



TO: Members, Calcasieu Parish School Board

FROM: Robert Barrentine, Chief Operations Officer
Human Resources/Auxiliary Services

DATE: January 26, 2021

SUBJECT: Administrative and Personnel Committee Meeting

Mr. Mack Dellafosse, Chairman, has called an Administrative and Personnel Committee Meeting for **Tuesday, January 26, 2021** at 5:00 p.m. in the Board Room at 3310 Broad Street, Lake Charles, LA.

AGENDA

1. School and Student Safety – EBBB
2. Threats of Terrorism or Violence – JC DAG
3. Emergency/Crisis Management – EBBC
4. Tax and Bond Elections and Sales – DFD
5. Sexual Harassment – GAEAA
6. Dismissal of Employees – GBN
7. Criminal History of Applicants – GBC
8. Holidays – GBRL
9. Testing Program – File: II
10. School Board Policy – BD
11. Discipline – JD
12. Suspension/Expulsion – JDD – JDE
13. Bids and Quotations – DJED
14. Purchasing – DJE
15. Sick Leave - GBRIB

Building Foundations for the Future

Item #1

School and Student Safety- EBBB

In 2018, the Louisiana Legislature enacted legislation which addressed school and student safety and required School Boards to create policies which included procedures for reporting threats of violence and terrorism.

Act 209 added two new definitions and alters the provisions regarding examination of a student who has made a threat.

“Student” means any person registered or enrolled at a school.

“Threat is credible and imminent” means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that the person communicating the threat actually intends to carry out the threat in the near future or has the apparent ability to carry out the threat in the near future.

Due to the new definition of “threat is credible and imminent”, the term “reasonable belief” has been removed and consequently the Mandatory Reporting section of the policy. As revised, the reporting requirements include reporting any threat that is credible and imminent.

Investigation of threats of violence or threats of terrorism, has also been revised to eliminate terms which may be viewed as subjective, removing “potential” before threat, and changing “raises a concern” to “supports” “that a threat is credible and imminent.”

The last change resulting from Act 209. Previously, if a student was reported to law enforcement for an alleged threat, that student was not allowed to return to school until he/she had a formal mental health evaluation. Now, a law enforcement agency which investigates and determines that a student threat was credible and imminent shall report it to the district attorney, who may file a petition to the appropriate district court no later than seven (7) days after receipt of the report, for the purpose of conducting a medical, psychological, and psychiatric examination.

The school shall permit a student who is the subject of a complaint and investigation to return to school if the district attorney does not file the petition for a medical examination, or if at any point prior to a hearing the threat is determined not to be credible after an investigation by the school administration, a law enforcement agency or the district attorney, or by order of the court after a hearing.

SCHOOL AND STUDENT SAFETY

The Calcasieu Parish School Board is committed to providing a safe environment for the students and employees of its schools. The School Board shall take immediate action to address any potential threats of violence or terrorism to students and employees as required by the *Louisiana School and Student Safety Act* (La. Rev. Stat. Ann. §§17:409.1-17:410).

The School Board shall develop, in consultation with local law enforcement agencies, age appropriate information regarding internet and cell phone safety and online content that is a potential threat to school safety. The information shall include how to recognize and report potential threats to school safety posted on the internet, including but not limited to social media posts. This information shall be distributed or explained to school personnel and students at the beginning of each school year, and posted on an easily accessible page of each school's website, as well as the website of the School Board. Such information shall include instruction on how to detect potential threats to school safety, visual examples of possible threats, and the process for reporting such threats.

DEFINITIONS

Student means any person registered or enrolled at a school.

~~The term~~ *School* is as defined by La. Rev. Stat. Ann. §17:236 as an institution for the teaching of children, consisting of an adequate physical plant, whether owned or leased, instructional staff members, and students, and which operates a minimum session of not less than one hundred eighty (180) days.

Threat is credible and imminent means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that the person communicating the threat actually intends to carry out the threat in the near future or has the apparent ability to carry out the threat in the near future.

~~The term~~ *Threat of violence* means communication, whether oral, visual, or written, including but not limited to electronic mail, letters, notes, social media posts, text messages, blogs, or posts on any social networking website, of any intent to kill, maim, or cause great bodily harm to a student, teacher, principal, or school employee on school property or at any school function.

~~The term~~ *Threat of terrorism* means communication, whether oral, visual, or written, including but not limited to electronic mail, letters, notes, social media posts, text messages, blogs, or posts on any social networking website, of any crime of violence that would reasonably cause any student, teacher, principal, or school employee to be in sustained fear for his safety, cause the evacuation of a building, or cause other serious disruption to the operation of a school.

MANDATORY REPORTING

Any administrator, teacher, counselor, bus operator, or other school employee, whether full-time or part-time, who learns of a threat of violence or threat of terrorism, whether through oral communication, written communication, or electronic communication, shall:

1. Immediately report the threat to a local law enforcement agency if ~~there is a reasonable belief that~~ the threat is credible and imminent.
2. Immediately report the threat to school administrators for further investigation, in compliance with this policy, if the threat ~~does not meet the standard of reasonable belief provided for above~~ is not credible and imminent.

No person shall have a cause of action against any person for any action taken or statement made in adherence with the requirement for reporting as provided herein. However, the immunity from liability provided in this policy shall not apply to any action or statement if the action or statement was maliciously, willfully, and deliberately intended to cause harm to, harass, or otherwise deceive law enforcement or school officials.

Reporting Procedures

The Superintendent shall ~~be authorized to~~ develop and maintain administrative procedures for reporting potential threats to school safety. The reporting procedures, at a minimum, shall include:

1. A standardized form to be used by students and school personnel to report potential threats which requests, at a minimum, the following information:
 - A. Name of school, person, or group being threatened.
 - B. Name of student, individual, or group threatening violence.
 - C. Date and time the threat was made.
 - D. Method by which the threat was made, including the social media outlet or website where the threat was posted, a screenshot or recording of the threat, if available, and any printed evidence of the threat.
2. A process for allowing school personnel to assist students in completing the standardized form.
3. A process for allowing reporting by an automated voice system.
4. A process for allowing anonymous reporting and for safeguarding the identity of a person who reports a threat.

5. For every threat reported, a school administrator shall record, on the form provided, the action taken by the school.

If information reported to a school is deemed a **potential** threat to school safety, the school shall present the form and evidence to local law enforcement agencies. If the information poses an immediate threat, school administrators shall follow procedures provided in the school's *Crisis Management and Response Plan*.

THREAT ASSESSMENT

When any **potential** threat of violence or terrorism has been reported to a school administrator, an investigation shall be made according to administrative procedures which shall include, at a minimum:

1. Conducting an interview with the person reporting a threat, the person allegedly making a threat, and all witnesses, and;
2. Securing any evidence, including but not limited to statements, writings, recordings, electronic messages, and photographs.

If the investigation results in evidence or information that raises a concern that a threat is credible and imminent, the threat shall be immediately reported to a local law enforcement agency for further investigation.

MANDATORY EVALUATION

~~If the person who is reported to a local law enforcement agency is a student, the student shall not be permitted to return to school until undergoing a formal mental health evaluation.~~

If a law enforcement agency, based on its investigation as required by La. Rev. Stat. Ann. §17:409.4, determines that a student's threat is credible and imminent, it shall report it to the district attorney, who may file a petition no later than seven (7) days after receiving such report with the appropriate judicial district court for medical, psychological, and psychiatric examination. Where the district attorney, in his/her discretion, decides not to file the petition or does not file such petition during the requisite period, the student who is the subject of a complaint and investigation shall be permitted to return to school. The school shall permit a student who is the subject of a complaint and investigation to return to school if at any point prior to a hearing the threat is determined not to be credible after an investigation by the school administration, a law enforcement agency, or the district attorney or by order of the court after a hearing.

If the person who is reported to a local law enforcement agency is not a student, he or she shall not be permitted to be within five hundred feet (500') of any school until he or she has undergone a formal medical or mental health evaluation and has been deemed

by a health care professional not to be dangerous to himself/herself or others.

New policy: September 11, 2018

Revised: September, 2019

Ref: La. Rev. Stat. Ann. §§17:236, 17:409.1, 17:409.2, 17:409.3, 17:409.4, 17:409.5, 17:410; Board minutes, 9-11-18.

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Threat is credible and imminent means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that the person communicating the threat actually intends to carry out the threat in the near future or has the apparent ability to carry out the threat in the near future.

Threat of violence means communication, whether oral, visual, or written, including but not limited to electronic mail, letters, notes, social media posts, text messages, blogs, or posts on any social networking website, of any intent to kill, maim, or cause great bodily harm to a student, teacher, principal, or school employee on school property or at any school function.

Threat of terrorism means communication, whether oral, visual, or written, including but not limited to electronic mail, letters, notes, social media posts, text messages, blogs, or posts on any social networking website, of any crime of violence that would reasonably cause any student, teacher, principal, or school employee to be in sustained fear for his safety, cause the evacuation of a building, or cause other serious disruption to the operation of a school.

MANDATORY REPORTING

Any administrator, teacher, counselor, bus operator, or other school employee, whether full-time or part-time, who learns of a threat of violence or threat of terrorism, whether through oral communication, written communication, or electronic communication, shall:

1. Immediately report the threat to a local law enforcement agency if the threat is credible and imminent.
2. Immediately report the threat to school administrators for further investigation, in compliance with this policy, if the threat is not credible and imminent.

No person shall have a cause of action against any person for any action taken or statement made in adherence with the requirement for reporting as provided herein. However, the immunity from liability provided in this policy shall not apply to any action or statement if the action or statement was maliciously, willfully, and deliberately intended to cause harm to, harass, or otherwise deceive law enforcement or school officials.

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 - D. Method by which the threat was made, including the social media outlet or website where the threat was posted, a screenshot or recording of the threat, if available, and any printed evidence of the threat.
2. A process for allowing school personnel to assist students in completing the standardized form.
3. A process for allowing reporting by an automated voice system.
4. A process for allowing anonymous reporting and for safeguarding the identity of a person who reports a threat.
5. For every threat reported, a school administrator shall record, on the form provided, the action taken by the school.

If information reported to a school is deemed a threat to school safety, the school shall present the form and evidence to local law enforcement agencies. If the information poses an immediate threat, school administrators shall follow procedures provided in the school's *Crisis Management and Response Plan*.

THREAT ASSESSMENT

When any threat of violence or terrorism has been reported to a school administrator, an investigation shall be made according to administrative procedures which shall include, at a minimum:

1. Conducting an interview with the person reporting a threat, the person allegedly making a threat, and all witnesses, and;
2. Securing any evidence, including but not limited to statements, writings, recordings, electronic messages, and photographs.

If the investigation results in evidence or information that raises a concern that a threat is credible and imminent, the threat shall be immediately reported to a local law enforcement agency for further investigation.

