



**TO:** Members, Calcasieu Parish School Board

**FROM:** Robert Barrentine, Chief Operations Officer

**DATE:** December 15, 2002 – 5:00 p.m.

**SUBJECT:** Administrative and Personnel Committee Meeting  
3310 Broad Street, Lake Charles, LA 70615

**AGENDA**

**A & P Committee Meeting Items**

- Dismissal of Employees – GBN
- Military Leave – GBRID
- SPED Advisory Council – IDDFFA
- Public School Choice – JBCE
- Child Abuse – JGCE
- Patriotic Organizations – LEH
- Bids & Quotations – DJED
- School Bus Scheduling & Routing – EDD
- Equal Opportunity Employment – GAAA, Equal Education Opportunities – JAA, Employee Dress Code – GAMB, Student Dress Code – JCDB
- Bullying & Hazing – JCDAF
- Discipline – JD, Expulsion – JDE
- Expectant & Parenting Students – JQE, Student Absences & Excuses – JBD
- Student Health Services – JGC
- Administration of Medication – JGCD
- Student Voter Registration – JM
- Cameras in SPED Classrooms – IDDFC
- Sick Leave – GBRIB (information will be available at Board Meeting)

*Building Foundations for the Future*

**A & P Committee Members:**

Bliss Bujard  
Russell Castille  
Mack Dellafosse  
John Duhon, Chair  
Glenda Gay  
Damon Hardesty

Fred Hardy  
Aaron Natali  
Dean Roberts  
Alvin Smith  
Desmond Wallace, Vice Chair

**Board Members:**

Annette Ballard  
Billy Breaux  
Eric Tarver  
Mark Young

## **Item 1**

### **Dismissal of Employees**

Act 332 addresses dismissal of bus operators; within the policy on page 4 the wording is changed from "written notice of charges" to "receipt of the Superintendent's disciplinary action, if any." The policy Dismissal of Employees has been revised to include the new language.

## DISMISSAL OF EMPLOYEES

With the exception of lay-offs caused by programmatic changes, budget cuts, staff reorganizations, and/or other personnel actions reducing numbers of employees, no Calcasieu Parish School Board employee shall be dismissed except as provided by state law and this policy.

### CRIMINAL OFFENSES

The Superintendent, on behalf of the School Board, shall dismiss:

1. An administrator, teacher, or substitute teacher upon final conviction or submission of plea of nolo contendere to any crime listed in La. Rev. Stat. Ann. §15:587.1, even if adjudication was withheld or a pardon or expungement was granted, in accordance with statutory provisions for dismissal applicable to the employee.

However, if the person has obtained tenure, such dismissal shall occur only after a hearing held pursuant to hearing procedures outlined in policy *GBK, Employee Discipline*.

2. An administrator, teacher, or substitute teacher who is found to have submitted fraudulent documentation to the Louisiana Board of Elementary and Secondary Education (BESE) or the Louisiana Department of Education (LDOE) as part of an application for a Louisiana teaching certificate or other teaching authorization.
3. An administrator, teacher, or substitute teacher who is found to have facilitated cheating on any state assessment as determined by BESE.
4. Any other school employee if such employee is convicted of or pleads nolo contendere to crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74.

The Superintendent shall notify the State Superintendent of Education of any employee's dismissal for the criminal offenses above no later than thirty (30) days after such dismissal.

In addition, employees shall be subject to removal for failure to properly report arrests for certain offenses enumerated in La. Rev. Stat. Ann. §17:16.

### ABANDONMENT OF POSITION

If an employee is absent for ten (10) or more days without explanation or approved leave,

the School Board may consider the job as abandoned and the employee may be terminated, unless the employee can provide acceptable and verifiable evidence of extenuating circumstances. The Superintendent or his/her designee shall be responsible for determining acceptability of evidence of extenuating circumstances.

