

DISCIPLINE LAWS

QUESTIONS AND ANSWERS

REVISED AUGUST 2023

LOUISIANA FEDERATION OF TEACHERS
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*This is a summary of Louisiana laws governing discipline of students in Louisiana public schools. It includes amendments passed by the Louisiana Legislature through the **2023 legislative sessions**. Because laws may be amended or repealed, this document may be revised from year-to-year.*

This is not a full and comprehensive listing of all discipline laws and regulations. Additional provisions governing student discipline are located in: (1) additional Louisiana laws, (2) Collective Bargaining Agreements between unions and local school boards, (3) your local school board's Student Code of Conduct, or (4) the local school board's policies, rules and regulations.

Reference to "La. R.S." is an abbreviation for "Louisiana Revised Statutes," and refers to a specific Louisiana law.

In certain situations, these laws may not apply to discipline of special education students.

Note: The definition of "expulsion" depends upon the particular offense. In some instances "expulsion" is 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. La. R.S. 17:416(A)(2)(c). In other instances (such as weapons and drugs) it is defined as a minimum period of four complete school semesters; La. R.S. 17:416(C)(2)(a)(i) and (ii); 17:416(C)(2)(b)(i) and (ii); 17:416(C)(2)(c)(i) and (ii). Additionally, a student enrolled in pre-k through 5th grade shall not be suspended or expelled from school or from riding the school bus for a uniform violation that is not tied to willful disregard of school policies (La. R.S. 17:416(J)).

Note: The word "shall" means must. The person is required to perform the act.

1. Does Louisiana law require teachers and other school employees to hold students strictly accountable for disorderly conduct?

Yes. Louisiana law states that 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. La. R.S. 17:416(A)(1)a.

2. What are the specific penalties against students who commit an assault or battery on teachers and all school employees?

Note: the term "teacher" in this section includes any teacher or instructor, administrator, staff person, or employee of any public or private elementary, secondary, vocational-technical training, special, or post-secondary school or institution.

→ The definition of a criminal battery (La. R.S. 14:34.3) against a teacher [includes all school employees]: "Battery is the intentional use of force or violence upon the person of another; or the intentional administration of a poison or other noxious liquid or substance to another.

→ The definition of a criminal assault (La. R.S. 14:38.2) against a teacher [includes all school employees]: "Assault" "assault" means an attempt to commit on a school teacher a battery or the intentional placing of a school teacher on reasonable apprehension of receiving a battery or making statements threatening physical harm to a school teacher [includes all school employees].

When a student is *formally* accused of committing a battery upon a teacher [includes all school employees]: by either violating discipline rules – or - violating criminal law (La. R.S.14:34.3), - or - committing an assault on a teacher by either violating discipline rules or violating criminal law (La. R.S.14:38.2), the principal shall:

- (1) immediately remove the student from the school premises without complying with suspension procedures, and

- (2) immediately suspend the student from school. Note: after the student is removed and suspended, the usual notifications and procedures shall follow "as soon as is practicable;" La. R.S. 17:416(A)(1)(c)(vii)(aa).

→ A student who has been suspended for an accusation of committing an assault or a battery, or both, on a teacher shall not be considered for readmission to the same school where the teacher is assigned, until all hearings and appeals associated with the alleged assault or battery, or both, have been exhausted; La. R.S. 17:416A(1)(c)(vii)(bb).

→ After a student is found guilty of committing an assault or a battery on a teacher (either in Juvenile Court or Criminal Court, or at a school system suspension hearing) the student shall not be assigned to or attend the same school where the teacher is assigned.

Note: This section of law does not apply when the school system has no other school of suitable grade level for the student to attend; La. R.S. 17:416(A)(1)(c)(vii)(cc).

Principals shall notify the Department of Public Safety and Corrections whenever any student between the ages of 14 and 18 is suspended, expelled, or assigned to an alternative educational setting for ten or more consecutive school days, for an infraction involving assault

or battery on a member of the school faculty or staff. In such cases, the student's drivers license shall be suspended for one year; La. R.S. 17:416.1.

