

## RS 17:416

### §416. Discipline of students; suspension; expulsion

A.(1)(a) All public schools shall endeavor to address student behavior with a focus on evidence-based interventions and supports. Schools shall endeavor to prioritize classroom- and school-based interventions in lieu of out-of-school disciplinary removals to address student misconduct in order to minimize the loss of academic instructional time. Every teacher and other school employee shall endeavor to hold every student accountable for his behavior in school or on the playgrounds of the school, on the street or road while going to or returning from school, on any school bus, during intermission or recess, or at any school-sponsored activity or function. Nothing in this Subparagraph shall prohibit a public school governing authority or its employees from disciplining a student in accordance with the provisions of this Section.

(b)(i) Each teacher may take disciplinary action to correct a student who violates school rules or who interferes with an orderly education process.

(ii) In addition to those procedures set forth in R.S. 17:416.13 regarding bullying, disciplinary action by a school employee may include but is not limited to:

(aa) Oral or written reprimands.

(bb) Referral for a counseling session which shall include but shall not be limited to conflict resolution, social responsibility, family responsibility, peer mediation, and stress management.

(cc) Written notification to parents of disruptive or unacceptable behavior, a copy of which shall be provided to the principal.

(dd) Other disciplinary measures approved by the principal and faculty of the school and in compliance with school board policy.

(c)(i) When a student's behavior prevents the orderly instruction of other students or poses an immediate threat to the safety or physical well-being of any student or teacher or when a student violates the school's code of conduct, the teacher may have the student immediately removed from his classroom and placed in the custody of the principal or his designee.

(ii)(aa) Upon being sent to the principal's office pursuant to the provisions of this Subparagraph, the principal or his designee shall advise the student of the particular misconduct of which he is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his version of the facts. The principal or his designee then shall conduct a counseling session with the student as may be appropriate to establish a course of action consistent with school board policy to identify and correct the behavior for which the student is being disciplined.

(bb) The principal or his designee shall provide oral or written notification to the parent or legal guardian of any student removed from the classroom pursuant to the provisions of this Subparagraph. Such notification shall include a description of any disciplinary action taken.

(cc) The principal or his designee may provide oral or written feedback to teachers initiating the removal of students from the classroom. The principal or his designee may provide to such teachers guidance and support on practicing effective classroom management including but not limited to positive behavior supports.

(dd) The principal or designee shall follow all procedures set forth in R.S. 17:416.13 regarding bullying.

(iii) A student in kindergarten through grade five removed from a class pursuant to this Subparagraph shall not be permitted to return to the class for at least thirty minutes unless agreed to by the teacher initiating the disciplinary action. A student in grades six through twelve removed from a class pursuant to this Subparagraph shall not be permitted to return to the class during the same class period unless agreed to by the teacher initiating the disciplinary action. Additionally, the student shall not be readmitted to the class until the principal has implemented at least one of the following disciplinary measures:

- (aa) Conferencing with the principal or his designee.
- (bb) Referral to counseling.
- (cc) Peer mediation.
- (dd) Referral to the school building level committee.
- (ee) Restorative justice practices.
- (ff) Loss of privileges.
- (gg) Detention.
- (hh) In-school suspension.
- (ii) Out-of-school suspension.
- (jj) Initiation of expulsion hearings.
- (kk) Referral for assignment to an alternative setting.

(ll) Requiring the completion of all assigned school and homework that would have been assigned and completed by the student during the period of out-of-school suspension.

(mm) Any other disciplinary measure authorized by the principal with the concurrence of the teacher or the school building level committee pursuant to law and board policy.

(iv) When a student is removed from a classroom pursuant to this Subparagraph, the teacher or the principal or his designee may require that the parent or legal guardian of the student have a conference with the teacher or the principal or his designee. Such conference may be in person or by telephone or other virtual means.

(v) Upon the third removal from the same classroom pursuant to this Subparagraph, the teacher and the principal shall discuss the disruptive behavior patterns of the student and the potentially appropriate disciplinary measure before the principal implements a disciplinary measure. In addition, a conference between the teacher or other appropriate school employee and the student's parent or legal guardian may be required prior to the student being readmitted to that same classroom. Such conference may be in person or by telephone or other virtual means. If such conference is required by the school, the school shall give written notice to the parent.

(vi)(aa) For students who experience multiple behavioral incidents or disciplinary referrals, a principal or his designee shall consider a referral of the matter to an appropriate school building level committee. If disruptive behavior persists, the teacher may request that the principal transfer the student into another setting.