MANDATORY EVALUATION

If a law enforcement agency, based on its investigation as required by La. Rev. Stat. Ann. §17:409.4, determines that a student's threat is credible and imminent, it shall report it to the district attorney, who may file a petition no later than seven (7) days after receiving such report with the appropriate judicial district court for medical, psychological, and psychiatric examination. Where the district attorney, in his/her discretion, decides not to file the petition or does not file such petition during the requisite period, the student who is the subject of a complaint and investigation shall be permitted to return to school. The school shall permit a student who is the subject of a complaint and investigation to return to school if at any point prior to a hearing the threat is determined not to be credible after an investigation by the school administration, a law enforcement agency, or the district attorney or by order of the court after a hearing.

If the person who is reported to a local law enforcement agency is not a student, he or she shall not be permitted to be within five hundred feet (500') of any school until he or she has undergone a formal medical or mental health evaluation and has been deemed by a health care professional not to be dangerous to himself/herself or others.

New policy: September 11, 2018
Revised: September, 2019

Ref: La. Rev. Stat. Ann. §§17:236, 17:409.1, 17:409.2, 17:409.3, 17:409.4, 17:409.5, 17:410; Board minutes, 9-11-18.

Item #2

Threats of Terrorism or Violence- JCDAG

The School and Student Safety policy has been revised to reflect statutory changes. Although a second policy, Threats of Terrorism and Violence, was created last year to include some of the provisions of the School and Student Safety Act, many systems felt that it was not necessary to include both policies in the manual. Since the topic is well covered in the School and Student Safety policy, and to avoid duplicating information in two policies, the recommendation is that the Threats of Terrorism and Violence policy found in the student section of the policy manual be deleted.

THREATS OF TERRORISM OR VIOLENCE

The Calcasieu Parish School Board is committed to providing a safe environment for the students and employees of its schools. Any potential threat of violence or terrorism to students and employees shall be addressed immediately in accordance with policy *EBBB, School and Student Safety*. If the threat is determined to be credible and imminent, the threat shall be reported immediately to a local law enforcement agency and the school shall initiate procedures outlined in policy *EBBC, Emergency/Crisis Management*.

Potential threats not rising to the level of reasonable belief which are not reported to law enforcement shall be referred immediately to school administrators for further investigation, in accordance with applicable procedures outlined in policy *JCDAF, Bullying and Hazing*.

DEFINITIONS

Threat of terrorism means communication, whether oral, visual, or written, including but not limited to electronic mail, letters, notes, social media posts, text messages, blogs, or posts on any social networking website, of any crime of violence that would reasonably cause any student, teacher, principal, or school employee to be in sustained fear for his safety, cause the evacuation of a building, or cause other serious disruption to the operation of a school.

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EVIDENCE

Whenever potential threats of violence or terrorism are reported to school administrators, any evidence related to a threat such as statements, writings, recordings, electronic messages, and photographs shall be collected and kept in a secure location.

MANDATORY EVALUATION

If a student is reported to a local law enforcement agency for threats of terrorism or violence, the student shall not be permitted to return to school until undergoing a formal mental health evaluation.

New policy: December 11, 2018

Ref: La. Rev. Stat. Ann. "17:409.1, 17:409.2, 17:409.3, 17:409.5, 17:410, 17:416, 17:416.1, 17:416.13; Board minutes, 12-11-18.

Item #3

Emergency / Crisis Management- EBBC

Each school is required to have a Crisis Management and Response Plan, which is to be reviewed annually, and revised if necessary. The change to that statute implemented by Act 44 mandates that the principal of a high school conducting the annual review seek input from the president of the senior class or student council, and at least one other responsible student selected by the principal.

EMERGENCY/CRISIS MANAGEMENT

CRISIS MANAGEMENT AND RESPONSE

Unanticipated tragic events can quickly escalate into a school-wide catastrophe if not dealt with immediately and effectively. School personnel shall plan in advance for the welfare, safety, and care of students and staff members. Every school shall be required to have a *Crisis Management and Response Plan*. A *Crisis Management and Response Plan* means a plan to address school safety and the incidence of a shooting or other violence at schools, on school buses, and at school-related activities; to respond effectively to such incidents; and to ensure that every student, teacher, and school employee has access to a safe, secure, and orderly school that is conducive to learning. Such plans shall also address the management of any other emergency situation.

The *Crisis Management and Response Plan* shall be prepared by each public school principal jointly with local law enforcement, fire, public safety, and emergency preparedness officials. In preparing the plan, the principal and such officials shall consider and include, if appropriate, input from students enrolled in the school and their parents, teachers at the school, other school employees, and community leaders. The plan, which shall focus on preventing the loss of life and the injury of students and teachers and other school employees, shall detail the roles and responsibilities of each school employee and the relevant coordination agreements, services, and security measures of a school and provide for parental notification in the event of a shooting or other violent incident or emergency situation. The plan may also provide for the counseling of students by mental health professionals, encouraging peer helper programs, and identifying students who may have experienced rejection or other traumatic life events.

Each principal, jointly with local law enforcement, fire, public safety, school resource officers, and emergency preparedness officials, shall review the plan at least once annually and shall revise the plan as necessary. In reviewing and revising the plan, the principal and such officials shall consider and include input, if appropriate, from students enrolled in the school and their parents, teachers at the school, other school employees, and community leaders. When conducting the annual review for a high school, the school principal shall seek input from the president of the senior class or the president of the student council, and at least one other responsible student selected by the principal as representatives of students enrolled in the high school. Each principal shall submit such plan in writing to the Superintendent for approval at least once annually, including upon each revision, and shall notify all teachers and other school employees of the contents of the plan and any revisions made to it.

Within the first thirty (30) days of each school year, each principal shall conduct a safety drill to rehearse the components of the *Crisis Management and Response Plan*. Not later than seven (7) days after the drill, the principal shall submit a written report summarizing

the details of the drill to the Superintendent.

The Superintendent shall make an annual report to the School Board on the status of the plan of each school under the School Board's jurisdiction.

OTHER EMERGENCY DRILLS

The Calcasieu Parish School Board shall require procedures be planned by the principal and faculty of each school to assure orderly movement and evacuation of students to the safest area in the event of fire, weather, or other disasters. Practice drills shall be used to ensure the effectiveness of the procedures.

Every separate administration building shall conduct practice drills as well.

Revised: September, 1997

Revised: October 8, 2013

Revised: September 11, 2018

Revised: September, 2019

Ref: La. Rev. Stat. Ann. '§17:416.16, 40:1578.6; Louisiana School Transportation Specifications and Procedures, Bulletin 119; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education; Life Safety Code, National Fire Protection Association; Board minutes, 9-8-97, 10-8-13, 9-11-18.

EMERGENCY/CRISIS MANAGEMENT

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Within the first thirty (30) days of each school year, each principal shall conduct a safety drill to rehearse the components of the *Crisis Management and Response Plan*. Not later than seven (7) days after the drill, the principal shall submit a written report summarizing

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Every separate administration building shall conduct practice drills as well.

Revised: September, 1997

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Ref: La. Rev. Stat. Ann. '§17:416.16, 40:1578.6; Louisiana School Transportation Specifications and Procedures, Bulletin 119; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education; Life Safety Code, National Fire Protection Association; Board minutes, 9-8-97, 10-8-13, 9-11-18.

Item #4

Tax and Bond Elections and Sales- DFD

Act 205 amended a provision that the notice of election shall state the estimated cost of election as determined by the Louisiana Secretary of State. It also stated that the canvass of election returns shall include a statement of the actual cost of the election. In addition to addressing these two changes to policy Tax and Bond Elections and Sales, the policy has been reorganized to improve the clarity of this policy. The provisions of this policy apply to all tax, bond, and debt elections called after September 29, 2019.

TAX AND BOND ELECTIONS AND SALES

TAX AND BOND ELECTIONS

The Calcasieu Parish School Board shall call elections for the public to vote on tax or bond ~~revenue~~ issues. Every bond, tax, or other election at which a proposition or question is to be submitted to the voters shall be held only on one of the dates set forth by state law or upon proper application to and approval of the State Bond Commission on a date not provided by statute. The proposition placed on the ballot submitted to the voters in any bond election shall state the kinds and sources of revenues which shall be pledged to retire the bonds, should the proposition be successful.

PUBLIC NOTICE OF SCHOOL BOARD MEETING

Public notice of the date, time, and place of any meeting at which the School Board intends to propose, increase, or renew any ad valorem property tax or sales and use tax, and authorize the calling of an election for submittal of such question to the voters shall be both published in the official journal of the School Board no more than sixty (60) days nor less than twenty (20) days before such public meeting and shall be announced to the public during the course of a public meeting no more than sixty (60) days nor less than twenty (20) days before such public meeting; and notice of such meeting shall be written and hand delivered or transmitted by email to each voting member of any governing authority of a political subdivision that is required to approve such a measure previously adopted by another governing authority and to each state senator and representative in whose district all or a portion of the political subdivision is located, no more than sixty (60) days nor less than twenty (20) days before such public meeting. Email delivery shall be made to the official email address of such voting members or legislators and to any other address provided in writing to the School Board by such a voting member or legislator.

If at a meeting held in accordance with above provisions, the School Board adopts such a measure, the provisions shall not apply to a subsequent meeting if the only action taken at the subsequent meeting is one which results in a change to the previously adopted measure that reduces the rate or term of the tax in the measure and thereby reduces the total amount of tax that would be collected under the measure, or substantially reduces the cost to the School Board of any bond or debt obligation to be incurred by the School Board. (moved from below)

If such a meeting is postponed or cancelled, notice of any subsequent meeting to consider ~~taking action regarding property or sales taxes~~ such proposal shall be published in the School Board's official journal no less than ten (10) days before the subsequent meeting.

If consideration of or action upon the tax proposal is postponed at the scheduled meeting, or if no action was taken regarding the tax proposal, then any subsequent meeting to consider the tax proposal shall be subject to the provisions of paragraph ~~two-above one~~ of this section of policy.

~~If, at a meeting held in accordance with above provisions, the School Board adopts such a measure, the provisions shall not apply to a subsequent meeting if the only action taken at the subsequent meeting is one which results in a change to the previously adopted measure that reduces the rate or term of the tax in the measure and thereby reduces the total amount of tax that would be collected under the measure, or substantially reduces the cost to the School Board of any bond or debt obligation to be incurred by the School Board. (moved above)~~

NOTICE OF ELECTION

Whenever the School Board approves a resolution calling on the public to approve any tax or bonding revenue issue, the School Board is required to provide public notice. The notice shall be published once a week for four (4) consecutive weeks in the official journal of the School Board, or, if there is none, then in a newspaper of general circulation in the parish or, if there is no newspaper of general circulation in the parish, then in a newspaper of general circulation in an adjoining parish. The notice to the public shall include substantially all matters contained in the resolution calling for the tax or bond election, as enumerated in La. Rev. Stat. Ann. §18:1285.