## CERTIFICATED EMPLOYEES

### Non-tenured Teachers

The Superintendent may terminate the employment of any non-tenured teacher after providing such teacher with the written reasons therefor and providing the teacher the opportunity to respond. The teacher shall have seven (7) days to respond, and such response shall be included in the teacher's personnel file. The Superintendent shall notify the teacher in writing of his/her final decision. The teacher shall not be entitled to a hearing before the School Board.

Within sixty (60) days of such notice, the teacher may seek summary review in district court of whether or not the Superintendent's action was arbitrary or capricious.

### Tenured Teachers

A tenured teacher shall not be removed from office except upon written and signed charges by the Superintendent or his/her designee of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state of Louisiana, and then only if furnished with a copy of such written charges and given the opportunity to respond. Dismissal of a teacher with tenure shall be governed by the provisions for discipline of tenured teachers as included in policy *GBK, Employee Discipline*.

### Contract Appointees

Personnel who have entered into promotional employment contracts with the School Board, pursuant to La. Rev. Stat. Ann. §17:444, may be removed from their positions by non-renewal of their contracts or by termination of their contracts. Contracts may be non-renewed by the School Board for any of the following reasons:

1. The Superintendent has recommended against renewal of the contract based on an evaluation of the employee's performance;
2. The failure to offer a new contract is based on a cause sufficient to support a mid-contract termination;
3. The position in question has been discontinued; or

4. The position in question has been eliminated as a result of district reorganization.

In a non-renewal situation, the employee shall not be entitled to a hearing before the School Board.

For *mid-contract termination* of promotional employment contracts, the employee shall have the right to written charges and a hearing before a disciplinary hearing officer in the manner provided in La. Rev. Stat. Ann. §17:443. A contract may be terminated if the employee is found guilty of being incompetent or inefficient or is found to have failed to fulfill the terms and performance objectives of his/her contract, or other reasons provided for by state law.

### NON-CERTIFICATED EMPLOYEES

#### Non-Tenured Bus Operators

No bus operator hired after July 1, 2012 shall earn tenure.

A non-tenured bus operator shall be immediately dismissed if he/she is convicted of or has pled nolo contendere to violations of local or existing state law prohibiting operating a vehicle while intoxicated regardless of whether the violation occurred while performing in his/her official capacity as a school bus operator at the time of the offense.

Each school bus operator shall serve a probationary term of three (3) years reckoned from the date of his/her first employment with the School Board. During such probationary term, any bus operator may be dismissed by the School Board upon the written recommendation of the Superintendent. Any bus operator employed on or after July 1, 2012, who has successfully completed his/her probationary term, may be dismissed by the Superintendent after providing such bus operator with written reasons therefor and providing the bus operator with the opportunity to respond. The bus operator shall have seven (7) days to respond, and such response shall be included in the bus operator's personnel file. Regardless of the date of his/her employment, a non-tenured bus operator shall not be entitled to a hearing before the School Board prior to termination.

#### Tenured Bus Operators

A tenured bus operator may be dismissed for willful neglect of duty, or incompetence, or immorality, or drunkenness while on duty, or failure to comply with requirements of La. Rev. Stat. Ann. §17:491.3 relative to being arrested for one or more of the specified offenses, or physical disability to perform his/her duties, or failure to keep his/her transfer equipment in a safe, comfortable, and practical operating condition, or of being a member of or contributing to any group, organization, movement, or corporation that is prohibited by law or injunction from operating in the state.

Additional grounds for the removal from office of any school bus operator shall be:

1. the abolition, discontinuance, or consolidation of routes, but then only if it is found as a fact, based upon a determination by the Superintendent that it is in the best interests of the school system to abolish, discontinue, or consolidate said route or routes. If abolition, discontinuance, or consolidation of bus routes is approved, the principle of seniority shall apply, so that the last school bus operator hired to serve within the school system to be affected shall be the first to be removed.
2. conviction of or plea of nolo contendere to a violation of a parish or municipal ordinance that prohibits operating a vehicle while intoxicated or any of the existing state offenses relative to operating a vehicle while intoxicated, as enumerated in La. Rev. Stat. Ann. §17:493, regardless of whether the violation occurred while performing in his/her official capacity as a school bus operator at the time of the offense.

