

POLICYALERT



December, 2008

Forethought Consulting, Inc.

2008 Legislative Update Final Round of Policy Changes

As is custom, late fall and the approaching holiday season brings about this issue of **POLICYALERT** wherein we wrap-up discussion of School Board policy changes based on state legislation. In what we originally thought would be a lean year of policy changes, on closer examination turned out to be a doozy. Coupled with the legislative policy changes sent in September, the 11 policies discussed in this issue brings us to a total of 28, which may be the most legislative changes we have ever done in one year. When you add in the policies sent earlier in the year that were based on BESE changes, Forethought Consulting has presented its clients with a total of 44 major policy revisions. The year has been quite active!

In addition to the policy revisions discussed, we have also included a brief report on several other Acts which were passed and are of interest to School Boards, but which do not require any change in policy.

● BOARD MEMBER CONTINUING EDUCATION

Education requirements of School Board members were considerably enhanced with the passage of Act 380. Instead of a one-time 6-hour training requirement, all Board members must now undertake 4 hours of training and instruction *annually*. The areas of instruction have been increased to include training relative to the Open Meetings law and the Public Bid law. In addition, for those systems that have a school identified as *academically unacceptable* or *in need of academic assistance*, at least **2** of the 4 hours must focus on the improvement of failing schools.

As in the past, training and instruction may be provided by a postsecondary education institution, instruction

Policies In This Issue:

- Board Member Continuing Education
- Debt Limitation
- Buildings and Grounds Security
- Student Transportation Safety Program
- Naming of Facilities
- Student Computer Access and Use
- Education of Students with Exceptionalities
- Compulsory School Attendance Ages
- Student Dress
- Student Transfer and Withdrawal
- Immunizations

sponsored by the Louisiana Department of Education, by in-service training conducted by a local School Board central office, or the Louisiana School Boards Association (LSBA). However, in amending La. Rev. Stat. Ann. §17:53, the Act stipulates that any instruction given and the method for demonstrating attendance must be *pre-approved* by the LSBA, and the attendance of each School Board member must be reported by the instructor to LSBA for publication on its website.

These educational requirements become effective January 1, 2009 and have been incorporated into the policy *Board Member Continuing Education*.

● DEBT LIMITATION

Act 863, which revised La. Rev. Stat. Ann. §39:562, increased the number of School Boards qualifying for a higher limit of indebtedness. Effective July 9, 2008, School Boards in parishes with a population between 15,000 and 55,000 based on the last federal decennial census may now incur debt and issue bonds up to 50% of the assessed valuation of *taxable property* within the jurisdictional boundaries of the School Board. Based on the state's population chart for the year 2000, the provisions of this Act now apply to school systems in the following parishes:

Allen	Plaquemines
Assumption	Pointe Coupee
Avoyelles	Richland
Beauregard	Sabine
Bienville	St. Charles
Claiborne	St. James
Concordia	St. John the Baptist
DeSoto	St. Martin
East Feliciana	St. Mary
Evangeline	Union
Franklin	Vermilion
Grant	Vernon
Iberville	Washington
Jackson	Webster
Jefferson Davis	West Baton Rouge
Lincoln	West Feliciana
Morehouse	Winn
Natchitoches	

The policy *Debt Limitation* has been changed for only those systems in qualifying parishes listed above.

● BUILDINGS AND GROUNDS SECURITY ● STUDENT DRESS CODE

A new criminal statute resulted from Act 747 which prohibits the wearing or possession of body armor by a student or non-student on school property, at a school-sponsored function, or in a firearm-free zone, with limited exceptions. Two policies, *Buildings and Grounds Security*, and *Student Dress Code*, have been revised to accommodate information from this new statute.

Body armor, as defined in the statute, means bullet-resistant metal or other material intended to provide protection from weapons or bodily injury.

School-sponsored functions include athletic competitions, dances, parties, or any extracurricular activity.

Some of the permitted exceptions include

- ◆ law enforcement officers in the performance of official duties
- ◆ school officials or employees in normal course of duty or students under direction of school official or employee
- ◆ the wearing of such body armor on or in private property or residence
- ◆ possession of body armor in a vehicle

The School Board is **required** to erect permanent notices of this legislation at each major point of entry to a school, as well as to notify parents and students of these requirements.

If a student is detained for wearing or possessing body armor or the body armor is confiscated/seized by the principal or school official, the principal/school official is required to immediately report the detention/seizure to the local law enforcement agency and hand over any armor seized. In turn, the principal shall immediately notify the student's parents. Failure to report any such incident may

subject the school official to fines and other penalties.

