



TANGIPAHOA PARISH SCHOOL SYSTEM

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LOUISIANA LEGISLATIVE UPDATE PART II

The 2024 Louisiana Legislature Regular Session was an active one and ultimately enacted many bills that impact School Boards. This installment of the Legislative Update series includes several policies which address student issues which may need to be included in student and parent handbooks.

Buildings and Grounds Management Employee Employee Smoking, Tobacco, and Marijuana Use Student Smoking, Tobacco, and Marijuana Use

Act 352, effective May 28, 2024, revised La. Rev. Stat. Ann. §17:240 to include prohibition of use of marijuana in any form. This language has been added to the three policies which reference the statutory prohibitions. Although not necessary for inclusion in policy, the Act also allows for the School Board to provide appropriate penalties for violators, including but not limited to “disciplinary action or a fine not to exceed two hundred dollars (\$200), or both.”

Home Study Program

Co-curricular and Extracurricular Activities

Interscholastic Athletics

In 2010, the Legislature passed an act allowing home study students to participate in interscholastic athletics as long as they resided in the attendance zone of the school at which they wished to

participate. In 2013, legislation was passed to remove that provision, based on a Louisiana Supreme Court decision which declared that Boards were not required to allow such participation. This year the Legislature passed Act 715 that takes effect August 1, 2024, requiring School Boards to allow participation by home study students in extracurricular activities and interscholastic athletics, as long as they live in the attendance zone of the public school, and meet and maintain all the requirements for participation. The *Home Study Program* policy has been revised to include the provisions of new statute La. Rev. Stat. Ann. §17:176.2, and references to the information in the *Home Study Program* policy have been included in the *Co-curricular and Extracurricular Activities* and *Interscholastic Athletics* policies.

Under the section *Scholastic Requirements* in the *Interscholastic Athletics* policy, information regarding senior participation has been updated to meet Louisiana High School Athletic Association (LHSAA) requirements.

Truancy

Act 386, effective August 1, 2024, expands the information in La. Rev. Stat. Ann. §17:233, requiring parents of truant students to ensure that their children make up missed school work. School work can be made up by attending after-school tutoring sessions, weekend make up classes, or other remediation opportunities, as determined by the School Board, until the student has caught up with his/her school work. Parents are required to attend meetings at the school at least monthly until the student makes up all missed work. Parents are also required to attend any assistance fair conducted by the School District that provides information on supports available to families.

Act 386 also allows for penalties as provided in La. Rev. Stat. Ann. §14:92.2, such as monetary fines, imprisonment or court-ordered counseling, and that the principal or designee note any concerns that school personnel have relative to a child's attendance on the back of any Supplemental Security Income form received by the school relative to that child.

Student Use of Electronic Devices

Act 313 added language to La. Rev. Stat. Ann. §17:239 that forbids possession of an electronic telecommunication device on a student's person during the instructional day. The Act then goes on to provide that electronic telecommunication devices must be turned off and

properly stowed away during the instructional day or prohibited from being turned on and used during the instructional day. This Act is effective with the start of the 2024-2025 school year; however, it gives no guidance as to how these provisions are to be enforced. As confirmed in the legislative digest, it does not replace the first section of the statute, which became effective with the 2003-2004 school year, which prohibits "use and operation" on school grounds and school buses, unless authorized by the school principal or designee.

As the new language appears to give School Boards options for handling the possession, but not use, of electronic telecommunications devices, Forethought Consulting can only provide the statutory information for consideration by School Boards in revising the *Student Use of Electronic Devices* policy. We suggest consultation with the School Board's attorney for guidance. Forethought Consulting will be happy to make additional revisions as requested.

The Act exempts the provisions for any student whose Individualized Education Program, Individualized Accommodation Plan, Section 504 plan, or Individualized Health Plan requires the student's use of an electronic telecommunication device. This language has been added to the policy, including for those systems who already prohibit possession of electronic telecommunication devices during the instructional day.

We also recommend deletion of any disciplinary measures from the policy. All disciplinary measures should be included in the *Student Code of Conduct*. Inclusion in the policy creates the possibility of conflict if changes are made to the *Student Code of Conduct* without policy being revised as well.