(bb) Each city, parish, or other local public school board may adopt a policy that requires the parent or legal guardian of a student removed from the classroom pursuant to this Subparagraph to attend after school or Saturday intervention sessions with the student. Such a policy, if adopted, shall be enumerated in the code of conduct and shall include accommodations for parents and legal guardians who demonstrate a documented inability to attend due to work or disability or other health matters pertaining to the parent or legal guardian or a family member under his care. The school board may refer a parent who fails to attend such session to the court of competent jurisdiction in accordance with Chapter 2 of Title VII of the Children's Code. Each time a parent is referred to the court of competent jurisdiction, the court may impose a fine of not less than twenty-five dollars and not more than two hundred fifty dollars, forty hours of court-approved school or community service activities, or a combination of forty hours of court-approved school or community service and attendance at a court-approved family counseling program by both a parent or legal guardian and the student, and may suspend any recreational license issued by the Department of Wildlife and Fisheries.

(vii)(aa) Notwithstanding any provision of law to the contrary, whenever a student is formally accused of violating the provisions of R.S. 14:34.3 or school disciplinary rules, or both, by committing a battery on any school employee or is formally accused of violating the provisions of R.S. 14:38.2 or school disciplinary rules, or both, by committing an assault on any school employee, the principal shall suspend the student from school immediately and the student shall be removed immediately from the school premises without the benefit of the out-of-school suspension procedures provided by this

Section; however, the necessary notifications and other procedures shall be implemented as soon as is practicable.

(bb) No student suspended in accordance with the provisions of this Item shall be considered for readmission to the school to which the school employee, allegedly assaulted or battered, or both, by the student, is assigned until all hearings and appeals associated with the alleged violation have been exhausted.

(cc) Except when the school system has no other school of suitable grade level for the student to attend, no student found guilty by a court of competent jurisdiction of violating the provisions of R.S. 14:34.3 or 38.2, or both, or found guilty at a school system suspension hearing of committing a battery or assault on any school employee, or both, shall be assigned to attend or shall attend the school to which the school employee battered or assaulted by the student is assigned.

(dd) Notwithstanding any provision of R.S. 17:158 to the contrary, a school system shall not be required to provide transportation to any student reassigned to attend a school pursuant to the provisions of this Item if providing such transportation for the student will result in additional transportation costs to the school system.

(2) As used in this Section:

(a) "Bullying" is defined in R.S. 17:416.13.

(b)(i) "Detention" means activities, assignments, or work held before the normal school day, after the normal school day, or on weekends.

(ii) Failure or refusal by a student to participate in assigned detention may subject the student to immediate out-of-school suspension.

(iii) Assignments, activities, or work which may be assigned during detention include but are not limited to counseling, homework assignments, behavior modification programs, or other activities aimed at improving the behavior and conduct of the student.

(iv) Each city, parish, or other local public school board shall adopt rules regarding the implementation of detention.

(c) Unless otherwise defined as a permanent expulsion and except as otherwise provided by Subsections B and C of this Section, "expulsion" shall be defined as a removal from all regular school settings for a period of not less than one school semester. During an expulsion the superintendent shall place the student in an alternative school or in an alternative educational placement.

(d) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle that is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

(e)(i) "In-school suspension" means removing a student from his normal classroom setting but maintaining him under supervision within the school. Students participating in in-school suspension shall receive credit for work performed during the in-school suspension. However, any student who fails to comply fully with the rules for in-school suspension may be subject to immediate out-of-school suspension.

(ii) Each city, parish, or other local public school board shall adopt rules regarding the implementation of in-school suspension.

(f) "Out-of-school suspension" means the removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities.

(3)(a) A school principal may suspend from school or suspend from riding on any school bus any student who:

(i) Is guilty of willful disobedience.

(ii) Treats a teacher, principal, superintendent, member, or employee of the city, parish, or other local public school board with intentional disrespect.

(iii) Makes against any one of them an unfounded charge.

(iv) Uses unchaste or profane language.

(v) Is guilty of immoral or vicious practices, or of conduct or habits injurious to his associates.

(vi) Uses tobacco or who possesses alcoholic beverages or any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law, in any form, in school buildings, on school grounds, or on school buses owned by, contracted to, or jointly owned by any city, parish, or other local public school board.

(vii) Disturbs the school and habitually violates any rule.

(viii) Cuts, defaces, or injures any part of public school buildings, any property belonging to the buildings, or any school buses owned by, contracted to, or jointly owned by any city, parish, or other local public school board.