● *STUDENT TRANSPORTATION SAFETY PROGRAM*

The Legislature has taken a hard stance on bus drivers not using cell phones while driving a school bus, as set forth in Act 355, which enacts the new statute La. Rev. Stat. Ann. §32:289. The Act does, however, allow the driver to make contact with certain people or entities, such as a school administrator, doctor, hospital, ambulance, fire department, law enforcement, or 911, in times of emergency. Violation of the statute carries a rather stiff penalty of imprisonment up to 90 days, a fine up to \$500, or both.

This Act took effect on August 15, 2008 and its provisions have been included in the policy *Student Transportation Safety Program*.

● *NAMING OF FACILITIES*

Because there exists in Louisiana statutes a prohibition on naming a public building after a living person, School Boards have had to get special permission of the Legislature to name buildings or facilities after a living person. The passage of Act 905, amending La. Rev. Stat. Ann. §17:85, now gives Boards the freedom to name *athletic facilities* at high schools after living persons.

The statutory change, which became effective on July 9, 2008 has been included in the policy entitled *Naming of Facilities*.

● *COMPUTER ACCESS AND USE*

Tucked into Act 672, which made numerous statutory revisions dealing with child safety, particularly as it relates to use of the Internet, was the enactment of new statute La. Rev. Stat. Ann. §17:280. The new provision took effect on August 15, 2008, and requires all public elementary schools, beginning with the third grade, and all public secondary schools to provide pertinent instruction regarding child Internet safety.

The policy *Computer Access and Use* has been revised to include the instruction requirement.

● *EDUCATION OF STUDENTS WITH EXCEPTIONALITIES*

The state statutes dealing with education of children with special needs were completely revamped and significantly shortened this legislative session in order to better conform with federal law. Since most of the regulations governing educational services for students with exceptionalities are contained in several Louisiana Department of Education *Bulletins*, the policy entitled *Education of Students with Exceptionalities* has been streamlined as well. A more general approach has been taken in revising policy provisions, in keeping with the statutory revisions of Act 376. The Act amended La. Rev. Stat. Ann. §§17:941 through 17:1958, and the changes became effective August 15, 2008.

● *COMPULSORY SCHOOL ATTENDANCE AGES*

Two small but significant changes have been made to the policy *Compulsory School Attendance Ages* due to passage of Act 142 and Act 745, which was discussed in the September issue of **POLICYALERT**. Act 142 revised La. Rev. Stat. Ann. §17:226 to add another exemption to the compulsory attendance law. The new exemption allows children to visit with their parent, for no more than 5 school days per school year, when their parent is a member of the Armed Services or National Guard and the parent is about to be deployed or is home on leave. This exception took effect June 12, 2008.

Another important provision has been added to the *Compulsory School Attendance Ages* policy based on a provision of Act 745. This statutory change specifically states the parent or legal guardian of a student shall enforce the attendance of the student at the school to which the student is assigned. Coupled with the fines for tardiness of students that can now be imposed in accordance with both La. Rev. Stat. Ann. §§17:221 and 17:233, as well as other statutes, it seems obvious that the Legislature is trying to make parents/legal guardians more accountable for the school attendance of their child. Hence, we have added a general section at the end of the policy regarding consequences for parents who fail to ensure regular school attendance of their children.

● STUDENT TRANSFER AND WITHDRAWAL

In what appears to be another effort by the Legislature to impress upon parents the importance of school attendance for their children, the procedure for a student to withdraw from school is now a *two-step process*. La. Rev. Stat. Ann. §17:221, amended by Act 742, allows a student who is 17 to withdraw from school prior to graduation if

- 1) written consent is granted by the student's parent, tutor, or legal guardian, **AND**
- 2) an exit interview is conducted where the student and his/her parent, tutor, or legal guardian acknowledge **in writing** that withdrawal from school will likely reduce the student's future earnings capacity and increase the chances of the student being unemployed.

The new statutory provision took effect on August 15, 2008. The change has been added to the policy entitled *Student Transfer and Withdrawal*.

● IMMUNIZATIONS

The policy *Immunizations* has been revised to reflect provisions of two Acts, both of which become effective with the beginning of the 2009-2010 school year. Act 152 amends La. Rev. Stat. Ann. §17:170 to require that students entering the **sixth grade** show proof of immunizations against vaccine-preventable diseases just like children entering school for the first time. Act 342, enacting La. Rev. Stat. Ann. §17:170.3, specifically addresses immunization against *meningococcal disease* and requires a student who is either entering the sixth grade or is eleven (11) years old and entering any grade *other than* sixth grade to show satisfactory proof of immunization against meningococcal disease.

4 thoughts to ponder

In reviewing the Acts of the Legislature each year, we attempt to identify not only those Acts that change School Board policy, but also those that, while not requiring any

policy change, do impact School Board operations. Several are summarized below which we thought should be called to your attention.