A tenured bus operator shall not be removed from his/her position except upon written and signed charges against the bus operator, and the bus operator having been furnished with a copy of such written charges and given the opportunity to respond, in person or in writing, within ten (10) calendar days from written notice of the charges.

The Superintendent shall have ten (10) calendar days to review the school bus operator's response and to provide written notice to the bus operator of the *interim disciplinary action*, which may include placing the bus operator on paid administrative leave. If the bus operator has been arrested for a violation of any of the following: La. Rev. Stat. Ann. §§14:42 through 14:43.5, §§14:80 through 14:81.5, any other sexual offense affecting minors, any of the crimes provided in La. Rev. Stat. Ann. §15:587.1, or any justified complaint of child abuse or neglect on file in the central registry pursuant to Children's Code Article 615, the administrative leave shall be without pay. Paid administrative leave shall not exceed fifty (50) days from notice of the Superintendent's interim decision.

Within twenty (20) calendar days after ~~written notice of the charges~~, receipt of the Superintendent's interim disciplinary action, if any, the bus operator may request a hearing before a disciplinary hearing officer, following the hearing procedures for tenured teachers found in policy GBK, *Employee Discipline*. If the bus operator fails to timely request a hearing, the disciplinary action shall become final.

### School Employees

The Superintendent may terminate the employment of any school employee whose dismissal is not governed by the provisions of La. Rev. Stat. Ann. §§17:441-446, or by the provisions of La. Rev. Stat. Ann. §§17:491-494, or other School Board policy, after providing such employee with the written reasons therefor and providing the employee the opportunity to respond. The employee shall have ten (10) days from the date of the

Superintendent's written reasons for termination to respond, and such response shall be included in the employee's personnel file. If the employee chooses to respond, the Superintendent shall make a final determination regarding dismissal and will send notice thereof to the employee. If no response is received by the Superintendent within ten (10) days from the date of the Superintendent's written reasons for termination, the Superintendent's action shall be considered final with no further review or notice to the employee. If circumstances require immediate removal of an employee from employment the Superintendent may terminate employment without following the above procedure, but the employee will as soon as practicable thereafter be informed of the reasons for termination and be given an opportunity to respond. Such employee may file a request for review of the termination by the Superintendent within ten (10) days from the date of termination. The request shall provide the employee's response to the reasons for termination given by the Superintendent. The Superintendent will respond to the request in writing, and if the employee is fully reinstated, the employee may, in the discretion of the Superintendent, be paid for work time during which he or she was removed from the employment. No employee who is terminated pursuant to the provisions of this paragraph shall be entitled to a hearing before the School Board.

Revised: November, 1985

Revised: December, 1990

Revised: December, 1992

Revised: November, 2003

Combined with GCN: December, 2006

Revised: September, 2010

Revised: October 2, 2012

Revised: October 8, 2013

Revised: September 9, 2014

Revised: February 14, 2017

Revised: December 11, 2018

Revised: February 9, 2021

Revised: August, 2022

Ref: La. Rev. Stat. Ann. §§3:3204, 15:587.1, 17:15, 17:16, 17:81.5, 17:442, 17:443, 17:444, 17:492, 17:493, 17:493.1; La. Code of Civil Procedure, Art. 2592; Rouselle v. Plaquemines Parish School Board, 633 So2d 1235 (La. 2/28/94); Board minutes, 2-19-91, 4-20-93, 5-21-96, 6-3-03, 5-11-04, 2-8-11, 10-2-12, 10-8-13, 9-9-14, 2-14-17, 12-11-18, 2-9-21.

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## Item #2

### Military Leave

Act 373 provides that a teacher whose employment was interrupted by military service be placed, upon return to employment as a teacher, on the step of the salary which he/she would have been placed if his/her employment had not been interrupted. Military service is defined by the Act as service as a member of the United States Armed forces during a war declared by the United States Congress or in a peacetime campaign or expedition for which campaign badges are authorized. Also, additional information has been added to the new statutory language, addressing active duty and participation in the National Guard or military reserves.