(ix) Writes any profane or obscene language or draws obscene pictures in or on any school material or on any public school premises, or on any fence, pole, sidewalk, or building on the way to or from school, or on any school bus, including those owned by, contracted to, or jointly owned by any city, parish, or other local public school board.

(x) Is found carrying firearms, knives, or other implements which can be used as weapons, the careless use of which might inflict harm or injury.

(xi) Throws missiles liable to injure other persons on the school grounds or while on any school bus, including those owned by, contracted to, or jointly owned by any city, parish, or other local public school board.

(xii) Instigates or participates in fights while under school supervision.

(xiii) Violates traffic and safety regulations.

(xiv) Leaves the school premises without permission.

(xv) Leaves his classroom during class hours or detention without permission.

(xvi) Is habitually tardy or absent.

(xvii) Has engaged in bullying.

(xviii) Commits any other serious offense.

(b)(i) Prior to any out-of-school suspension, assignment to alternative placement, or expulsion, the school principal or his designee shall advise the student in question of the particular misconduct of which he is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his version of the facts to the school principal or his designee. In each case of out-of-school suspension, assignment to alternative placement, or expulsion, the school principal or his designee shall contact, by telephone at the telephone number shown on the student's registration card or by electronic communication or a certified letter sent to the address shown on the student's registration card, the parent or legal guardian of the student in question giving notice of the out-of-school suspension, assignment to alternative placement, or expulsion, the reasons therefor, and establishing a date and time for a conference with the principal or his designee as a requirement for readmitting the student. In the case of expulsion, the contact with the parent or guardian shall include a certified letter. If the parent or legal guardian fails to attend the required conference within five school days of mailing the certified letter or other contact with the parent, the truancy laws shall become effective. On not more than one occasion each school year when the parent or legal guardian refuses to respond, the principal may determine whether readmitting the student is in the best interest of the student. On any subsequent occasions in the same year, the student shall not be readmitted unless the parent, legal guardian, court, or other appointed representative responds. A student whose presence in or about a school poses a continued danger to any person or property or an ongoing threat of disruption to the academic process shall be immediately removed from the school premises without the benefit of the procedure described in this Item; however, the necessary procedure shall follow as soon as is practicable.

(ii)(aa) If a teacher, principal, or other school employee is authorized by this Section to require the parent or legal guardian of a student to attend a conference or meeting regarding the student's behavior and, after notice, the parent or legal guardian willfully refuses to attend, the principal or his designee shall file a complaint with a court exercising juvenile jurisdiction, pursuant to Children's Code

Articles 730(8) and 731. The principal may file a complaint pursuant to Children's Code Article 730(1) or any other applicable ground when, in his judgment, doing so is in the best interests of the student.

(bb) The principal, assistant principal, or child attendance and welfare supervisor or his assistant of any school, public or nonpublic, shall be a representative of an agency having the responsibility or ability to supply services to a family as that phrase is used in Children's Code Article 731(A).

(c) Any parent or legal guardian of a student suspended shall have the right to appeal to the local superintendent of schools or his designee, who shall conduct a hearing on the merits. The decision of the superintendent of schools on the merits of the case, as well as the term of the out-of-school suspension, shall be final, reserving to the superintendent of schools the right to remit any portion of the time of the out-of-school suspension.

(d) A student suspended for damage to any property belonging to the school system or to property contracted to the school system or any property on school grounds owned by a school employee or student shall not be readmitted until payment in full has been made for such damage, an alternative restitution arrangement has been executed, an alternative payment plan has been arranged, or until directed by the superintendent of schools. If the property damaged is a school bus owned by, contracted to, or jointly owned by any city, parish, or other local public school board, a student suspended for such damage shall not be permitted to enter or ride any school bus until payment in full has been made for such damage, an alternative restitution arrangement has been executed, an alternative payment plan has been arranged, or until directed by the superintendent of schools.

(e) A student who is suspended for ten days or fewer shall be assigned school work missed while he is suspended and shall receive the same credit originally available for such work if it is completed satisfactorily and timely as determined by the principal or his designee, upon the recommendation of the student's teacher. A student who is suspended for more than ten days, or is expelled and receives educational services at an alternative school site, shall be assigned work by a certified teacher and shall receive credit for school work if it is completed satisfactorily and timely as determined by the teacher. Such work shall be aligned with the curriculum used at the school from which the student was suspended or expelled.

(f) When a student is suspended for a second time within one school year, the principal may require that a counseling session be held with the parent and student by the school counselor if a counselor is assigned or available to that school. In the event there is no school counselor assigned to that school, the principal may require a conference between the parent, student, and all of the student's teachers and the principal or other administrator.