◆ Every school employee who is the victim of an assault or a battery committed by a student or any person also has the following rights:

- The right to press criminal charges against the person who committed the assault or battery. The "battery" law is La. R.S. 14:34.3, which imposes more harsh penalties on persons found guilty of committing a battery against a teacher, and the "assault" law is La. R.S. 14:38.2, which also imposes more harsh penalties on persons found guilty of committing an assault against a teacher.

- The right to file a civil suit for money damages against the person who committed the assault or battery (or against the parent/guardian if the student is a minor).

- The right to receive full salary without loss of sick leave days if the school employee is injured or disabled as a result of an assault or a battery; La. R.S. 17:1201(C); La. R.S. 17:1206.

3. Is it true that there are other situations when a student's driver's license must be revoked?

Yes. Here's how that it supposed to happen. Principals are required to notify the Department of Public Safety and Corrections whenever any student between the ages of 14 and 18 is suspended or expelled for more than 10 consecutive school days, or if assigned to an alternative educational setting for ten or more consecutive school days, for:

- possession or sale of drugs, alcohol, or illegal substances, or
- possession of a firearm, or
- an infraction involving assault or battery on a member of the school faculty or staff.

In such cases, the student's drivers license shall be suspended for one year; La. R.S. 17:416.1

4. Do teachers have the right to demand that a student be immediately removed from a class?

Yes... (La. R.S. 17:416A(1)(c)(i) states when the teacher has that right:

- **when the student prevents the orderly instruction of other students; or**
- **when the student poses an immediate threat to the safety or well being of any student or teacher; or**
- **when a student violates the school's code of conduct.**

5. **How long is the student supposed to be out of my class? May the student be immediately returned to my class?**

→ **A student in grades K-6 *shall not* be permitted to return to the class for at least thirty minutes unless the teacher agrees; La. R.S. 17:416A(1)(c)(iii).**

→ **A student in grades 7-12 shall not be permitted to return to the class during the same class period unless the teacher agrees; La. R.S. 17:416A(1)(c)(iii).**

6. **What are other consequences to the student who is removed because of any of the above offenses?**

- **The principal shall conduct a counseling session with the student, to establish a course of action to correct the behavior; La. R.S. 17:416A(1)(c)(ii)(aa).**

- **The principal or designee shall provide oral or written notification to the parent, with a description of any disciplinary action taken; La. R.S. 17:416A(1)(c)(ii)(bb).**

- The principal or designee may provide oral or written feedback to teachers initiating the removal of the pupil and may provide guidance and support to the teacher on practicing effective classroom management including, but not limited to, positive behavior reports. La. R.S. 17:416A(1)(c)(ii)(cc).

- If disruptive behavior persists, the teacher may request that the principal transfer the student to another setting; La. R.S. 17:416A(1)(c)(vi)(aa).

- School boards may adopt a policy requiring the parent of a student who is removed from the classroom to attend after-school or Saturday intervention sessions with the student. The school board may refer a parent who fails to attend such a session to Juvenile Court. Each time a parent is referred to court, the court may impose a fine of not less than \$25.00 or more than \$250.00, forty hours of court-approved or community service and attendance at a court-approved family counseling program and may suspend any license issued by the Department of Wildlife and Fisheries. La. R.S. 17:416A(1)(c)(vi)(bb).

- Additionally, the student shall not be readmitted to the class until the principal has implemented one of the following disciplinary measures; La. R.S. 17:416A(1)(c)(iii):

- Conference with the principal or designee
- Referral to counseling
- Peer mediation
- Referral to the school building level committee
- Restorative justice practices
- Loss of privileges
- Detention

- In-school suspension
- Out-of-school suspension
- Initiation of expulsion hearings
- Referral for assignment to an alternative setting.
- 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.
- 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.

➔ **Additionally, the teacher has the right to require that before the student is readmitted, the parent, tutor or legal guardian of the student must have a conference with the teacher in the presence of the principal or designee; La. R.S. 17:416A(1)(c)(iv).**

Upon the third removal from the same classroom the teacher and the principal are required to 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;. La. R.S. 17:416A(1)(c)(v).

