

Legal odds and ends

UL Lafayette

8th Annual Louisiana K-12 Law Conference

May 22, 2023



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Legislators

- Legislators often do not talk to you before voting
- Legislators do not understand how schools work and all the unintended consequences of their actions
- Teacher shortage has them scrambling to fill classrooms with warm bodies
- You need to be pro-active and seek them out regarding your concerns.

In God we Trust - HB 8

- Each public school governing authority shall display the national motto “In God we Trust” in each building it uses and classroom in each school under its jurisdiction.
- Must be posted on at least a 11 x 17 inch framed poster
- District not required to expend its funds to purchase the posters
- Same will apply to post-Secondary institutions

HB 12 Reading Bill

- Student with reading deficiency (lowest achievement level) shall not be promoted to 4th grade. Describes what is needed
- Public school will provide including by not limited to:
 - Intensive instructional services – 90 minutes – small group instruction – reduced teacher-student ratio – tutoring – option of transition class – extended school day, week or year – summer reading – A highly effective teacher as determined by student performance date
 - Written notification of interventions
 - Plan for reading at home outlined in a parental contract including participation in regular parent-guided home reading.

HB 68 – High School Course on the Bible

- History and literature of the Bible – Elective
- No student required to use a particular translation
- The course shall maintain religious neutrality and accommodate diverse religious views, traditions, and perspectives.
- The course shall not endorse, promote, favor, disfavor, or show hostility toward any particular religion or any nonreligious perspective

HB 69 - Dyslexia

- Screening and Reports required

HB – 81 Student Pronouns “Given Name Act” (In Senate)

- An employee shall use the name, or a derivative thereof, for a student that is listed on the student's birth certificate unless the student's parent provides written permission to do otherwise.
- An employee shall use the pronouns for a student that align with the student's sex unless the student's parent provides written permission to do otherwise.
- No employee shall be required to use pronouns for any person that differ from the pronouns that align with that person's sex if doing so is contrary to the employee's religious or moral convictions. If a teacher objects to using a pronoun for a student based on the teacher's religious or moral convictions, the student's parent may request a transfer to another teacher.

HB 98 -\$\$ to non-public Schools

- Establishes a program to provide state funding for the education of students not enrolled in public school and expands the ability of parents to enroll children in the public school of their choice
- Capacity available (no longer worried about Letter Grades)
- Eligibility expands after year 1, 2, 3, and 4

HB 103 & 118

Financial Literacy

- HB 103 Requires successful completion of a one unit course in Financial Literacy as a requirement for HS graduation. And specifies minimum content components of the course. Adds this to the qualifications for TOPS and TOPS-Tech awards, which apply to all graduates
- 118 – Requires a 1 semester course on Financial Literacy (Has not left the House)

HB 117 – Free menstrual products

- Available in easily accessible places
- No cost to students
- How might this interact with the –No discussion of sexual orientation or gender? See HB 466

HB 121 - Recess

- Requires public schools to provide at least one 15 minute recess period per school day in schools with any grade kindergarten through fifth grade



HB 169 Carpool and Bus protocols

- Requires public school governing authorities to establish a safety policy
- Carpool and bus lines at schools with grades kindergarten through five.
- At a minimum, the policy shall:
 - (1) Require students to remain behind a barrier before entering a pick up area.
 - (2) Prohibit students from entering the pick up area until the vehicle is in park.
 - (3) Require school employees working in the pick up area to wear traffic vests.
 - (4) Require that students under the age of 10 be accompanied by a school employee while walking to and from a vehicle.

HB 182 – restricts COVID shots as requirement to attend school

- no person shall be required to receive a COVID-19 vaccine as a condition of initial enrollment or continuing attendance at such a school (public or nonpublic).



HB – 205 Overtime for teachers (Being reviewed by appropriations committee)

- The salaries provided in the salary schedules shall be considered compensation for the work performed by each employee within their prescribed duties and responsibilities, which include only those specifically identified and described in his job description
- Work of employees beyond the scope of their prescribed duties and responsibilities, including participation of employees other than coaches in after-school activities directly involving students, shall be paid at the effective hourly rate of the employee. Provides that an employee's effective hourly rate shall be calculated by dividing the employee's annual salary by \$1,456.



HB 206 + HB 289

Health education course & Organ Donation instruction

- 206 - Adds an exception from the Health Education requirement for a student who meets the following criteria: (1) He is an athlete in a sport or participates in an activity that necessitates taking a related physical education course, and he does so for two consecutive school years & completes a 2 hour CPR course.
- 289 - Each public high school shall provide instruction relative to organ donation to its students. Such instruction shall be integrated into the curriculum of an **existing required course such as health education (see 206 above)** or another required course deemed appropriate by the public school governing authority.