(4) The governing authority of each public elementary and secondary school shall adopt such rules and regulations as it deems necessary to implement the provisions of this Subsection and of R.S. 17:416.13. Such rules and regulations shall include but not be limited to the following provisions:

(a) A procedure permitting any teacher or other school employee to report any violation of the provisions of this Subsection to the appropriate school principal. The procedure shall provide for the uniform use throughout the school system of two forms to report incidents of alleged discipline violations. One form shall be used to report only school transportation-related incidents and one form shall be used to report all other incidents.

(i) The form for reporting a transportation-related incident shall provide for the following information:

(aa) Bus number and name of operator.

(bb) Student name and grade level.

(cc) School name and name of the principal.

(dd) Date of the incident and whether it occurred on the way to or on the way from the school or school function.

(ee) A menu of check-off items to indicate the nature of the incident, including fighting or bullying at the bus stop, fighting or bullying on the bus, smoking on the bus, leaving the bus without permission, boarding the bus at the incorrect stop, showing disrespect toward the operator, committing

an immoral or vicious act, throwing objects within the bus or out of bus windows or doors, refusing to occupy an assigned seat, using profane language, showing willful disobedience, defacing the bus, carrying objects or implements which can be used as weapons, or committing some other undesignated violation.

(ff) Space to provide specific remarks and comments concerning the incident and alleged discipline violation.

(gg) Space to indicate a student's prior history of discipline violations related to school transportation incidents.

(hh) A statement to be signed and dated by the bus operator or other school employee, if applicable, that the named student is causing a discipline problem, that disciplinary action against the student is recommended, and that the signatory desires to be informed of action taken on the incident report or the reasons for not taking action.

(ii) A space to report action taken on the incident report, including a menu of check-off items to indicate that a parent or other person responsible for the student's school attendance has been contacted, that a conference has been conducted with the student's parent or other responsible person, that the student has been reprimanded, that the student has been suspended from receiving school transportation services and for what period of time, that the student has been suspended from school and for what period of time, or that some other action has been taken and an explanation of such action. The report on action taken shall be dated and signed by the school principal.

(jj) Space for comments and remarks by the student or a student's parent or other responsible person concerning the incident and action taken.

(kk) A menu of check-off items to indicate that copies of the completed document have been supplied to the student's parent or other responsible person, the school's student file, the school employee filing the incident report, the supervisor of transportation services for the school system, and the principal.

(ll) Such other information as may be determined by the city, parish, or other local public school board.

(ii) The form for reporting a nontransportation-related incident shall provide for the following information:

(aa) School name.

(bb) Name and telephone number of the student.

(cc) Indication of whether the student is in regular or special education and the student's homeroom number.

(dd) Time and location of the incident.

(ee) Space to provide specific remarks and comments concerning the incident and alleged discipline violation.

(ff) A menu of check-off items indicating action taken by the teacher, including having a conference with the student; assigning remedial work; referring the student to a counselor, social worker, or certified school psychologist; placing the student in detention; or taking other action with an explanation of such other action.

(gg) A menu of check-off items indicating the type and date of contact with the student's parent or other person responsible for the student's school attendance, including by phone, by letter, by school conference, or by behavior reports.

(hh) A space for recommendations from the teacher or other school employee initiating the incident report.

(ii) A statement to be signed and dated by the teacher or other school employee initiating the incident report that the named student is causing a discipline problem, that disciplinary action against the student is recommended, and that the signatory desires to be informed of action taken on the incident report or the reasons for not taking action.

(jj) A space to report action taken on the incident report, including a menu of check-off items to indicate contact with the student's parent or other responsible person, conduct of a conference with the student and the student's parent or other responsible person and a summary of conference proceedings, referral to a counselor, issuance of a reprimand, placement on detention, placement on probation, suspension, or that some other action has been taken and an explanation of such action. The report on action taken shall be dated and signed by the school principal.

(kk) Space for comments and remarks by the student or a student's parent or other responsible person concerning the incident and action taken.

(ll) A menu of check-off items to indicate that copies of the completed document have been supplied to the student's parent or other responsible person, the school's student file, the teacher or other school employee filing the incident report, and the principal.

(mm) Such other information as may be determined by the city, parish, or other local public school board.

(iii) The State Board of Elementary and Secondary Education shall develop the forms necessary to implement the provisions of this Subparagraph and such forms shall be used by each city, parish, or other local public school board.

(b) Procedures implementing the provisions of R.S. 17:416.13 regarding bullying.