CANVASS OF ELECTION

On the date and at the hour and place specified in the notice of election, the School Board, in public session, shall examine and canvass the returns and declare the result of the elections. The result shall be promulgated by one publication in the official journal of the School Board, and shall include a statement of the actual cost of the election.

SALE OF BONDS

After an election authorizing the School Board issuance of bonds, the School Board may proceed to issue the bonds within the parameters approved by the electors. The School Board shall have the authority to adopt all procedures necessary for the authorization, sale, and delivery of bonds, including the right to enter into all contractual arrangements as may be necessary to effectuate the purpose for which the bonds are being issued under terms determined by the School Board.

Bonds issued may be sold at a public or private sale upon such terms, in the manner and by following such procedures as may be determined by the School Board. No bond issued shall be required to be registered with the secretary of state or any other office or official.

~~All~~ If bonds ~~are to~~ shall be advertised for sale on sealed bids, ~~which~~ such advertisement shall be published at least once a week for three (3) weeks, the first publication to be made at least fifteen (15) days preceding the date fixed for the reception of bids. Advertisement shall be in the official journal of the governing authority at least fifteen (15) days before the date fixed for the reception of bids. Notice of sale shall also be published once a week for three (3) weeks preceding the date fixed for the reception of bids, either

in a financial paper published in the city of New York or the city of Chicago, or in a newspaper of general circulation published in a city of the state of Louisiana having a population of not less than twenty thousand inhabitants, according to the last federal census.

Revised: May, 2011
Revised: October 8, 2013
Revised: February 10, 2015
Revised: March 19, 2019
Revised: November, 2019

Ref: Constitution of Louisiana, Art. VI, Sec. 30, Sec. 33; La. Rev. Stat. Ann. "18:1281, 18:1282, 18:1283, 18:1284, 18:1285, 18:1286, 18:1293, 39:503, 39:505, 39:521, 39:570, 39:1421, 39:1422, 39:1423, 39:1424, 39:1424.1, 39:1425, 39:1426, 39:1427, 39:1428, 39:1429, 42:19.1, [43:141](#); Board minutes, 2-7-12, 10-8-13, 2-10-15, 3-19-19.

TAX AND BOND ELECTIONS AND SALES

TAX AND BOND ELECTIONS

The Calcasieu Parish School Board shall call elections for the public to vote on tax or bond issues. Every bond, tax, or other election at which a proposition or question is to be submitted to the voters shall be held only on one of the dates set forth by state law or upon proper application to and approval of the State Bond Commission on a date not provided by statute. The proposition placed on the ballot submitted to the voters in any bond election shall state the kinds and sources of revenues which shall be pledged to retire the bonds, should the proposition be successful.

PUBLIC NOTICE OF SCHOOL BOARD MEETING

Public notice of the date, time, and place of any meeting at which the School Board intends to propose, increase, or renew any ad valorem property tax or sales and use tax, and authorize the calling of an election for submittal of such question to the voters shall be both published in the official journal of the School Board no more than sixty (60) days nor less than twenty (20) days before such public meeting and shall be announced to the public during the course of a public meeting no more than sixty (60) days nor less than twenty (20) days before such public meeting; and notice of such meeting shall be written and hand delivered or transmitted by email to each voting member of any governing authority of a political subdivision that is required to approve such a measure previously adopted by another governing authority and to each state senator and representative in whose district all or a portion of the political subdivision is located, no more than sixty (60) days nor less than twenty (20) days before such public meeting. Email delivery shall be made to the official email address of such voting members or legislators and to any other address provided in writing to the School Board by such a voting member or legislator.

If at a meeting held in accordance with above provisions, the School Board adopts such a measure, the provisions shall not apply to a subsequent meeting if the only action taken at the subsequent meeting is one which results in a change to the previously adopted measure that reduces the rate or term of the tax in the measure and thereby reduces the total amount of tax that would be collected under the measure, or substantially reduces the cost to the School Board of any bond or debt obligation to be incurred by the School Board.

If such a meeting is postponed or cancelled, notice of any subsequent meeting to consider such proposal shall be published in the School Board's official journal no less than ten (10) days before the subsequent meeting.

If consideration of or action upon the tax proposal is postponed at the scheduled meeting, or if no action was taken regarding the tax proposal, then any subsequent meeting to consider the tax proposal shall be subject to the provisions of paragraph one of this

section of policy.

NOTICE OF ELECTION

Whenever the School Board approves a resolution calling on the public to approve any tax or bonding revenue issue, the School Board is required to provide public notice. The notice shall be published once a week for four (4) consecutive weeks in the official journal of the School Board, or, if there is none, then in a newspaper of general circulation in the parish or, if there is no newspaper of general circulation in the parish, then in a newspaper of general circulation in an adjoining parish. The notice to the public shall include substantially all matters contained in the resolution calling for the tax or bond election, as enumerated in La. Rev. Stat. Ann. §18:1285.

CANVASS OF ELECTION

On the date and at the hour and place specified in the notice of election, the School Board, in public session, shall examine and canvass the returns and declare the result of the elections. The result shall be promulgated by one publication in the official journal of the School Board, and shall include a statement of the actual cost of the election.

SALE OF BONDS

After an election authorizing the School Board issuance of bonds, the School Board may proceed to issue the bonds within the parameters approved by the electors. The School Board shall have the authority to adopt all procedures necessary for the authorization, sale, and delivery of bonds, including the right to enter into all contractual arrangements as may be necessary to effectuate the purpose for which the bonds are being issued under terms determined by the School Board.

Bonds issued may be sold at a public or private sale upon such terms, in the manner and by following such procedures as may be determined by the School Board. No bond issued shall be required to be registered with the secretary of state or any other office or official.

If bonds are to be advertised for sale on sealed bids, such advertisement shall be published at least once a week for three (3) weeks, the first publication to be made at least fifteen (15) days preceding the date fixed for the reception of bids. Advertisement shall be in the official journal of the governing authority at least fifteen (15) days before the date fixed for the reception of bids. Notice of sale shall also be published once a week for three (3) weeks preceding the date fixed for the reception of bids, either in a financial paper published in the city of New York or the city of Chicago, or in a newspaper of general circulation published in a city of the state of Louisiana having a population of not less than twenty thousand inhabitants, according to the last federal census.

Revised: May, 2011
Revised: October 8, 2013
Revised: February 10, 2015
Revised: March 19, 2019
Revised: November, 2019

Ref: Constitution of Louisiana, Art. VI, Sec. 30, Sec. 33; La. Rev. Stat. Ann. "18:1281, 18:1282, 18:1283, 18:1284, 18:1285, 18:1286, 18:1293, 39:503, 39:505, 39:521, 39:570, 39:1421, 39:1422, 39:1423, 39:1424, 39:1424.1, 39:1425, 39:1426, 39:1427, 39:1428, 39:1429, 42:19.1, 43:141; Board minutes, 2-7-12, 10-8-13, 2-10-15, 3-19-19.

Item #5

Sexual Harassment- GAEAA

Act 413 added new requirements to the mandatory sexual harassment policy. Act 413 mandates that sexual harassment policies include "a general description of the investigation process, including requiring the alleged sexual harasser and the alleged victim to participate in the investigation," and "a general description of the possible disciplinary actions which may occur after the conclusion of the investigation." The policy must also now include possible disciplinary actions that may be taken if a complainant has made an intentionally false claim. Lastly, the policy must include a statement which informs employees of their right to pursue a claim under state or federal law, regardless of the outcome of the investigation. These requirements have been added to the Sexual Harassment policy.

SEXUAL HARASSMENT

The Calcasieu Parish School Board recognizes that sexual harassment is a violation of state and federal law. The Board, therefore, will not tolerate any sexual harassment on the part of any public servant towards another public servant or a student. Conduct in violation of this prohibition shall result in severe disciplinary measures, up to and including dismissal.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment/education; or
2. Submission to or rejection of such conduct by an individual is used as a basis for employment/education decisions affecting the individual; or
3. Such conduct unreasonably interferes with an individual's work/education performance or creates an intimidating, hostile, or offensive work/education environment; or
4. The conduct explicitly or implicitly affects an individual's employment or the holding of office.

Public servant means a School Board employee or elected official.

Sexual harassment may include verbal harassment such as derogatory comments, jokes, or slurs, or remarks or questions of a sexual nature; physical harassment such as unnecessary or offensive touching; and visual harassment such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, looks, or gestures.

REPORTING PROCEDURE

Any person who believes he or she has been the victim of sexual harassment by a public servant or non-employee volunteer of the Calcasieu Parish School Board, or any person with knowledge or belief of conduct which may constitute sexual harassment should immediately report the alleged acts to the public servant's immediate supervisor who, in turn, shall submit it to the Superintendent or his/her designee. If the alleged acts were committed by the public servant's immediate supervisor, the complaint should be directed to the Superintendent or his/her designee or to the Calcasieu Parish School Board's General Counsel. If criminal activity is involved, the victim should also report the incident to local law enforcement. Sexual harassment by a non-employee volunteer should be reported to the appropriate Administrative Director or the Chief Operating Officer. The person to whom the complaint is given shall promptly prepare a written report and forward it to the Superintendent or his/her designee.

Both Federal and State laws prohibit sexual harassment. Employment related sexual harassment complaints may be filed with the U.S. Equal Employment Opportunity Commission, and/or with the Louisiana Commission on Human Rights. Sexual harassment complaints by students may be submitted to the School Board's Title IX Coordinator or to the Office for Civil Rights, U.S. Department of Education. There are other government agencies which may have jurisdiction over employment related complaints. These complaint procedures are in addition to those provided herein.

Administrators and supervisors who become aware of any allegation of possible sexual harassment shall report such allegations to the Superintendent or designee. All reports received shall be properly and adequately investigated. Appropriate disciplinary action shall be taken when violations of this policy have been determined. The School Board shall prohibit retaliation against an employee or student for a complaint made or for participating in an investigation of alleged harassment.

Nothing contained in this policy and/or procedure shall restrict or diminish the authority of the Superintendent to suspend any employee in accordance with the policies of the Calcasieu Parish School Board, state law, and applicable statutes.

INVESTIGATIONS AND RECOMMENDATIONS

1. The School Board shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School Board's legal obligations and the necessity to investigate allegations of harassment, and take corrective or disciplinary action when prohibited conduct has occurred.

Upon receipt of a report or complaint alleging sexual harassment by a public servant or nonemployee volunteer, such a complaint shall be immediately investigated by personnel designated by the Superintendent to conduct such investigation utilizing the procedures outlined in policy *GAMC, Investigations*. The investigation ~~may also~~ shall include personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint, as well as a review of related charges, if any, personnel files, work records and other pertinent information.

In determining whether alleged conduct constitutes sexual harassment, the Superintendent or designee should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.

A report shall be made to the Superintendent upon completion of the investigation involving a public servant or non-employee volunteer. The report may include a finding that the complaint was unfounded, informally resolved, or recommended to the Superintendent for disciplinary action.