HB 242

Corporal Punishment

- Proposed law, relative to students (exceptional students already covered), prohibits any form of corporal punishment in public elementary and secondary schools unless a parent or legal guardian provides written consent for the use of corporal punishment as a form of discipline for his child. Requires the state Dept. of Education to create the document with which a parent would provide consent each school year.
- Proposed law makes present law and proposed law applicable to nonpublic schools that receive state funding (see HB 98 above)

HB 315

School Threats

- Requires employees to immediately report all threats to law enforcement and to the administrator (if the employee is not the administrator). Requires the administrator, upon being informed of the threat, to make reasonable efforts to attempt to inform persons who are targets of the threat and take all necessary measures to protect their life and safety. Further requires:
 - (1) The school administrator must make reasonable efforts to attempt to notify the appropriate personnel within the school district administration.
 - (2) The school administrator and the school district administrator to determine if risk is imminent for any other persons because of the threat, and if so, to notify them and make reasonable efforts to attempt to take measures to protect their life and safety.
 - (3) The school administrator and the school district administrator to determine whether to notify parents of the students at the school.
- Can deny certain individuals the right to visit the school

HB 462

Additional reporting required

- requires each public school governing authority to post on its
- website reports detailing actual revenue, receipts, expenditures, and disbursements for each quarter. Requires the reports to also include information concerning the governing Authority's contracts for each quarter, including without limitation the identity of each vendor, the purpose of each contract, and payments associated with each contract.

HB 466

Discussion of sexual orientation and gender identity

- Prohibits a public school teacher, employee, or other presenter at a school from doing any of the following in grades kindergarten through 12:
- (1) Incorporating into classroom instruction or discussion topics of sexual orientation or gender identity in a manner that deviates from state content standards or curricula developed or approved by the public school governing authority.
- (2) Covering the topics of sexual orientation or gender identity during any extracurricular activity.
- (3) Discussing his personal sexual orientation or gender identity.
- No public school employee shall use a pronoun for a student that differs from the pronoun that aligns with the student's sex unless the student's parent provides written permission

SB 81

The Associate Degree teacher

- Allows BESE to develop an associate educator program, whereby a school may authorize a program participant to serve as a teacher.
- requires a participant to have an associate's degree, be enrolled and remain continuously enrolled in an undergraduate teacher education program to obtaining a bachelor's degree, be at least 25 years of age, and meet all other qualifications of the local governing authority.
- Limits a participant to teaching only in the content area related to the participant's associate's degree and prohibits the participant from teaching in a class for students with exceptionalities, unless it is a class for gifted or talented students.
- Proposed law provides that for a participant who is enrolled in an approved teacher education program that the hours spent teaching as an associate educator shall count toward the required student teaching hours. (75% salary, only 10% or workforce) (possible conflict with other student teaching requirements like mentor and school).

SB 207

School Safety

- Requires at least one additional safety drill to be conducted during high traffic or transition points during the school day, and provides additional items to be included in the plan. Further, requires a district threat assessment team to be created and provides for the team to have input into the creation and revision of the plan.
- Provides for bleeding control kits to be placed in easily accessible locations within each school and for the principal to designate employees to be trained on the use of bleeding control kits and traumatic injury response. Further provides immunity from criminal and civil liability for the administration of aid to a traumatic injury, unless personal injury results from the gross negligence or willful or wanton misconduct in the administration of aid.
- Requires the in-service training to include an active shooter scenario and to be reported to the local superintendent and LDOE.

Personal observations

- Future – look at Florida, Oklahoma, Texas, North Dakota
- How will these laws be enforced and costs involved (intended and unintended consequences)
- Be prepared for more

Unexpected Syncing nearly sinks teacher's Career

Bd. Of Trs. Of Lincoln Cnty Sch. Dist #2 v.
Earling, 503 P.3d 629 (Wyo. 2022)

- School Apple Ipad at home as back-up
- Auto Sync to new phone b/c used same Apple ID for both
- Ex-wife heard from daughter who used Ipad that something inappropriate on the Ipad
- Wife reported to Family Services who told Superintendent there may be sexually explicit material on District Ipad
- Superintendent launched investigation went to home to get Ipad & later UT found 50 sexually explicit images, Sooo?

What do you do and what do you want to know?

- What were the pictures?
- How did they get on District Ipad?
- What was district policy?
- Did it make Earling unfit to teach?



Results

- The pictures
- The lack of a policy or notice that you can't use same Apple id for both personal and district devices
- Syncing was inadvertent
- Finding by board he was unfit to teach was contrary to the overwhelming weight of the evidence

Lessons

- Notice is always important - Issue was never addressed or anticipated by district policy
- Most employees unaware they could lose employment due to syncing – so revisit acceptable use policies
- Not enough to conclude something could have negatively impacted school environment to automatically render a teacher unfit to teach. Courts look to full weight of the evidence, what actually happened and contextualize. The totality of the evidence must bear some reasonable relation to the proffered reasons for termination

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