(c) A procedure requiring that, within a reasonable period of time, a principal shall review any such report and then act upon it as provided by this Section, or R.S. 17:416.13, or explain the reasons for failing to act to the local superintendent of schools or his designee and to the teacher, other school employee, student, parent, or legal guardian reporting the violation.

(5) The provisions of this Subsection shall not be construed to conflict with any federal or state rules or regulations or other guidelines, including but not limited to those affecting students with exceptionalities as defined in R.S. 17:1941 et seq.

(6) In carrying out the provisions of this Section, school employees and administrators shall account for and abide by any relevant provisions contained in the Individualized Education Program, Behavior Intervention Plan, or Section 504 Plan, as well as the general requirements of the federal Individuals with Disabilities Education Act.

B.(1)(a) Any student after being suspended for committing any of the offenses enumerated in this Section may be expelled, upon recommendation by the principal of the public school in which said student is enrolled, which recommended expulsion shall be subject to the provisions of Subsection C of this Section.

(b)(i) Notwithstanding the provisions of Subsection A of this Section, the principal or his designee shall immediately suspend a student who is found carrying or possessing a firearm or another dangerous instrumentality other than a knife, or who possesses, distributes, sells, gives, or loans any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law, in any form. The principal or his designee shall immediately recommend the student's expulsion in accordance with Subsection C of this Section.

(ii)(aa) Except as provided in Item (c)(i) of this Paragraph, no student shall be permitted to carry or possess a knife of any blade length.

(bb) A student who is found carrying or possessing a knife with a blade less than two and one-half inches in length may be suspended by the school principal as provided in Paragraph (A)(3) of this Section; however, in appropriate cases such student, at a minimum, shall be placed in in-school suspension.

(cc) The principal shall immediately suspend a student who is found carrying or possessing a knife the blade of which equals or exceeds two and one-half inches in length. He also shall immediately recommend the student's expulsion in accordance with Subsection C of this Section, except that in the case of a student less than eleven years of age in pre-kindergarten through grade five, the principal may recommend the student's expulsion in accordance with Subsection C of this Section.

(c) The provisions of this Section shall not apply to the following:

(i) A student carrying or possessing a firearm or knife for purposes of involvement in a school class or course or school-approved cocurricular or extracurricular activity or any other activity approved by the appropriate school officials.

(ii) A student possessing any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law that has been obtained directly or pursuant to a valid prescription or order from a licensed medical provider. However, the student shall carry evidence of the prescription or medical provider's order on his person at all times when in possession of any controlled dangerous substance which shall be subject to verification. Evidence of the prescription or medical provider's order includes possession of the controlled dangerous substance in its original packaging as received from the pharmacy.

(2) Any student who has been 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 of the public schools of the city, parish, or other local public school system wherein he resided until the beginning of the next regular school year, and the student's reinstatement shall be subject to the review and approval of the city, parish, or other local public school board.

(3)(a)(i) No student who has been expelled pursuant to the provisions of this Section shall be admitted to any public school in any other city, parish, or other local public school system in the state except upon the review and approval of the school board of the school system to which he seeks admittance.

(ii) No student who has been expelled from any public or nonpublic school outside the state of Louisiana or any nonpublic school within Louisiana for committing any of the offenses enumerated in this Section shall be admitted to any public school in the state except upon the review and approval of the governing body of the admitting school.

(b) No student who has been expelled pursuant to the provisions of Paragraph (C)(2) of this Section shall be readmitted to a regular public school in the city, parish, or other local public school system from which he was expelled prior to the completion of the specified period of expulsion at the school system's alternative education setting, unless he has complied with the provisions of Subparagraph (C)(2)(d) of this Section.

(c) To facilitate the review and approval mandated by this Paragraph, any student who has been expelled from any public or nonpublic school within or outside the state of Louisiana shall provide to any public school or school system in the state to which the student is seeking admission information on the dates of any expulsions and the reason or reasons for which the student was expelled. Additionally, the transfer of a student's records by any public school or school system in the state to any other public or nonpublic school or school system shall include information on the dates of any expulsions and the reason or reasons for which the student was expelled.

(d)(i) No student 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 may 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 student produces written documentation that he and his parent or legal guardian have enrolled and participated in an appropriate rehabilitation or counseling program related to the reason or reasons for the student's expulsion.

(ii) The rehabilitation or counseling required by the provisions of this Subparagraph shall be provided by existing or new programs approved by the juvenile or family court having jurisdiction, if applicable, or by the school system and shall be at no additional cost to the school system. Such rehabilitation or counseling programs may include the following components relative to successful

programs, approaches, and activities for parental involvement which better equip parents and legal guardians to provide support for the education of their children:

(aa) Enhancing parenting skills and expanding curriculum offerings relative to character development, the development of a healthy self-esteem and sense of personal and social responsibility, violence prevention, and conflict resolution.