Upon receipt of a recommendation that [a complaint](#) is valid, the Superintendent shall take such action as appropriate based on the results of the investigation, ~~up to and including~~ which may include, but not be limited to, suspension with or without pay, demotion, or termination.

If, based on the results of the investigation, the claim of sexual harassment is found to be intentionally false, the Superintendent shall take such action as appropriate, which may include, but not be limited to, suspension with or without pay, demotion, or termination.

2. The Superintendent shall discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. *Retaliation* shall include, but is not limited to, any form of intimidation, reprisal or harassment at the time of a report or any time after a report.
3. Whether a particular action or incident is a personal, social relationship without a prohibited discriminatory effect requires a determination based on all the facts and surrounding circumstances.
4. Under certain circumstances, sexual harassment of a student may constitute sexual abuse under the Louisiana Children's Code. In such situations, School Board personnel are *mandatory reporters* and shall comply with *Article 609(A)* of the Louisiana Children's Code and directly report the sexual abuse to the appropriate agency. Also, activity of a criminal nature should be reported by the victim to local law enforcement.
5. ~~Notice~~ [Copies](#) of this policy shall be circulated to all schools and departments of the Calcasieu Parish School Board and ~~referenced in teacher handbooks~~ [placed on the School Board's website](#). Training sessions on this policy and the prevention of sexual harassment shall be held in all schools on an annual basis. Training sessions for new non-teaching employees shall be conducted annually. Those who are designated by the Superintendent to receive or investigate complaints of sexual harassment shall receive additional education and training. Students shall be notified at least annually of the prohibition of sexual harassment, and that complaints of sexual harassment are to be made to their school counselor, principal, or to the Superintendent. Records of compliance with these training requirements must be submitted by each school and department head to the Superintendent or his/her designee.
6. Both Federal and State laws prohibit sexual harassment. Employment related sexual harassment complaints may be filed with the U.S. Equal Employment Opportunity Commission, and/or with the Louisiana Commission on Human Rights. Sexual harassment complaints by students may be submitted to the School Board's Title IX Coordinator or to the Office for Civil Rights, U.S.

Department of Education. There are other government agencies which may have jurisdiction over employment related complaints. These complaint procedures are in addition to those provided herein.

Revised: June, 1999
Revised: March 19, 2019
Revised: November, 2019

Ref: 42 USC 2000e et seq. (*Civil Rights Act of 1964*); 29 CFR 1604.11 (*Guidelines on Discrimination Because of Sex*); La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 14:43, 14:81.4, 17:81, [23:301](#), [23:302](#), [23:303](#), [23:332](#), 23:967, 42:341, 42:342, 42:343, 42:344, [42:345](#); La. Civil Code, Art. 2315; Board minutes, 8-4-92, 3-19-19.

SEXUAL HARASSMENT

The Calcasieu Parish School Board recognizes that sexual harassment is a violation of state and federal law. The Board, therefore, will not tolerate any sexual harassment on the part of any public servant towards another public servant or a student. Conduct in violation of this prohibition shall result in severe disciplinary measures, up to and including dismissal.

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1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment/education; or
2. Submission to or rejection of such conduct by an individual is used as a basis for employment/education decisions affecting the individual; or
3. Such conduct unreasonably interferes with an individual's work/education performance or creates an intimidating, hostile, or offensive work/education environment; or
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REPORTING PROCEDURE

Any person who believes he or she has been the victim of sexual harassment by a public servant or non-employee volunteer of the Calcasieu Parish School Board, or any person with knowledge or belief of conduct which may constitute sexual harassment should immediately report the alleged acts to the public servant's immediate supervisor who, in turn, shall submit it to the Superintendent or his/her designee. If the alleged acts were committed by the public servant's immediate supervisor, the complaint should be directed to the Superintendent or his/her designee or to the Calcasieu Parish School Board's General Counsel. If criminal activity is involved, the victim should also report the incident to local law enforcement. Sexual harassment by a non-employee volunteer should be reported to the appropriate Administrative Director or the Chief Operating Officer. The person to whom the complaint is given shall promptly prepare a written report and forward it to the Superintendent or his/her designee.

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Administrators and supervisors who become aware of any allegation of possible sexual harassment shall report such allegations to the Superintendent or designee. All reports received shall be properly and adequately investigated. Appropriate disciplinary action shall be taken when violations of this policy have been determined. The School Board shall prohibit retaliation against an employee or student for a complaint made or for participating in an investigation of alleged harassment.

Nothing contained in this policy and/or procedure shall restrict or diminish the authority of the Superintendent to suspend any employee in accordance with the policies of the Calcasieu Parish School Board, state law, and applicable statutes.

INVESTIGATIONS AND RECOMMENDATIONS

1. The School Board shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School Board's legal obligations and the necessity to investigate allegations of harassment, and take corrective or disciplinary action when prohibited conduct has occurred.

Upon receipt of a report or complaint alleging sexual harassment by a public servant or non-employee volunteer, such a complaint shall be immediately investigated by personnel designated by the Superintendent to conduct such investigation utilizing the procedures outlined in policy *GAMC, Investigations*. The investigation shall include personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint, as well as a review of related charges, if any, personnel files, work records and other pertinent information.

In determining whether alleged conduct constitutes sexual harassment, the Superintendent or designee should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.

A report shall be made to the Superintendent upon completion of the investigation involving a public servant or non-employee volunteer. The report may include a finding that the complaint was unfounded, informally resolved, or recommended to the Superintendent for disciplinary action.

Upon receipt of a recommendation that a complaint is valid, the Superintendent shall take such action as appropriate based on the results of the investigation, which may include, but not be limited to, suspension with or without pay, demotion, or termination.

If, based on the results of the investigation, the claim of sexual harassment is found to be intentionally false, the Superintendent shall take such action as appropriate, which may include, but not be limited to, suspension with or without pay, demotion, or termination.

2. The Superintendent shall discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. *Retaliation* shall include, but is not limited to, any form of intimidation, reprisal or harassment at the time of a report or any time after a report.
3. Whether a particular action or incident is a personal, social relationship without a prohibited discriminatory effect requires a determination based on all the facts and surrounding circumstances.
4. Under certain circumstances, sexual harassment of a student may constitute sexual abuse under the Louisiana Children's Code. In such situations, School Board personnel are *mandatory reporters* and shall comply with *Article 609(A)* of the Louisiana Children's Code and directly report the sexual abuse to the appropriate agency. Also, activity of a criminal nature should be reported by the victim to local law enforcement.
5. Copies of this policy shall be circulated to all schools and departments of the Calcasieu Parish School Board and placed on the School Board's website. Training sessions on this policy and the prevention of sexual harassment shall be held in all schools on an annual basis. Training sessions for new non-teaching employees shall be conducted annually. Those who are designated by the Superintendent to receive or investigate complaints of sexual harassment shall receive additional education and training. Students shall be notified at least annually of the prohibition of sexual harassment, and that complaints of sexual harassment are to be made to their school counselor, principal, or to the Superintendent. Records of compliance with these training requirements must be submitted by each school and department head to the Superintendent or his/her designee.
6. Both Federal and State laws prohibit sexual harassment. Employment related sexual harassment complaints may be filed with the U.S. Equal Employment Opportunity Commission, and/or with the Louisiana Commission on Human Rights. Sexual harassment complaints by students may be submitted to the School Board's Title IX Coordinator or to the Office for Civil Rights, U.S.

Department of Education. There are other government agencies which may have jurisdiction over employment related complaints. These complaint procedures are in addition to those provided herein.

Revised: June, 1999
Revised: March 19, 2019
Revised: November, 2019

Ref: 42 USC 2000e et seq. (*Civil Rights Act of 1964*); 29 CFR 1604.11 (*Guidelines on Discrimination Because of Sex*); La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 14:43, 14:81.4, 17:81, 23:301, 23:302, 23:303, 23:332, 23:967, 42:341, 42:342, 42:343, 42:344, 42:345; La. Civil Code, Art. 2315; Board minutes, 8-4-92, 3-19-19.

Item #6

Dismissal of Employees- GBN

Act 387 amended La. Rev. Stat. Ann. §§17:7, 17:15, and 17:3991. The changes to La. Rev. Stat. Ann. §17:15, Criminal History Review, includes a change to the language found under Criminal Offenses in the Dismissal of Employee policy. The change requires dismissal of an administrator, teacher, or substitute teacher upon final conviction or submission of a 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. The new language also addresses the right of a tenured teacher to a hearing prior to dismissal. The effective date of the Act was August 1, 2019.

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 ~~felony offense~~ 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, 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: November, 2019

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.

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.

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

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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, 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: November, 2019

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.

Item #7

Criminal History of Applicants- GBC

The board has recently expressed an interest in revisiting the hiring criteria related to felonies. CPSB currently does not hire anyone with a felony on their background check. In researching this topic, staff has discovered that there are vendors who will grade the felony according to criteria established by the district. The grade may consider such items as the type of felony, how long ago the felony was committed, and the honesty of the applicant in revealing the felony on the application. Staff is asking if the board would like more research on this item and bring the item back to committee or no further discussion.

CRIMINAL HISTORY OF APPLICANTS

The Calcasieu Parish School Board shall require, in accordance with state law, applicants for employment with the School Board to submit necessary information regarding their backgrounds. Every prospective employee shall be required to provide authorization for the disclosure of any information regarding past criminal activities, including arrests, convictions, having pled *nolo contendere*, or other dispositions, including dismissal of convictions, of any criminal offense, in accordance with La. Rev. Stat. Ann. §[15:587](#).

A standard applicant fingerprint card acceptable to the Louisiana Bureau of Criminal Identification and Information and a disclosure authorization form shall be provided the applicant by the School Board or may be obtained from local police authorities. It shall be the responsibility of the applicant to have his/her fingerprints taken by a qualified individual and submitted to the proper authorities for processing. Any cost associated with fingerprinting or the disclosure of background information on an applicant may be passed on to the applicant.

1. For the purposes of reviewing the criminal history of prospective employees, any person employed to provide cafeteria, transportation, janitorial or maintenance services by any person or entity that contracts with a school or school system to provide such services shall be considered to be hired by the school system.
2. A person who has been convicted of or has pled *nolo contendere* to [crimes listed](#) in La. Rev. Stat. Ann. §[15:587.1](#) shall **not** be hired as a bus operator, substitute bus operator, or janitor, or as a temporary, part-time, or permanent school employee of any kind.
 - A. The School Board may hire a person as an administrator, teacher, or substitute teacher who has been convicted of or plead *nolo contendere* to a felony not listed in La. Rev. Stat. Ann. §[15:587.1](#)(C), who has been 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, or who has been found to have facilitated cheating on any state assessment if BESE properly issues a teaching certificate or authorization after a formal appeal request submitted by the person.
 - B. The School Board may reemploy an administrator, teacher, or other school employee who has been dismissed for conviction of a crime, except a [crime listed](#) in La. Rev. Stat. Ann. §[15:587.1](#)(C) only upon written approval of the district judge of the parish and district attorney, or upon written

documentation from the court in which the conviction occurred stating that the conviction has been reversed, set aside, or vacated. Such statement of approval from the judge and district attorney and any written documentation from the court shall be kept on file and produced upon request by law enforcement.