ACT 73 – Amends La. Rev. Stat. Ann. §17:170

The new provisions of this Act requires the chief administrator of all elementary and secondary schools to electronically transmit immunization compliance reports to the Department of Health and Hospitals, Office of Public Health, when the school operates an existing student-specific electronic data system.

ACT 155 – Amends La. Rev. Stat. Ann. §17:416.18

The Legislature renamed the list of rights of teachers enacted in 2003 to the *Teacher Bill of Rights*. In addition to making subtle word changes, the Act requires the School Board to prominently post a copy of the Teacher Bill of Rights in all School Board buildings and on the School Board's and each school's website and provide a copy of the Rights to parents and students.

ACT 210 – Enacts La. Rev. Stat. Ann. §17:170.3

This Act requires each School Board, when providing information on immunizations, to provide the parent or legal guardian of students in grades 6-12 information relative to the risks associated with human papillomavirus. Such information shall come from information developed by the Department of Health and Hospitals for the Louisiana Department of Education.

ACT 219 – Enacts La. Rev. Stat. Ann. §17:437.1

Training in Suicide Prevention is now required for teachers, counselors, principals, and other administrators determined by the School Board. At least 2 hours of in-service training is required beginning with the 2008-2009 school year, with one of the methods of training being a self-review of suitable materials.

ACT 295 – Amends La. Rev. Stat. Ann. §14:34.3 and §14:38.2

In these statutes addressing assault or battery of a teacher, the term *teacher* has been amended to include any teacher

aide and paraprofessional, school bus driver, food service worker, and other clerical, custodial, or maintenance personnel employed by the School Board. Penalties have also been increased.

ACT 310 – Amends La. Rev. Stat. Ann. §18:116

The office of a secondary school guidance counselor has been added to the offices/places within the state that may be designated a voter registration agency.

ACT 466 – Amends La. Rev. Stat. Ann. §17:7

School Boards shall now be required to implement a system to conduct exit interviews with teachers who leave to ascertain the reasons for leaving and gather information to be used to develop strategies for improving teacher retention rates. Boards shall annually report the information to the Louisiana Board of Elementary and Secondary Education (BESE) in a manner which assures anonymity and confidentiality of the teachers.

ACT 497 – Amends La. Rev. Stat. Ann. §17:3997

This Act permits teachers who were granted a three-year leave of absence from their employing School Board to teach in a charter school to request additional leave absence of up to 2 years.

ACT 688 – Amends La. Rev. Stat. Ann. §17:221 and §17:233, and enacts La. Rev. Stat. Ann. §32:431.1

This new law requires minors at least 15 but younger than 18 years of age, as a condition for driving privileges, to be enrolled and regularly attend school or meet certain other requirements and, subject to a policy adopted by a School Board, should the Board elect to adopt such policy, a student who drops out of school or is habitually absent or tardy shall be denied or subject to suspension of his/her learner's permit or driver's license. However, the Act does not take effect until the implementation of the *Next Generation Motor Vehicle* project in the Office of Motor Vehicles is finalized. The project encompasses a reorganization of the office's computer system, and according to some reports, is not expected to be finalized until early 2010.

ACT 757 – Enacts La. Rev. Stat. Ann. §32:77.1

Passing another vehicle on a two lane street or highway within a school zone during posted hours is now a statutory violation. Penalties may include fines up to \$250. However, as with Act 688, this new statute does not become effective until the *Next Generation Motor Vehicle* project is finalized.

ACT 767 – Amends La. Rev. Stat. Ann. §17:1990

The statute has been amended to allow cooperative agreements between the Recovery School District (RSD) and any School Board that has one or more schools transferred to the RSD which permit students enrolled in schools of one entity to enroll in schools of the other entity, provided the school in which the student seeks to enter has sufficient capacity at the appropriate grade level.

ACT 768 – Amends La. Rev. Stat. Ann. §17:270 and §17:271

The required hours of actual driving experience instruction provided by School Boards to students have been increased by the Act from six (6) hours to eight (8).

ACT 921 – Amends La. Rev. Stat. Ann. §32:861 and §32:900

This Act raises the mandatory automobile insurance coverage minimum limits to \$15,000 for injury to one person, and \$30,000 for injury to more than one person in any one accident, and \$25,000 for damages of others. The new limits apply to new policies issued on or after January 1, 2010.

Act 8 of 2008 First Extraordinary Session – Amends La. Rev. Stat. Ann. §42:1120

It is now easier for an elected official who recuses himself/herself from voting on a matter to participate in the discussion of the matter. To participate, the elected official must verbally disclose the nature of the conflict or potential conflict during participation in the debate and prior to any vote being taken.

MERRY CHRISTMAS



and
Happy New
Year!

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