(bb) Raising the educational level of the parents and legal guardians of public school students through instruction in basic skills.

(cc) Improving developmental skills of students to prepare them for academic success.

(dd) Providing a role model for the child through parental interest in education.

(ee) Enabling parents and legal guardians to become familiar with and comfortable in the school setting.

(ff) Enhancing the relationship of the parent or legal guardian and child through planned, structured parent-school interaction.

(gg) Demonstrating to parents and legal guardians their power to affect their child's ability to learn.

(iii) The requirements of this Subparagraph for a student's enrollment and participation in a rehabilitation or counseling program shall be waived by the school system upon a documented showing by the student that no appropriate program is available in the area or that the student cannot enroll or participate due to financial hardship.

(iv) The provisions of this Subparagraph shall be applicable to students provided special education services pursuant to Part I of Chapter 8 of this Title and to students who have an Individualized Education Program or a Section 504 Individualized Accommodation Plan only to the extent the provisions are not in conflict with federal rules, regulations, and guidelines applicable to the education of students with exceptionalities or the provisions of the students' specific plans.

C.(1) Upon the recommendation by a principal for the expulsion of any student as authorized by Subsection B of this Section or a school board's code of conduct, a hearing shall be conducted by the superintendent or his designee within fifteen school days to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. The school board must provide written notice of the hearing to the student and his parent or legal guardian, and such notice shall advise the student and his parent or legal guardian of their rights. Upon the conclusion of the hearing and upon a finding that the student is guilty of conduct warranting expulsion, the superintendent or his designee shall determine whether such student shall be expelled from the school system or if other corrective or disciplinary action shall be taken. At the hearing the principal or teacher concerned may be represented by any person appointed by the superintendent. The concerned teacher shall be permitted to attend such hearing and shall be permitted to present information the teacher believes relevant. Until such hearing takes place the student shall remain suspended from the school with access to classwork and the opportunity to earn academic credit. At such hearing the student may be represented by any person of his choice. A student who is expelled or suspended for longer than ten days shall be provided with academic instruction at an alternative setting in accordance with R.S. 17:416.2.

(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 four complete school semesters and shall be referred to the district attorney for appropriate action. However, the superintendent 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 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 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 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 two complete school semesters and shall be referred to the district attorney for appropriate action. However, the superintendent 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 Paragraph (1) of this Subsection shall be referred to the 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 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, 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. 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 out-of-school suspensions and expulsions and returned to the school system's alternative school setting. 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.

(3)(a) Any student arrested for possession of, or intentional distribution of, or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property shall be referred by the school principal or his designee, within five days after such arrest, for testing or screening by a qualified medical professional for evidence of abuse of alcohol, illegal narcotics, drugs, or other controlled dangerous substances.

(b) If evidence of abuse is found, the principal or his designee shall refer the student to an alcohol and drug abuse treatment professional chosen by the student's parent or legal guardian. If the student is found by the professional to be in need of treatment, and if the student agrees to cooperate in the recommended treatment, as certified in writing by the medical professional, such documentation may be used to initiate reopening the student's case. The school board shall take into consideration the student's agreement to receive treatment as a positive factor in the final decision relative to any final disciplinary action.

(4) The parent or legal guardian of the student who has been recommended for expulsion pursuant to this Section may, within five days after the decision is rendered, submit a request to the city, parish, or other local public school board to review the findings of the superintendent or his designee at a time set by the school board; otherwise the decision of the superintendent shall be final. If requested as provided in this Paragraph, and after reviewing the findings of the superintendent or his designee, the school board may affirm, modify, or reverse the action previously taken. The parent or legal guardian of the student shall have such right of review even if the recommendation for expulsion is reduced to a suspension. Each school board's code of conduct shall include information detailing the appeal process provided in this Paragraph and Subparagraph (5)(a) of this Subsection.

(5)(a) The parent or legal guardian of the student who has been recommended for expulsion pursuant to this Section may, within ten school days, appeal to the district court for the parish in which the student's school is located, an adverse ruling of the school board in upholding the action of the superintendent or his designee. The court may reverse or revise the ruling of the school board upon a finding that the ruling of the board was based on an absence of any relevant evidence in support thereof. The parent or legal guardian of the student shall have such right to appeal to the district court even if the recommendation for expulsion is reduced to a suspension.