No later than thirty (30) days after the documentation is placed on file by the school, the school principal shall submit a copy of said documentation from the court to the Louisiana Superintendent of Education.

Revised: November, 2006

Revised: March 13, 2018

Revised: June, 2012

Revised: March 19, 2019

Ref:	La.	Rev.	Stat.	Ann.
	<u>§§14:74, 15:587, 15:587.1, 17:15, 17:24.2, 17:81, 17:81.9, 17:83, 17:430, 17:3884, 23:291, 23:1208.1, 42:1119, 44:12.1, 44:31, 44:31.1, 44:32, 44:33, 44:34</u>			
	La. Children's Code, <u>Art. 603, Art. 606</u>			
	Board minutes, <u>2-6-07, 8-7-12, 3-13-18, 3-19-19</u>			

Calcasieu Parish School Board

Item #8

Holidays- GBRL

Act 316 added a holiday for School Board employees. In addition to a holiday for public entities for the general presidential election every four years, school systems shall now declare a public holiday for the first Tuesday after the first Monday in November in even-numbered years where the parish governing body has established a polling place at a public school.

HOLIDAYS

The Calcasieu Parish School Board shall establish the holiday schedule for all personnel in addition to those included in the adoption of a school calendar. Whenever a holiday falls on a Saturday or Sunday, the School Board may declare that the holiday be observed on the preceding Friday or following Monday, respectively.

General election day shall be designated by each school system as a holiday every four (4) years for the presidential election. The first Tuesday after the first Monday in November in even-numbered years where the parish governing body has established a polling place at a public school shall also be designated as a holiday.

Revised: November, 2019

Ref: La. Rev. Stat. Ann. "1:55, [17:81](#); *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education; Board minutes, 12-7-04.

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Revised: November, 2019

Ref: La. Rev. Stat. Ann. "1:55, 17:81; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education; Board minutes, 12-7-04.

Item #9

Testing Program- File:II

Revisions to the Testing Program policy have been made based on recent updates to Bulletin 118, Statewide Assessment Standards and Practices. The changes include:

1. Removal of the language addressing the Statement of Assurance. However, even though the section addressing the requirement was removed from Bulletin 118, there is still a reference to the Statement of Assurance in another section of the Bulletin, and we have left it in the appropriate portion of the policy.
2. For most systems, the language addressing the Statement of Assurance included the only policy reference to procedures for handling emergencies during testing, as required by Bulletin 118. For systems whose policies did not already include information regarding emergencies, we have added a new section under Emergencies During Testing which addresses the required emergency procedures.
3. Under Procedures for Test Security, the reference to a Backup District Test Coordinator has been removed, as well as language added requiring a former Coordinator to inform a new Coordinator of locations of placement tests and relevant testing materials.
4. Under Investigations, instead of a blanket requirement of interviews of everyone who had access to test materials, we have added the caveat "when necessary," as now included in Bulletin 118.
5. We have added the more specific language from Bulletin 118 regarding the class-sized group requirement under Testing Environment.
6. Under Conditions and Penalties for Violations, an additional item has been added regarding contesting void determinations, as included in Bulletin 118.
7. There are other minor changes throughout the policy reflecting the Bulletin's frequent replacement of the full name Louisiana Department of Education, Division of Assessment and Accountability, with the abbreviation LDE.

We have included one final suggested addition which was not based on a change in the Bulletin, but was taken from a system which included language that states that changes made to the Bulletin by the Louisiana Department of Education shall be considered part of the policy. We feel that this language assures that when the LDE revises Bulletin 118, the revisions are automatically considered policy even if the policy has not undergone a revision reflecting such changes.

TESTING PROGRAM

Calcasieu Parish School Board holds the test security policy to be of utmost importance and deems any violations of test security to be serious.

Formal and informal assessment and testing measures are used in Calcasieu Parish schools to provide diagnostic information, to determine grade or program placement, to validate and/or award credits, to assess individual student performance, to assess student group and sub-group performance, to assess instructional program effectiveness, to provide information for counseling students, to provide information for curriculum planning and decision-making, to evaluate grant-awards and/or locally-funded pilot programs, and for student, school, and district accountability measures. Assessment and testing programs in Calcasieu Parish consist of the following types:

- ! Louisiana statewide accountability testing programs prescribed by the Louisiana legislature, the Board of Elementary and Secondary Education (BESE), and/or the Louisiana Department of Education. These shall include, but not be limited to:
 - 1. All criterion-referenced tests (CRTs)
 - 2. All on-level norm-referenced tests (NRTs)
 - 3. All alternate assessments
 - 4. All placement tests
- ! Louisiana statewide diagnostic reading assessments grades 1-3.
- ! End-of-Kindergarten screening program implemented with state funding.
- ! Informal tests, inventories, and activities designed and administered by teachers to diagnose student needs and/or to assess student performance; entry-level and on-going assessments to evaluate student performance in computer labs and/or other instructional programs.
- ! Parishwide criterion-referenced testing programs in reading, language arts, and mathematics prescribed for elementary grades.
- ! Screening, readiness tests, and/or checklists in pre-school, kindergarten, and grade one.
- ! Commercially-published criterion-referenced tests and norm-referenced achievement tests administered to selected student groups.
- ! Reports from college admissions and armed services testing agencies on Calcasieu student performance.
- ! School-level screening for suspected 504 handicapping conditions.

- ! Individual pupil appraisal evaluations for suspected handicapped and gifted students prescribed by State guidelines.
- ! End of Course Tests (EOCT)
- ! Academic Skills Assessments (ASA)

The Calcasieu Parish School Board shall take every precaution to assure that all tests administered within the school system shall be conducted in such a manner so as not to compromise in any way the testing results. For criterion-referenced, norm-referenced, alternate assessments and certain other tests administered by or through the Louisiana Board of Elementary and Secondary Education (BESE), testing materials and procedures, as well as any electronic data, computer media, or passwords related to student testing, shall be properly supervised in strict compliance with regulations outlined by BESE and the School Board. In addition, all secure tests, answer documents, student log-in information, and supplementary secure materials shall be stored under lock and key in designated areas when not in use.

Any teacher or other school personnel who allows or breaches test security, including unauthorized access to electronic data, shall be disciplined in accordance with statutory provisions, policy and regulations adopted by BESE and the School Board, and any and all laws that may be enacted by the state.

Employees shall be responsible for reporting irregularities or improprieties in the administration of standardized tests. Although procedures for reporting irregularities to district personnel are listed below, employees may report such information directly to the Louisiana Department of Education ([LDE](#)), which shall investigate the allegations. No employee shall make a report of irregularities or improprieties in the administration of standardized tests knowing that the information included is false. No employee shall knowingly obstruct the procedures for receiving and investigating a report of irregularities or improprieties in the administration of standardized tests.

No public school administrator or member of a School Board shall retaliate against an employee who in good faith participates in an investigation of testing administration improprieties or irregularities. Retaliation shall include discharging, demoting, suspending, threatening, harassing, or discriminating of an employee who in good faith reports testing administration improprieties or irregularities.

DEFINITIONS

Access—access to secure test materials means physically handling the materials, not reading, reviewing, or analyzing test items or student responses, either before, during, or after testing, except where providing approved accommodations.

Secure Materials—test materials that contain test items or student responses and to which access is restricted. Secure test materials include:

1. student test booklets;
2. student answer documents;
3. student log-in information; and
4. any other materials that contain test items or student responses.

Testing Irregularity—any incident in test handling or administration that leads to a question regarding the security of the test or the accuracy of the test data.

CELLULAR TELEPHONES

All cell phones or other similar technological devices with imaging or text-messaging capabilities that are the property of students, test administrators, and school test coordinators must be placed in and remain in the off position while ~~test booklets and answer documents~~ secure test materials are in the vicinity. Except for devices required for approved accommodations or online assessments, if a student is in possession of and/or uses a cell phone or electronic device in any manner during the administration of a statewide test, the phone or electronic device will be confiscated until assurance can be evidenced that all traces of information, in print, image, or verbal form, have been removed from all local and cloud storage and that no such traces remain on the device.

If evidence exists on the cell phone or other electronic device that indicates the device was used during the test administration and/or test material was recorded and/or transmitted, the student's score shall be voided.

Violation of the no cell phone or electronic device rule may result in discipline in accordance with School Board policy.

VIOLATIONS OF TEST SECURITY

Any changes made by the Louisiana Board of Elementary and Secondary Education (BESE) and incorporated into Bulletin 118, *Statewide Assessment Standards and Practices*, Chapter 53, Test Security, will be considered as part of this policy and will be implemented by the School Board.

It shall be a violation of test security for any person to do any of the following:

1. Administer tests in a manner that is inconsistent with the administrative instructions provided by the ~~Louisiana Department of Education~~ LDE and the School Board that would give examinees an unfair advantage or disadvantage;
2. Give examinees access to test questions prior to testing;
3. Examine any test item at any time (except for students during the test or test administrators while providing the accommodations Tests Read Aloud or Communication Assistance, Transferred Answers, or Answers Recorded for students determined to be eligible for those accommodations);

4. At any time, copy, reproduce, record, store electronically, discuss, or use in a manner inconsistent with test regulations all or part of any secure test item, test booklet, answer document, or supplementary secure materials;
5. Coach examinees in any manner during testing or alter or interfere with examinees' responses in any manner;
6. Provide answers to students in any manner during the test, including provision of cues, clues, hints, and/or actual answers in any form -- written, printed, verbal or nonverbal;
7. Administer published parallel, previously administered, or current forms of any statewide assessment ~~as a practice test or study guide; including all forms of the Iowa test.~~
8. Fail to follow security regulations for distribution and return of secure test booklets, answer documents, student log-in information, supplementary secure materials, as well as overages as directed; or fail to account for and secure test materials before, during, or after testing;
9. Conduct testing in environments that differ from the usual classroom environment ~~(excluding computer labs used for online testing)~~ without prior written permission from the ~~Louisiana Department of Education, Division of Assessments and Accountability~~ LDE except for the purpose of providing accommodations;
10. Fail to report any testing irregularities immediately to the District Test Coordinator, who must report such incidents to the ~~Louisiana Department of Education, Division of Assessments and Accountability~~ LDE;
11. Participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in this section.

