

Student Discipline

Louisiana Association of Child
Welfare and Attendance
Personnel, Inc.

2023 Summer Conference
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Principal and Assistant Principal Training

Fact Gathering and Evidence Preservation
STOP! Deep Breath! Recommendation?

State form completed accurately

Student is presumed innocent

School must establish guilt by evidence

Burden of Proof on School Administration

Listing of Right in Code of Conduct and in Notice

Written finding of facts, guilt or innocence, and punishment

Let's Cover
the Basics

Act 473 of the
2022
Legislative
Session
Amended La.
R.S. 17:416

- Student handbooks take on greater significance
- More attention focused on IEP's, 504 Plans, and BIP's
- More notice to parents
- Progressive Discipline to be incorporated into discipline plan
- Requires more accommodation of parent's schedule
- Discipline statistics are published annually
- First decision determines THE REST!

Act 56 of the 2023 Legislative Session Amended La. R.S. 17:416

- Teachers, principals, and administrators are immune from civil liability for any act or failure to act in the directing/disciplining of students
- Teachers, principals, or administrators who intervene and act in a justifiable defense to protect a student or other school employee from battery/aggravated battery committed by student(s) are immune from civil liability and criminal prosecution
- Nothing **REQUIRES** a teacher, principal, or administrator to intervene in a battery/aggravated battery situation.

Act 268 of the
2023
Legislative
Session
Amended La.
R.S. 17:416

Corporal punishment is prohibited unless the student's parent/legal guardian gives written consent

Written consent only applies to that current school year

No form or corporal punishment given to any student with any exceptionality

Parent/legal guardian of gifted/talented student may authorize corporal punishment

Act 334 of the 2023 Legislative Session Amended La. R.S. 17:416

Requires at least one additional safety drill to be conducted during high-traffic or transition points during the school day

Requires the District Threat Assessment Team to be created and have input into creation and revision of safety plans

Some Things Remain the Same

- Every Teacher Shall Hold Students Accountable for Their Behavior

Adds Items
at Principal's
Disposal
when
Dealing with
Students

Conference with principal or designee

Referral to counselling

Peer mediation

Referral to SBLT

Restorative justice practices

Loss of privileges

Initial Confrontatio n

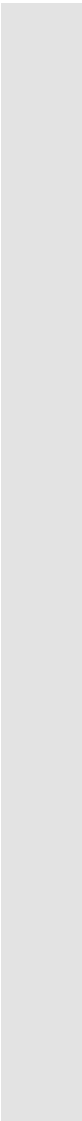
- Prior to an out-of-school suspension, assignment to an alternative placement, or expulsion, the principal shall advise the student of the misconduct of which he is accused and shall afford him an opportunity to respond.

If An Out-of-School Suspension is Recommended

- In such cases, the Principal shall also contact the parent by phone, electronic communication, or certified letter. In the case of an expulsion, the contact shall include a certified letter.

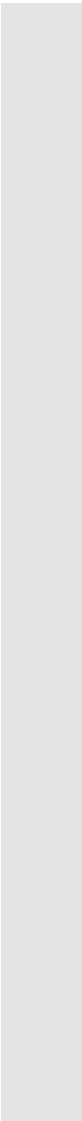
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Code of Conduct

- Codes of Conduct must be maintained and shall include progressive levels of minor through major infractions and identify corresponding minor through major interventions or consequences.
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Code of Conduct

- Each school board's code of conduct shall include information detailing the appeal process.
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Expulsions

- Expulsions are to be reserved for the major tier of behavioral infractions involving weapons or drugs, when the safety of students or staff are put in jeopardy, or when there has been an accumulation of minor infractions.