Discipline

Act 400, effective August 1, 2024, revises La. Rev. Stat. Ann. §17:416 to prohibit a principal or administrator from prohibiting or discouraging a teacher from taking disciplinary action, recommending disciplinary action, or completing a form to initiate disciplinary action against a student who violates school policy or interferes with an orderly education. The disciplinary action must be in accordance with School Board policy. In addition, principals and administrators cannot retaliate or take any adverse employment action against a teacher who takes appropriate disciplinary action against a student. The Act also now states that a teacher *shall remove* a student from the classroom for disorderly conduct, replacing the

permissive *may remove*. A similar policy change was guarding after the third removal of a student from the classroom, replacing *may be required* with *is required*.

The Act also revised La. Rev. Stat. Ann. §17:416.18, to add similar language to the Teacher Bill of Rights. Although not in policy, many School Boards include this in administrative handbooks and need to adjust them accordingly.

Suspension Expulsion

The Legislature amended La. Rev. Stat. Ann. §17:416 by Act 337, effective August 1, 2024, regarding suspension and expulsion. The provisions now include that students in grades six through twelve who are suspended for the third time within the same school year **for any offense excluding dress codes or tardiness** shall be expelled until the beginning of the next school year. However, the Act did not remove or revise language in the statute which requires that any student, after being suspended on three (3) occasions for committing drugs or weapons offenses during the same year shall be expelled until the beginning of the next regular school year upon the fourth offense. With the new provision requiring mandatory expulsion of students in grades six through twelve upon the third suspension for **any** offense, the existing statutory expulsion for the fourth suspension for drugs or weapons would appear to only address students in the younger grades. We have adjusted the provision to reflect its applicability to students in pre-kindergarten through grade five.

The language addressing mandatory expulsions for firearms, knives and controlled substances has been consolidated to state that for students in grades six through twelve, any student found guilty of being in possession of a firearm, a knife with a blade equal to or in excess of two and one-half inches in length, or any illegal narcotic, drug, or controlled substance on school property, on a school bus, or at a school-sponsored event, shall be expelled for a minimum period of four (4) complete school semesters. Students in grades six through twelve may also be recommended for expulsion if found guilty of being in possession of tobacco, alcohol, or vaping products on school property, a school bus, or at a school-sponsored event.

The *Suspension* and *Expulsion* policies have been adjusted to reflect these changes.

The *Suspension* policy also includes language from Act 324 enacting La. Rev. Stat. Ann. §416.23, which adds a required consultation between the principal or his/her

made in reference to conferences with the parent or legal designee and an employee designated to identify behavioral support services. The Act was the base for new policy *Behavioral Health Support for Students* sent with an earlier newsletter.

The *Expulsion* policy also includes an additional change which gives the responsibility to the Superintendent, instead of the School Board, for stipulating the terms and conditions for readmittance to school of expelled students.

Child Abuse

Act 216, effective May 23, 2024, revised the Children's Code Articles 603 and 610 regarding child abuse reporting procedures. The Act adds "policemen acting as school resource officers" to the list of mandatory reporters. Changes have also been made to the reporting procedures, with certain reports to law enforcement now required. A new section addresses that if mandatory reporters are prohibited by an employer's policies from reporting as required by law, the employee shall file a complaint with law enforcement, and that no employer can retaliate against an employee who complies with the statutory requirements.

All language has been removed from the policy which requires an employee to notify any administrative personnel or the Superintendent of reports being made, as this could be interpreted as not being in compliance with statutes, and would break the confidentiality of the report.

Grading System - Act 428

Act 428, effective August 1, 2024, enacts La. Rev. Stat. Ann. §17:184 and repeals §17:7(31). This Act requires public schools in Louisiana to use a uniform ten-point grading scale. This reverses the use of the narrower uniform grading scale required by the State in 2011. For the few systems which still include the grading scale in the *Grading System* policy, we have replaced the old scale with the new. All other School Boards need to adjust the information which may be included in administrative documents such as the Pupil Progression Plan and handbooks.

More to come.