STATEMENT OF ASSURANCE

~~A copy of the School Board's test security policy and procedures for handling emergencies during online testing that are in compliance with the state's test security policy and a Statement of Assurance regarding the School Board's test security policy shall be submitted annually to the Louisiana Department of Education, Division of Assessments and Accountability. This statement shall include the name of the individual designated by the Superintendent to procure test materials.~~

PROCEDURES FOR TEST SECURITY

Test materials, including all test booklets, answer documents, student log-in information, supplementary secure materials containing secure test questions, videotapes, and completed observation sheets, shall be kept secure and accounted for in accordance with

procedures specified in the test administration manuals and other communications provided by the Louisiana Department of Education.

Procedures for the security of test materials shall include:

1. The Superintendent shall ~~designate~~ annually designate one individual in the district as District Test Coordinator, ~~and, if necessary, one individual as Backup District Test Coordinator,~~ who shall be authorized to procure test materials which are utilized in testing programs administered by or through BESE or the Louisiana Department of Education. The name of the individuals so designated shall be provided in writing to the ~~Division of Assessments and Accountability, Louisiana Department of Education~~ LDE, and included on the statement of assurance.

If during the academic year the person appointed as District Test Coordinator changes, the Superintendent shall notify the LDE, ~~Division of Assessments and Accountability~~ in writing within fifteen (15) days of the change of appointment.

The former District Test Coordinator shall inform the new District Test Coordinator of the location of placement tests and other relevant testing materials.

2. All persons involved in the administration of tests or that have access to test materials or student test data shall annually receive proper training and development for handling and securing all testing materials, as well as proper security maintenance, access to electronic data and confidentiality requirements. A record of such activities shall be maintained by the School Board. Such activities shall be coordinated and supervised by the District Test Coordinator. School testing coordinators shall in turn inservice all school level personnel having access to testing materials on security, administration, and confidentiality of individual or aggregated student test data.
3. The District Test Coordinator shall provide for and assure the security of all test materials prior to distribution to the schools and upon return of test materials from the schools.

All test materials, except district and school test coordinator manuals and test administration manuals, shall be kept in a designated, locked secure storage area prior to, during, and after administration of any test; all secure materials, including any parallel forms of a test, shall be kept in locked storage at both the district and school levels; secure materials must never be left in open areas or unattended; test administrators shall be given access to the tests and any supplementary secure materials only on the day the test is to be administered, and these are to be retrieved immediately after testing is completed for the day and stored in a designated locked, secure storage area each day of testing.

All test booklets, answer documents, student log-in information, and supplementary secure materials shall be accounted for and written documentation

kept by test administrators and proctors for each point at which test materials are distributed and returned.

4. The School Board also shall maintain procedures to code testing materials at no more than two (2) secure central locations and to house the testing materials at the central locations until no more than three (3) working days prior to test administration, to the extent practicable.
5. Any discrepancies noted in the serial numbers of test booklets, answer documents, and any supplementary secure materials, or the quantity received from contractors shall be reported in writing to the District Test Coordinator by FAX, dated and signed by the School Test Coordinator and the Principal prior to the administration of the test. The District Test Coordinator shall report the discrepancies to the ~~Division of Student Assessments and Accountability (LDE)~~ prior to the administration of the test.
6. In the event test booklets, answer documents, student log-in information, or supplementary secure materials are determined to be missing while in the possession of the school, the School Test Coordinator, with principal=s signature, shall immediately notify the District Test Coordinator by FAX. The principal and school test coordinator shall investigate the cause of the discrepancy and provide a report of the investigation on a special form provided by the District Test Coordinator at the time of turning in test materials to the District for scoring. If the documents are determined to be missing while in the possession of a test administrator, signed written detailed explanation from the test administrator of events surrounding the missing documents and what was done to find them should be a part of the investigative report. The District Test Coordinator, with assistance of other district administrator/s appointed by the Calcasieu Superintendent, is authorized to conduct additional investigations.
7. In the event the test booklets, answer documents, student log-in information, or supplementary secure materials are determined to be missing while in the possession of the school district or in the event of any other testing irregularities or breaches of security, the School Test Coordinator, with principal=s signature, shall immediately notify the District Test Coordinator by FAX. The District Test Coordinator shall immediately notify by telephone the ~~Division of Student Assessments and Accountability (LDE)~~ and follow the detailed procedures for investigating and reporting specified in BESE's *Test Security Policy*.
8. ***Only personnel trained in test security and administration*** shall be allowed to have access to or administer any statewide assessments.
9. Individuals shall adhere to all procedures specified in all operational manuals that govern the mandated testing programs, as well as ensure the security of individual student test data in electronic formats, including encryption of student demographics in any email correspondence.

10. All test administrators and proctors shall be required to sign the *Oath of Security* and return it to the School Test Coordinator to keep on file for three (3) years. The School Test Coordinator and principal shall be required to sign an *Oath of Security* and return it to the District Test Coordinator to be kept on file at the School Board office for three (3) years.
11. A list of personnel authorized to have access to the locked, secure storage area where all test materials are stored shall be maintained by the School Board. School personnel authorized to have access to the locked secure storage area shall only include the School Test Coordinator, principal, or assistant principal of each school. Additionally, a list of all individuals who have access to student level test data shall be maintained.
12. The School Board shall ensure that individual student test data in electronic and paper formats, are protected from unauthorized access and disclosure. The District Test Coordinator and other authorized users [of state testing and reporting systems](#) shall be responsible for ensuring the security of all passwords, any disks or CD's with downloaded individual student test data, and student-level data open on a computer screen. Any student information from ~~these~~ [state testing and reporting](#) systems shall not be disclosed to anyone other than a state, district, or school official, or parent/guardian as defined by the *Family Educational Rights and Privacy Act of 1974* (FERPA). All users who are granted a password to these systems shall abide by FERPA provisions.

School level passwords for access to individual school data shall be provided to school principals by the District Test Coordinator as requested. Principals shall be responsible for distributing the password as needed to school personnel and to provide for security and confidentiality of the school level password.

All school users shall be required to sign a confidentiality agreement guaranteeing they will not share any password with unauthorized individuals and maintain the confidentiality of student data. A copy of the confidentiality agreement shall be sent to the District Test Coordinator for safekeeping, or for school users, maintained by the principal of each school. Signed confidentiality agreements shall be valid until the District Test Coordinator receives notification that the confidentiality agreement available online has been revised. A new confidentiality agreement shall be signed by all users each year after the new password letter for schools and districts has been automatically generated in August of each year. If a breach in security occurs, principals shall immediately contact the District Test Coordinator or his/her backup for a replacement password. Users who have access to these systems and leave their positions at a district or school site shall not use or share any passwords. District Test Coordinators shall send their signed confidentiality agreements to the ~~Louisiana Department of Education~~ [LDE](#).

13. Any testing irregularities, including anonymous complaints, access to electronic data, missing test materials, or instances of plagiarism or excessive wrong-to-right

erasures on a test, or breaches in test security, including access to electronic data, shall be reported in writing to the District Test Coordinator, who will conduct an investigation and report the findings to the Superintendent.

14. The District Test Coordinator shall initiate the investigation of all reports of testing irregularities, including anonymous complaints, ~~access to electronic data, missing test materials, or instances of plagiarism or excessive wrong-to-right erasures on a test,~~ in accordance with procedures outlined by the the ~~Louisiana Department of Education~~ [LDE](#) in Bulletin 118, *Statewide Assessment Standards and Practices*, and/or the School Board. The District Test Coordinator may elicit the assistance of school district administrative personnel as well as other persons deemed appropriate to assist in any investigation. Once the investigation has been completed, a report of the results of the investigation shall be submitted to the *Division of Assessments and Accountability*, ~~Louisiana Department of Education,~~ [LDE](#) and the Superintendent.

Investigation Process

Procedures for investigating **any** testing irregularity (including cheating), and any employees accused of improprieties shall follow the procedures outlined in Bulletin 118, *Statewide Assessment Standards and Practices*, but shall include the following:

- A. In instances where any testing irregularities may have occurred, an initial written report of the alleged irregularity shall be prepared by the site administrator where the instance occurred. Said documentation shall then be forwarded to the building principal, school test coordinator, the District Test Coordinator, and the Superintendent.
- B. The District Test Coordinator shall review the allegation of test security violation and conduct an investigation of any such allegations, documenting all investigative activities. The formal investigation will include, but not be limited to:
 - (1) The location of the designated, locked, secure area for storage of materials shall be examined, and the individuals with access to secure materials shall be identified;
 - (2) Interviews regarding testing administration and security procedures shall be conducted with the principal, school test coordinator(s), test administrator(s), and proctor(s) at the identified schools. All individuals who had access to the test materials at any time shall be interviewed when necessary;
 - (3) Interviews shall be conducted with students in the identified classes regarding testing procedures, layout of the classroom, access to test

materials before the test, and access to unauthorized materials during testing;

- (4) Compilation of any documents to support or to refute allegations made. All individuals who had access to the test materials at any time must be interviewed.

A written summary of the findings of the investigation shall be provided the Superintendent.

- C. If the investigation conducted provides evidence to indicate that a breach of test security did indeed occur, individuals involved in such security breach shall be identified, and depending upon the nature of the violation, appropriate corrective and/or punitive action may be pursued.
 - (1) Students found to have purposefully violated test security shall have test results voided and will be referred to the site administrator for appropriate disciplinary action in accordance with provisions of the Calcasieu Parish School Board *Policy Manual*.
 - (2) Any teachers or other school personnel found to have purposefully violated test security shall be charged with violation of state and/or School Board policy and disciplinary action shall be pursued in accordance with the provisions of state statutes, with direction from the Calcasieu Parish School Board.
- D. After completion of the investigation, the School Board shall provide a report of the investigation *and* a written plan of action to the State Superintendent within thirty (30) calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence.
- E. In accordance with provisions of BESE's *Test Security Policy*, it is understood that the Louisiana Department of Education may conduct its own investigation into allegations of test security violations. In such instances, the District Test Coordinator and Superintendent shall aid and assist state department officials in the conduction of their investigation and provide documentation of information obtained in local investigative efforts.

TEST ENVIRONMENT

Testing shall be conducted in class-sized groups. [Bulletin 741, Louisiana Handbook for School Administrators \(§913A\) states that K-3 classroom enrollment should be no more than 26 students, and in grades 4-12, no more than 33, except in certain activity types of classes in which the teaching approach and the material and equipment are appropriate](#)

for large groups. For grades K-8, the maximum class size for health and physical education classes may be no more than 40. Class size for exceptional students is generally smaller [Bulletin 741, Louisiana Handbook for School Administrators (§915)]. Permission for testing in environments that differ from the usual classroom environment ~~(excluding computer labs used for online testing)~~ must shall be obtained in writing from ~~the Louisiana Department of Education, Division of Assessments and Accountability~~ LDE at least thirty (30) days **prior** to testing. If testing outside the usual classroom setting is approved by the LDE Division of Assessments and Accountability, the School Board shall provide at least one proctor for every thirty (30) students.