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; La. R.S. 17:416A(1)(c)(vi).

A student who fails or refuses to serve a detention shall subject the student to immediate out-of-school suspension; La. R.S. 17:416A(2)(b)(ii).

A student who is assigned an "in school suspension" may receive credit for work performed during the in school suspension; La. R.S. 17:416A(2). Note: all school boards are required to adopt rules to implement in school suspensions; La. R.S. 17:416A(2)(a)(ii).

7. Do teachers have the right to demand suspension of a student who makes a false accusation against a teacher?

No, you don't have the right to demand it...but you have the right to request it; La. R.S. 17:416A(3)(iii).

8. What right under law does a teacher have to suspend students who commit other types of offenses?

You have the right to **request** (but not demand) suspension of a student who commits these offenses: La. R.S. 17:416A(3)(a)(i) through (xvii):

- **Willful disobedience.**

- Treats a teacher, principal, or any employee, or a School Board member, with **intentional disrespect.**
- **Makes an unfounded charge** against a teacher, principal, superintendent, or any employee, or School Board member. (In other words, a false accusation).
- **Uses unchaste or profane language.**
- Is guilty of immoral or vicious practices or of conduct or habits injurious to his associates.
- Uses tobacco or possesses alcoholic beverages.
- **Disturbs the school and habitually violates any rule.**
- Cuts, defaces or injures any part of a public school building or property belonging to the buildings, or any school buses jointly owned by a school board.
- Writes 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 a school bus.
- Throws missiles liable to injure other persons on the school grounds or while on any school bus.
- Instigates or participates in fights while under school supervision.
- Violates traffic and safety regulations.
- Leaves the school premises without permission.
- **Leaves classroom during class hours or detention without permission.**
- Is habitually tardy or absent.
- **“Commits any other serious offense.”**

9. May the principal remove a student who presents a danger?

Yes. Prior to any suspension the principal is required to follow certain procedures. **But if a student's 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, the student shall be immediately removed from the school premises;** La. R.S. 17:416A(3)(b)(i).

Where a parent or guardian willfully refuses to attend a conference or meeting regarding the student's behavior, the principal may file a complaint in Juvenile Court if the principal feels that it is in the student's best interest; La. R.S. 17:416A(3)(b)(ii)(aa).

10. Does the student receive credit for school work missed while suspended or expelled?

Yes. 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. La. R.S. 17:416A(3)(e).

11. What are the consequences to a student who is suspended more than once during a school year?

When a student is suspended for the second time within one school year, the principal may require the student and parent to attend a counseling session with the school counselor, teacher, principal, or another administrator. If there is no school counselor assigned to that school, the principal may require a conference between the parent, student, and all the student's teachers and the principal or other administrator; La. R.S. 17:416A(3)(f).

12. If a student damages school property, may the school system deny readmittance until the student pays for the damage?

Yes. A student suspended for damages to any school system property shall not be readmitted until making full payment, or until directed by the Superintendent; La. R.S. 17:416A(3)(d).

13. May a student be suspended for using a cellphone?

Yes. No student, unless authorized by the school principal or his designee shall use or operate any electronic telecommunication device including any facsimile system, radio paging service, mobile telephone service, intercom, or electro-mechanical paging system in any public elementary or secondary school building or on the grounds thereof or in any school bus used to transport public school students.

A violation may be grounds for disciplinary action by the school system, including but not limited to suspension from school.

Nothing in this law shall affect the conduct of law enforcement activities including the use of electronic detection devices, dogs, or other means of conducting searches for weapons, drugs, or other contraband in whatever manner is otherwise permitted by law and consistent with local school board policy.

Nothing in this law shall prohibit the use and operation by any person, including students, of any electronic telecommunication device in the event of an emergency. Emergency means an actual or imminent threat to public health or safety which may result in loss of life, injury, or property damage; La. R.S. 17:239.

14. What are the consequences for bullying and harassment by students?

School Boards are required to adopt policies and procedures governing bullying (La. R.S. 17:416.13).