(b) If a judgment is rendered in favor of a student who sought judicial review of a decision of a school board pursuant to this Paragraph, the judgment may include an award for reasonable attorney fees if the court finds any school official acted in a grossly negligent manner; with deliberate disregard for the consequences of his actions to the student; with willful or malicious indifference; with intent to deprive the student, his parent, guardian, or tutor of due process; or initiated a charge that is knowingly false. The court may award any damages appropriate under the circumstances and render any other appropriate relief including but not limited to requiring the school board to issue an official apology letter, which shall be provided to the student, his parent, legal guardian, or tutor, and retained in the student's educational records.

D.(1) The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which had it been committed by an adult would have constituted a felony may be cause for expulsion of the student for a period of time as determined by the board. The expulsion shall require the vote of two-thirds of the elected members of the school board, shall not be for a period of time longer than the student's period of adjudication as determined by the applicable court presiding over the student's criminal matter, and shall run concurrent to the student's period of disposition. If the student was serving an expulsion period when the student was incarcerated for a separate offense and the student completes the period of incarceration with time left in the expulsion period, the superintendent or his designee may require the student to serve the time left in the expulsion period.

(2) The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act, whether the act is committed in this state or outside this state, which had it been committed by an adult would have constituted a felony in this state may be sufficient cause for any superintendent to refuse admission of the student to any school except upon review and approval of a majority of the elected members of the school board when request for admission is made to the board.

E. The provisions of this Section shall be applicable to students with exceptionalities provided special education services pursuant to Part I of Chapter 8 of this Title or to students who have an Individualized Education Program or a Section 504 Individualized Accommodation Plan to the maximum extent allowed by federal law and rules applicable to the education of students with exceptionalities in the state. No policy adopted by the State Board of Elementary and Secondary

Education applicable to students with exceptionalities as provided in this Subsection shall be more restrictive than required by federal law and rules.

F. Notwithstanding any provision of this Section to the contrary, school officials shall have total discretion and shall exercise such discretion in imposing on a student any disciplinary actions authorized by this Section for possession by a student of a firearm or knife on school property when such firearm or knife is stored in a motor vehicle and there is no evidence of the student's intent to use the firearm or knife in a criminal manner.

G. The State Board of Elementary and Secondary Education shall formulate, develop, adopt, and fully implement methods and procedures for use as part of the board's school approval process to determine whether or not state laws and board policies regarding student discipline are being fully complied with by a school's administrators, teachers, and other employees. Any school determined not to be in compliance with such laws and procedures shall not be approved. The provisions of this Subsection shall not apply to nonpublic schools.

H.(1) No student shall be disciplined in any manner by the governing authority of a public elementary or secondary school or by any public elementary or secondary school administrator, teacher, or other school employee for the use of force upon another person when it can be reasonably concluded that the use of such force more probably than not was committed solely for the purpose of preventing a forcible offense against the student or a forcible offense provided that the force used must be reasonable and apparently necessary to prevent such offense.

(2) A student who is the aggressor or who brings on a difficulty cannot claim the right provided by this Subsection to defend himself.

I.(1) Any public school administrator and any administrator's designee who is required to make a recommendation, decide an issue, or take action in a matter involving the discipline of a student shall both recuse themselves from doing so whenever a member of the immediate family of the school administrator or of the administrator's designee is involved in any manner in the recommendation to be made, the issue to be decided, or the action to be taken. In case of such recusal, the recommendation shall be made by, the issue decided by, or the action taken by the superintendent or an impartial designee of the superintendent.

(2) For the purposes of this Subsection, immediate family means the individual's children, brothers, sisters, parents, and spouse and the children, brothers, sisters, and parents of the spouse.

J. Notwithstanding the provisions of this Section or any other provision of law, a student enrolled in grades prekindergarten through five shall not be suspended or expelled from school or suspended from riding on any school bus for a uniform violation that is not tied to willful disregard of school policies.

K. For the purposes of this Section, "virtual instruction" means instruction provided to a student through an electronic delivery medium including but not limited to electronic learning platforms that connect to a student in a remote location to classroom instruction. A city, parish, or other local public school board discipline policy shall clearly define the rules of conduct and expectations of students engaged in virtual instruction, shall provide for notice of such rules and expectations to the parents and guardians of students, shall include clearly defined consequences of conduct, shall be narrowly tailored to address compelling government interests, and shall take into consideration the students' and their families' rights to privacy and other constitutional rights while at home or in a location that is not school property. The provisions of this Section herein related to mandatory recommendation for expulsion shall not be applied to virtual instruction received by a student in the student's home.