To the extent practicable, the School Board shall maintain administrative procedures to assign a different test administrator for a class than the teacher of record for the class, except for teachers testing students with accommodations and younger students, grades 3 through 8.

The School Board shall also maintain administrative procedures for the monitoring of test sites to ensure appropriate test security procedures are being followed and to observe test administration procedures.

EMERGENCIES DURING TESTING

For emergencies that require evacuation of the classroom during administration of statewide assessments, test administrators shall follow the procedures outlined in Bulletin 118, Statewide Assessment Standards and Practices. If test security has been compromised, the District Test Coordinator shall notify the LDE, Division of Assessments and Accountability, as soon as possible.

The School Board, through the Superintendent and staff, shall develop an emergency plan and procedures that include steps to be followed in the event of an emergency that results in disruption of online testing. If online testing is disrupted by emergencies, lost internet connections, lost power, or computer crashes and students are unable to continue testing on the same day, the school test coordinator should document what occurred as a testing irregularity and notify the District Test Coordinator. If the student will be unable to return to testing by the end of the day after the disruption, the District Test Coordinator must immediately notify the LDE, Division of Assessments and Accountability.

CONDITIONS AND PENALTIES FOR VIOLATIONS

The State Superintendent of Education may disallow test results which may have been achieved in a manner which is ~~violative~~ in violation of test security. In addition:

1. In cases where test results are not accepted because of breach of test security or action by the Louisiana Department of Education, any programmatic, evaluative, or graduation criteria dependent upon the data shall be deemed not to have been met.

2. Anyone known to be involved in the presentation of forged, counterfeit, or altered identification for the purposes of obtaining admission to a test administration site for any test administered by or through the State Board of Elementary and Secondary Education or the Louisiana Department of Education shall have breached test security. Any individual(s) or student who knowingly causes or allows the presentation of forged, counterfeit, or altered identification for the purpose of obtaining admission to any test administration site shall forfeit all test scores and will be allowed to retake the test at the next test administration.
3. Test scores may be voided at the school level in cases of cheating or other violations of test security. When either cheating or the violation of test security is suspected, a committee to include at least the principal, school test coordinator, and test administrator shall be convened to determine whether or not a score should be voided. A written report documenting and describing the incident(s) shall be completed. In the event the decision is made to void scores because of cheating, the student and parents shall be notified and offered an opportunity for a hearing to be conducted by the principal with the test administrator and school test coordinator also present. The principal shall make the final decision regarding voiding of test scores or breach of ethics. If the decision is made to void test scores, the school test coordinator must submit a letter on school letterhead with the principal's and school test coordinator's signatures to the District Test Coordinator. Attached to the letter should be the written record of the breach of security or cheating, dates and times of all meetings/hearings relating to the incidents with signatures of all present at these meetings/hearings, and documentation of phone calls to parents. Any witnesses to cheating or breach of security should complete a written statement describing the incident and sign and date the statement. These should be submitted with the written report.
4. Any teacher or other personnel who breaches test security or allows breaches in test security shall be disciplined in accordance with the provisions of School Board policy and regulations adopted by BESE and any applicable state laws. Any violation of test security or breach of ethics on the part of an employee of the Calcasieu Parish School Board before, during, or after testing (including erasure analysis and/or other evidence that results in the voiding of test scores) shall be investigated by the District Test Coordinator. If the violation occurred at the school level, the building principal shall participate in the investigation. In the event sufficient evidence exists to support a violation in test security or breach of ethics, a written report shall be submitted to the Superintendent. A hearing shall be conducted by the Superintendent with the employee(s) under investigation, the District Test Coordinator, the building principal, and the Director of Personnel present. If the Superintendent determines that a violation of test security or breach of ethics has occurred, appropriate recommendations for disciplinary action shall be made and action taken in accordance with School Board policy.
5. In the event that an employee has participated in activities to provide answers or otherwise alter test scores, the recommendation will be dismissal. All evidence of

violations of test security and breach of ethics reported to the Superintendent by the Louisiana Department of Education shall require a written report from those suspected of violations, the building principal, and the school test coordinator regardless of whether or not the claims are substantiated.

6. Anonymous complaints received by either the Superintendent or the District Test Coordinator regarding violations of test security or breach of ethics shall be investigated by the District Test Coordinator. If evidence exists to support the complaint(s), appropriate action as described above shall be initiated.
7. If the School Board wishes to contest any LDE void determination resulting from LDE data forensic findings or other LDE investigations, the Superintendent shall submit an appeal request in writing to the LDE in accordance with Bulletin 118, *Statewide Assessment Standards and Practices*.

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Ref: La. Rev. Stat. Ann. "17:24, 17:81, 17:81.6, 49:953; *Statewide Assessment Standards and Practices*, Bulletin 118, Louisiana Department of Education; Board minutes, 3-18-97, 2-2-99, 8-23-01, 5-7-02, 8-5-03, 7-11-06, 8-5-08, 2-7-12, 12-8-15.

TESTING PROGRAM

Calcasieu Parish School Board holds the test security policy to be of utmost importance and deems any violations of test security to be serious.

Formal and informal assessment and testing measures are used in Calcasieu Parish schools to provide diagnostic information, to determine grade or program placement, to validate and/or award credits, to assess individual student performance, to assess student group and sub-group performance, to assess instructional program effectiveness, to provide information for counseling students, to provide information for curriculum planning and decision-making, to evaluate grant-awards and/or locally-funded pilot programs, and for student, school, and district accountability measures. Assessment and testing programs in Calcasieu Parish consist of the following types:

- ! Louisiana statewide accountability testing programs prescribed by the Louisiana legislature, the Board of Elementary and Secondary Education (BESE), and/or the Louisiana Department of Education. These shall include, but not be limited to:
 1. All criterion-referenced tests (CRTs)
 2. All on-level norm-referenced tests (NRTs)
 3. All alternate assessments
 4. All placement tests
- ! Louisiana statewide diagnostic reading assessments grades 1-3.
- ! End-of-Kindergarten screening program implemented with state funding.
- ! Informal tests, inventories, and activities designed and administered by teachers to diagnose student needs and/or to assess student performance; entry-level and on-going assessments to evaluate student performance in computer labs and/or other instructional programs.
- ! Parishwide criterion-referenced testing programs in reading, language arts, and mathematics prescribed for elementary grades.
- ! Screening, readiness tests, and/or checklists in pre-school, kindergarten, and grade one.
- ! Commercially-published criterion-referenced tests and norm-referenced achievement tests administered to selected student groups.
- ! Reports from college admissions and armed services testing agencies on Calcasieu student performance.

- ! School-level screening for suspected 504 handicapping conditions.
- ! Individual pupil appraisal evaluations for suspected handicapped and gifted students prescribed by State guidelines.
- ! End of Course Tests (EOCT)
- ! Academic Skills Assessments (ASA)

The Calcasieu Parish School Board shall take every precaution to assure that all tests administered within the school system shall be conducted in such a manner so as not to compromise in any way the testing results. For criterion-referenced, norm-referenced, alternate assessments and certain other tests administered by or through the Louisiana Board of Elementary and Secondary Education (BESE), testing materials and procedures, as well as any electronic data, computer media, or passwords related to student testing, shall be properly supervised in strict compliance with regulations outlined by BESE and the School Board. In addition, all secure tests, answer documents, student log-in information, and supplementary secure materials shall be stored under lock and key in designated areas when not in use.

Any teacher or other school personnel who allows or breaches test security, including unauthorized access to electronic data, shall be disciplined in accordance with statutory provisions, policy and regulations adopted by BESE and the School Board, and any and all laws that may be enacted by the state.

Employees shall be responsible for reporting irregularities or improprieties in the administration of standardized tests. Although procedures for reporting irregularities to district personnel are listed below, employees may report such information directly to the Louisiana Department of Education (LDE), which shall investigate the allegations. No employee shall make a report of irregularities or improprieties in the administration of standardized tests knowing that the information included is false. No employee shall knowingly obstruct the procedures for receiving and investigating a report of irregularities or improprieties in the administration of standardized tests.

No public school administrator or member of a School Board shall retaliate against an employee who in good faith participates in an investigation of testing administration improprieties or irregularities. Retaliation shall include discharging, demoting, suspending, threatening, harassing, or discriminating of an employee who in good faith reports testing administration improprieties or irregularities.

DEFINITIONS

Access—access to secure test materials means physically handling the materials, not reading, reviewing, or analyzing test items or student responses, either before, during, or after testing, except where providing approved accommodations.

Secure Materials—test materials that contain test items or student responses and to which access is restricted. Secure test materials include:

1. student test booklets;
2. student answer documents;
3. student log-in information; and
4. any other materials that contain test items or student responses.

Testing Irregularity—any incident in test handling or administration that leads to a question regarding the security of the test or the accuracy of the test data.

CELLULAR TELEPHONES

All cell phones or other similar technological devices with imaging or text-messaging capabilities that are the property of students, test administrators, and school test coordinators must be placed in and remain in the off position while secure test materials are in the vicinity. Except for devices required for approved accommodations or online assessments, if a student is in possession of and/or uses a cell phone or electronic device in any manner during the administration of a statewide test, the phone or electronic device will be confiscated until assurance can be evidenced that all traces of information, in print, image, or verbal form, have been removed from all local and cloud storage and that no such traces remain on the device.

If evidence exists on the cell phone or other electronic device that indicates the device was used during the test administration and/or test material was recorded and/or transmitted, the student's score shall be voided.

Violation of the no cell phone or electronic device rule may result in discipline in accordance with School Board policy.

VIOLATIONS OF TEST SECURITY

Any changes made by the Louisiana Board of Elementary and Secondary Education (BESE) and incorporated into Bulletin 118, *Statewide Assessment Standards and Practices*, Chapter 53, Test Security, will be considered as part of this policy and will be implemented by the School Board.

It shall be a violation of test security for any person to do any of the following:

1. Administer tests in a manner that is inconsistent with the administrative instructions provided by the LDE and the School Board that would give examinees an unfair advantage or disadvantage;
2. Give examinees access to test questions prior to testing;

3. Examine any test item at any time (except for students during the test or test administrators while providing the accommodations Tests Read Aloud or Communication Assistance, Transferred Answers, or Answers Recorded for students determined to be eligible for those accommodations);
4. At any time, copy, reproduce, record, store electronically, discuss, or use in a manner inconsistent with test regulations all or part of any secure test item, test booklet, answer document, or supplementary secure materials;
5. Coach examinees in any manner during testing or alter or interfere with examinees' responses in any manner;
6. Provide answers to students in any manner during the test, including provision of cues, clues, hints, and/or actual answers in any form -- written, printed, verbal or nonverbal;
7. Administer published parallel, previously administered, or current forms of any statewide assessment;
8. Fail to follow security regulations for distribution and return of secure test booklets, answer documents, student log-in information, supplementary secure materials, as well as overages as directed; or fail to account for and secure test materials before, during, or after testing;
9. Conduct testing in environments that differ from the usual classroom environment without prior written permission from the LDE except for the purpose of providing accommodations;
10. Fail to report any testing irregularities immediately to the District Test Coordinator, who must report such incidents to the LDE;
11. Participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in this section.

