

ACT No. 400

HOUSE BILL NO. 322

BY REPRESENTATIVES STAGNI, AMEDEE, BAGLEY, BAYHAM, BILLINGS, CARLSON, CARVER, CHASSION, CHENEVERT, DAVIS, DICKERSON, EDMONSTON, EGAN, FREIBERG, HORTON, HUGHES, JACOB LANDRY, MACK, MARCELLE, MELERINE, OWEN, PHELPS, ROMERO, SCHAMERHORN, SCHLEGEL, TAYLOR, WILEY, AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(1)(b)(i) and (c)(i) and (v) and 416.18(B), relative to
3 student discipline; to grant certain authority to teachers; to prohibit retaliation from
4 principals and administrators for certain disciplinary action taken; to require certain
5 disciplinary action; to provide relative to the exercise of teacher rights; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:416(A)(1)(b)(i) and (c)(i) and (v) and 416.18(B) are hereby
9 amended and reenacted to read as follows:

10 §416. Discipline of students; suspension; expulsion

11 A.(1)

12 * * *

13 (b)(i) Each teacher may take disciplinary action to correct a student who
14 violates school rules or who interferes with an orderly education process. No
15 principal or administrator shall prohibit or discourage a teacher from taking
16 disciplinary action, recommending disciplinary action, or completing a form to
17 initiate disciplinary action against a student who violates school policy or who

1 interferes with an orderly education process. No principal or administrator shall
 2 retaliate or take adverse employment action against a teacher for taking disciplinary
 3 action against a student. The provisions of this Item shall apply only if the
 4 disciplinary action that the teacher takes is in accordance with policy adopted by the
 5 public school governing authority.

6 * * *

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

12 * * *

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

22 * * *

23 §416.18. Teacher Bill of Rights

24 * * *

25 B. No city, parish, or other local public school board shall establish policies
 26 that prevent teachers from exercising the rights provided in this Section or in any
 27 other provision included in R.S. 17:416 through 416.16. No principal or
 28 administrator shall retaliate or take adverse employment action against a teacher for
 29 exercising the rights provided in this Section. However, the provisions of this

1 Section do not authorize a teacher to violate the provisions of any discipline policy
2 adopted by the public school governing authority.

3 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____