L. Each city, parish, or other local public school board shall maintain and administer student codes of conduct that meet the minimum requirements of the model master discipline plan as provided in R.S. 17:252. Codes of conduct shall include progressive levels of minor through major infractions and identify corresponding minor through major interventions and consequences. Before an initial referral for a student's expulsion, codes of conduct shall require the prior administration of interventions in accordance with the minor tiers in the code of conduct, except in instances where the expulsion

referral is the result of accumulated minor infractions in accordance with the code of conduct, or the underlying incident threatens the safety and health of students or staff. Expulsions shall be reserved for the major tier of behavioral infractions involving weapons or drugs, or when the safety of students and staff has been put in jeopardy.

M. The state Department of Education shall publish annually and publish on its website data regarding disciplinary removals disaggregated at the state, system, and school level and also disaggregated and capable of cross-tabulation by the characteristics of gender, race, disability, English language learner status, and economically disadvantaged status. In reporting such data, the department shall comply with all federal and state privacy laws and shall strive to ensure that all relevant state accountability metrics are valid and reliable.

N. A public school governing authority that maintains a parish-wide student expulsion process as required by R.S. 17:10.7.1(E)(4) may maintain and develop policies and procedures for student expulsions without regard to the requirements of this Section.

Acts 1962, No. 206, §1; Acts 1970, No. 194, §1; Acts 1970, No. 306, §1; Acts 1974, No. 683, §1; Acts 1975, No. 216, §1; Acts 1978, No. 60, §1; Acts 1982, No. 847, §1; Acts 1983, No. 140, §1; Acts 1983, No. 587, §1; Acts 1985, No. 391, §1, eff. July 10, 1985; Acts 1986, No. 1052, §1; Acts 1989, No. 575, §1; Acts 1990, No. 620, §1; Acts 1990, No. 626, §1; Acts 1990, No. 909, §1; Acts 1991, No. 437, §1, eff. July 12, 1991; Acts 1992, No. 216, §1, eff. June 10, 1992; Acts 1992, No. 229, §1, eff. June 10, 1992; Acts 1992, §749, §1, eff. July 7, 1992; Acts 1993, No. 67, §1, eff. May 26, 1993; Acts 1993, No. 305, §1, eff. June 2, 1993; Acts 1993, No. 802, §1, eff. June 22, 1993; Acts 1994, 3rd Ex. Sess., No. 45, §2; Acts 1994, 3rd Ex. Sess., No. 108, §1, eff. July 7, 1994; Acts 1994, 3rd Ex. Sess., No. 127, §1, eff. July 7, 1994; Acts 1995, No. 80, §1, eff. June 12, 1995; Acts 1995, No. 283, §1, eff. June 14, 1995; Acts 1995, No. 1042, §1, eff. June 29, 1995; Acts 1995, No. 1292, §1, eff. June 29, 1995; Acts 1996, 1st Ex. Sess., No. 74, §1, eff. May 10, 1996; Acts 1997, No. 424, §1, eff. July 1, 1997; Acts 1997, No. 443, §1, eff. July 1, 1997; Acts 1997, No. 459, §1, eff. June 22, 1997; Acts 1997, No. 556, §1, eff. July 1, 1997; Acts 1997, No. 1387, §1, eff. July 1, 1997; Acts 1999, No. 766, §1, eff. July 2, 1999; Acts 1999, No. 1061, §1, eff. July 9, 1999; Acts 2003, No. 97, §1, eff. May 28, 2003; Acts 2003, No. 471, §1; Acts 2005, No. 369, §1; Acts 2006, No. 733, §2, eff. July 1, 2006; Acts 2007, No. 385, §1; Acts 2008, No. 145, §1; Acts 2008, No. 220, §7, eff. June 14, 2008; Acts 2009, No. 240, §1; Acts 2010, No. 861, §8; Acts 2012, No. 831, §1, eff. June 14, 2012; Acts 2012, No. 861, §1, eff. June 14, 2012; Acts 2015, No. 248, §1, eff. June 29, 2015; Acts 2017, No. 335, §1; Acts 2020, 2<sup>nd</sup> Ex. Sess., No. 48, §1, eff. Nov. 5, 2020; Acts 2021, No. 473, §1.

NOTE: See Acts 2020, 2<sup>nd</sup> Ex. Sess., No. 48, §2, relative to the hearing process for students recommended for expulsion.

NOTE: See Acts 2020, 2<sup>nd</sup> Ex. Sess., No. 48, §3, relative to prospective and retroactive application of the Act.