutes of 1950 which is related to the reason for the
 2 suspension, unless the judge finds otherwise.

3 * * *

4 §416.2. Supervision of suspended students; alternative education programs

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

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

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

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

30 **(3) Notwithstanding any provision of law to the contrary, the State Board**

1 of Elementary and Secondary Education shall not accept or approve any
 2 application from a city, parish, or other local public school system for a waiver
 3 from the requirements of this Section, effective with the 2008-2009 school year
 4 and thereafter.

* * *

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____