15. What is the definition of corporal punishment?

“Corporal punishment means using physical force to discipline a student, with or without an object. Corporal punishment includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort.” (La. R.S. 17:416.1(B)(2).

16. Is corporal punishment allowed?

The use of any form of corporal punishment is prohibited in any public school unless the student's parent or legal guardian provides written consent for the use of corporal punishment in a document created by the state Department of Education solely for such purpose. Such consent applies only to the school year in which it is given. No form of corporal punishment shall be administered to a student with an exceptionality as defined in R.S. 17:1942 or to a student who has been determined to be eligible for services under Section 504 of the Rehabilitation Act of 1973 and has an Individual Accommodation Plan. However, the parent or legal guardian of a student who is gifted and talented and has no other exceptionality may authorize the use of corporal punishment as otherwise provided by this Paragraph. (La. R.S. 17:416.1B(1).

17. Is smoking allowed in school property?

No. Smoking means possession of a lighted cigar, cigarette, pipe, or any other tobacco product, including but not limited to e-cigs, e-cigarettes, electronic cigarettes, advances personal vaporizers, vape pens and vape mods; La. R.S. 17:240

18. Does a teacher have the right to attend the expulsion hearing?

Yes. Upon the principal's recommendation for expulsion of any La. R.S. 17:416B offense, the Superintendent or designee shall conduct a hearing. “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;” La. R.S. 17:416C(1).

19. What are the laws that govern weapons and drugs?

Several laws prohibit students from use or possession of weapons on or about school grounds. These laws refer to “firearms, knives, or “other dangerous instrumentalities.” A “knife” refers to a knife with a blade that equals or exceeds two inches in length.

Several laws prohibit students from use or possession of "Controlled Dangerous Substances governed by the Uniform Controlled Dangerous Substances Law."

Principals are required to notify the Department of Public Safety and Corrections whenever any student between the ages of 14 and 18 is suspended, expelled, or assigned to an alternative educational setting for ten or more consecutive school days, for possession of a firearm, drugs, alcohol, or any other illegal substance. In such cases, the student's drivers license shall be suspended for one year; La. R.S. 17:416.1(D)(3)

The principal shall suspend any student who is found carrying or possessing a firearm, knife, or other dangerous instrumentality, or who possesses, sells, gives, or loans a controlled dangerous substance. There are exceptions.

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 [weapons or drugs] during the same school year shall, upon committing the fourth such offense, be expelled from all 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; La. R.S. 17:416B(2).

A student who has been expelled for these offenses (weapons or drugs) shall not be admitted to any public school in the state except upon review and approval of the school board to which he seeks admittance; La. R.S. 17:416B(3)(a)(i).

A student who has been expelled from any public or nonpublic school outside of Louisiana, or from any nonpublic school within Louisiana for committing any of these offenses (weapons or drugs) shall not be admitted to any public school in Louisiana except upon the review and approval of the school board; La. R.S. 17:416B(3)(a)(ii).

A student who has been expelled from any public or nonpublic school within or outside Louisiana shall provide to the school system or the public school all information on the dates of any expulsions and the reasons for the expulsions (for weapons or drugs). The student's records shall include the dates and reasons for such expulsions; La. R.S. 17:416B(3)(c).

Additionally, such student shall not be readmitted to any school on a probationary basis prior to the minimum period of expulsion or admitted in any public elementary or secondary school in Louisiana until the student produces written documentation substantiating enrollment and participation in an appropriate rehabilitation or counseling program related to the reasons for the expulsion; La. R.S. 17:416B(3)(d)(i). This requirement may be waived in certain situations; La. R.S. 17:416B(3)(d)(iii).

Any student after being suspended for committing any of the above La. R.S. 17:416B offenses (weapons or drugs) may be expelled, upon recommendation by the principal, after hearing; La. R.S. 17:416B(1)(a).

There are several laws that require school boards to expel a student for a minimum of four semesters after being found guilty of possessing a firearm or drugs on school property or at a school event or on a school bus. La. R.S. 17:416C(2)(a)(i). *et seq.*