Procedures for Expulsion Hearings Have Changed

- Hearing must be held within 15 school days
- Parental notice must also include a statement of the student's rights
- Until hearing, student shall have access to classwork and the opportunity to receive credit
- All students expelled or suspended for more than 10 days shall receive instruction at an alternative setting

Notice of Rights is Required

1. Student has the right to representation of his/her choosing in the hearing;
2. Student has the right to question witnesses called to testify by administration;
3. Student has the right to present evidence and call witnesses in his/her defense;
4. Student has the right to have access to classwork and the opportunity to earn academic credit until the hearing takes place (and in an alternative setting is removed from his/her regular school);

Notice of Rights is Required Continued

5. Student has the right to receive a written decision from the hearing officer;
6. If the decision is that the student is to be expelled, the student has the right to appeal that decision to the School Board within 5 days after the decision;
7. If the student timely appeal to the Board, and the Board upholds the decision, the student has the right to appeal to the District Court within 10 days of the Board's decision.

Expulsion Hearing Outline - Greeting

Good afternoon, today is _____, 2022 at approximately 9 a.m. I am _____, and I will preside over the hearing today. We are here to conduct a rehearing relative to the recommended expulsion of _____.

We have a court reporter present today to record the hearing. [I will be recording the hearing]. Would everyone present please state your name and your relationship to the student.

Expulsion Hearing Outline – Role/Order of Events

My role here today is to facilitate the hearing.

We will first ask the school principal to provide his statement as to the underlying allegations, his actions, and the basis of his recommendation. Thereafter, we will ask the parents and students if they have any questions or any evidence or testimony they would like to be considered.

Before we begin, I understand that _____ has been given copies of all documentation, including the listing of the rights and appeal procedures. Is that correct?

Expulsion Hearing Outline – Principal Testimony

Principal _____, could you please come forward:

1. Please tell us what happened?
2. What was the complaint?
3. Did the witness provide a written statement?
4. Please read it. (Offer it as an Exhibit)
5. Was there a disciplinary referral form completed? (Offer it as an Exhibit)
6. What school policies or student code provisions were violated? (Offer it as an Exhibit)

Expulsion Hearing Outline – Principal Testimony Continued

7. Did you explain the allegations to _____?
8. Was he afforded a chance to respond?
9. What did he say?
10. Did he provide a written statement? (Offer it as an Exhibit)
11. What did _____ say?
12. Did you make a recommendation for expulsion? Were lesser forms of discipline considered?

Expulsion Hearing Outline – Principal Testimony Continued

13. Do you have a copy of the recommendation with you?
(Offer it as an Exhibit)
14. Why did you recommend Expulsion?
15. Has your recommendation changed?
16. Please review for us _____'s:
 - a) Prior disciplinary record:
 - b) Grades:
 - c) Attendance:
17. Is there anything else from the school level?

Expulsion Hearing Outline – Student Testimony

If not, it is now _____'s opportunity to respond and to introduce any evidence or witness testimony he would like to have considered.

[Afford the student and/or his attorney to respond, introduce evidence, or to call witnesses.]

Expulsion Hearing Outline – Summation

I would like to thank everyone for their professionalism and courtesies today. If there is nothing else, we will bring the hearing to a close. I will consider all the evidence and issue my opinion, in writing, before close of business on Wednesday. If you are not satisfied with the opinion and wish to appeal it to the school board, you may do so by delivering a written request for an appeal within 5 days. Thank you all for your time.

Hearing Officer Decision

Your Decision must include 2 components:

1. Determination of Facts and Guilt or Innocence
2. Appropriate Punishment

Appeal to the Board

The appeal to the Board has its own set of rules including:

1. Must be made within 5 days of receipt of the Hearing Officer's decision
2. It is an appeal and not a re-hearing
3. The Board may affirm, reverse, or modify the decision.

Publication of Data is Required

- LDOE is required to publish annual data on its website regarding disciplinary removals by gender, race, disability, EL status, and economically disadvantaged status at the state, district, and school level.

This presentation was prepared by Hammonds, Sills, Adkins, Guice, Noah, & Perkins, LLP.

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