PROCEDURES FOR TEST SECURITY

Test materials, including all test booklets, answer documents, student log-in information, supplementary secure materials containing secure test questions, videotapes, and completed observation sheets, shall be kept secure and accounted for in accordance with procedures specified in the test administration manuals and other communications provided by the Louisiana Department of Education.

Procedures for the security of test materials shall include:

1. The Superintendent shall annually designate one individual in the district as District Test Coordinator who shall be authorized to procure test materials which

are utilized in testing programs administered by or through BESE or the Louisiana Department of Education. The name of the individual so designated shall be provided in writing to the LDE, and included on the statement of assurance.

If during the academic year the person appointed as District Test Coordinator changes, the Superintendent shall notify the LDE in writing within fifteen (15) days of the change of appointment.

The former District Test Coordinator shall inform the new District Test Coordinator of the location of placement tests and other relevant testing materials.

2. All persons involved in the administration of tests or that have access to test materials or student test data shall annually receive proper training and development for handling and securing all testing materials, as well as proper security maintenance, access to electronic data and confidentiality requirements. A record of such activities shall be maintained by the School Board. Such activities shall be coordinated and supervised by the District Test Coordinator. School testing coordinators shall in turn inservice all school level personnel having access to testing materials on security, administration, and confidentiality of individual or aggregated student test data.
3. The District Test Coordinator shall provide for and assure the security of all test materials prior to distribution to the schools and upon return of test materials from the schools.

All test materials, except district and school test coordinator manuals and test administration manuals, shall be kept in a designated, locked secure storage area prior to, during, and after administration of any test; all secure materials, including any parallel forms of a test, shall be kept in locked storage at both the district and school levels; secure materials must never be left in open areas or unattended; test administrators shall be given access to the tests and any supplementary secure materials only on the day the test is to be administered, and these are to be retrieved immediately after testing is completed for the day and stored in a designated locked, secure storage area each day of testing.

All test booklets, answer documents, student log-in information, and supplementary secure materials shall be accounted for and written documentation kept by test administrators and proctors for each point at which test materials are distributed and returned.

4. The School Board also shall maintain procedures to code testing materials at no more than two (2) secure central locations and to house the testing materials at the central locations until no more than three (3) working days prior to test administration, to the extent practicable.

5. Any discrepancies noted in the serial numbers of test booklets, answer documents, and any supplementary secure materials, or the quantity received from contractors shall be reported in writing to the District Test Coordinator by FAX, dated and signed by the School Test Coordinator and the Principal prior to the administration of the test. The District Test Coordinator shall report the discrepancies to the LDE prior to the administration of the test.
6. In the event test booklets, answer documents, student log-in information, or supplementary secure materials are determined to be missing while in the possession of the school, the School Test Coordinator, with principal=s signature, shall immediately notify the District Test Coordinator by FAX. The principal and school test coordinator shall investigate the cause of the discrepancy and provide a report of the investigation on a special form provided by the District Test Coordinator at the time of turning in test materials to the District for scoring. If the documents are determined to be missing while in the possession of a test administrator, signed written detailed explanation from the test administrator of events surrounding the missing documents and what was done to find them should be a part of the investigative report. The District Test Coordinator, with assistance of other district administrator/s appointed by the Calcasieu Superintendent, is authorized to conduct additional investigations.
7. In the event the test booklets, answer documents, student log-in information, or supplementary secure materials are determined to be missing while in the possession of the school district or in the event of any other testing irregularities or breaches of security, the School Test Coordinator, with principal=s signature, shall immediately notify the District Test Coordinator by FAX. The District Test Coordinator shall immediately notify by telephone the LDE and follow the detailed procedures for investigating and reporting specified in BESE's *Test Security Policy*.
8. ***Only personnel trained in test security and administration*** shall be allowed to have access to or administer any statewide assessments.
9. Individuals shall adhere to all procedures specified in all operational manuals that govern the mandated testing programs, as well as ensure the security of individual student test data in electronic formats, including encryption of student demographics in any email correspondence.
10. All test administrators and proctors shall be required to sign the *Oath of Security* and return it to the School Test Coordinator to keep on file for three (3) years. The School Test Coordinator and principal shall be required to sign an *Oath of Security* and return it to the District Test Coordinator to be kept on file at the School Board office for three (3) years.
11. A list of personnel authorized to have access to the locked, secure storage area

where all test materials are stored shall be maintained by the School Board. School personnel authorized to have access to the locked secure storage area shall only include the School Test Coordinator, principal, or assistant principal of each school. Additionally, a list of all individuals who have access to student level test data shall be maintained.

12. The School Board shall ensure that individual student test data in electronic and paper formats, are protected from unauthorized access and disclosure. The District Test Coordinator and other authorized users of state testing and reporting systems shall be responsible for ensuring the security of all passwords, any disks or CD's with downloaded individual student test data, and student-level data open on a computer screen. Any student information from state testing and reporting systems shall not be disclosed to anyone other than a state, district, or school official, or parent/guardian as defined by the *Family Educational Rights and Privacy Act of 1974* (FERPA). All users who are granted a password to these systems shall abide by FERPA provisions.

School level passwords for access to individual school data shall be provided to school principals by the District Test Coordinator as requested. Principals shall be responsible for distributing the password as needed to school personnel and to provide for security and confidentiality of the school level password.

All school users shall be required to sign a confidentiality agreement guaranteeing they will not share any password with unauthorized individuals and maintain the confidentiality of student data. A copy of the confidentiality agreement shall be sent to the District Test Coordinator for safekeeping, or for school users, maintained by the principal of each school. Signed confidentiality agreements shall be valid until the District Test Coordinator receives notification that the confidentiality agreement available online has been revised. A new confidentiality agreement shall be signed by all users each year after the new password letter for schools and districts has been automatically generated in August of each year. If a breach in security occurs, principals shall immediately contact the District Test Coordinator or his/her backup for a replacement password. Users who have access to these systems and leave their positions at a district or school site shall not use or share any passwords. District Test Coordinators shall send their signed confidentiality agreements to the LDE.

13. Any testing irregularities, including anonymous complaints, access to electronic data, missing test materials, or instances of plagiarism or excessive wrong-to-right erasures on a test, or breaches in test security, including access to electronic data, shall be reported in writing to the District Test Coordinator, who will conduct an investigation and report the findings to the Superintendent.
14. The District Test Coordinator shall initiate the investigation of all reports of testing irregularities, including anonymous complaints, in accordance with procedures outlined by the LDE in Bulletin 118, *Statewide Assessment Standards and*

Practices, and/or the School Board. The District Test Coordinator may elicit the assistance of school district administrative personnel as well as other persons deemed appropriate to assist in any investigation. Once the investigation has been completed, a report of the results of the investigation shall be submitted to the *Division of Assessments and Accountability*, LDE and the Superintendent.

Investigation Process

Procedures for investigating **any** testing irregularity (including cheating), and any employees accused of improprieties shall follow the procedures outlined in Bulletin 118, *Statewide Assessment Standards and Practices*, but shall include the following:

- A. In instances where any testing irregularities may have occurred, an initial written report of the alleged irregularity shall be prepared by the site administrator where the instance occurred. Said documentation shall then be forwarded to the building principal, school test coordinator, the District Test Coordinator, and the Superintendent.
- B. The District Test Coordinator shall review the allegation of test security violation and conduct an investigation of any such allegations, documenting all investigative activities. The formal investigation will include, but not be limited to:
 - (1) The location of the designated, locked, secure area for storage of materials shall be examined, and the individuals with access to secure materials shall be identified;
 - (2) Interviews regarding testing administration and security procedures shall be conducted with the principal, school test coordinator(s), test administrator(s), and proctor(s) at the identified schools. All individuals who had access to the test materials at any time shall be interviewed when necessary;
 - (3) Interviews shall be conducted with students in the identified classes regarding testing procedures, layout of the classroom, access to test materials before the test, and access to unauthorized materials during testing;
 - (4) Compilation of any documents to support or to refute allegations made. All individuals who had access to the test materials at any time must be interviewed.

A written summary of the findings of the investigation shall be provided the Superintendent.

- C. If the investigation conducted provides evidence to indicate that a breach of test security did indeed occur, individuals involved in such security breach shall be identified, and depending upon the nature of the violation, appropriate corrective and/or punitive action may be pursued.
 - (1) Students found to have purposefully violated test security shall have test results voided and will be referred to the site administrator for appropriate disciplinary action in accordance with provisions of the Calcasieu Parish School Board *Policy Manual*.
 - (2) Any teachers or other school personnel found to have purposefully violated test security shall be charged with violation of state and/or School Board policy and disciplinary action shall be pursued in accordance with the provisions of state statutes, with direction from the Calcasieu Parish School Board.
- D. After completion of the investigation, the School Board shall provide a report of the investigation *and* a written plan of action to the State Superintendent within thirty (30) calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence.
- E. In accordance with provisions of BESE's *Test Security Policy*, it is understood that the Louisiana Department of Education may conduct its own investigation into allegations of test security violations. In such instances, the District Test Coordinator and Superintendent shall aid and assist state department officials in the conduction of their investigation and provide documentation of information obtained in local investigative efforts.

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Testing shall be conducted in class-sized groups. Bulletin 741, *Louisiana Handbook for School Administrators* (§913A) states that K-3 classroom enrollment should be no more than 26 students, and in grades 4-12, no more than 33, except in certain activity types of classes in which the teaching approach and the material and equipment are appropriate for large groups. For grades K-8, the maximum class size for health and physical education classes may be no more than 40. Class size for exceptional students is generally smaller [Bulletin 741, *Louisiana Handbook for School Administrators* (§915)]. Permission for testing in environments that differ from the usual classroom environment shall be obtained in writing from LDE at least thirty (30) days **prior** to testing. If testing outside the usual classroom setting is approved by the LDE, the School Board shall provide at least one proctor for every thirty (30) students.

To the extent practicable, the School Board shall maintain administrative procedures to

assign a different test administrator for a class than the teacher of record for the class, except for teachers testing students with accommodations and younger students, grades 3 through 8.

The School Board shall also maintain administrative procedures for the monitoring of test sites to ensure appropriate test security procedures are being followed and to observe test administration procedures.

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For emergencies that require evacuation of the classroom during administration of statewide assessments, test administrators shall follow the procedures outlined in Bulletin 118, *Statewide Assessment Standards and Practices*. If test security has been compromised, the District Test Coordinator shall notify the LDE, Division of Assessments and Accountability, as soon as possible.

The School Board, through the Superintendent and staff, shall develop an emergency plan and procedures that include steps to be followed in the event of an emergency that results in disruption of online testing. If online testing is disrupted by emergencies, lost internet connections, lost power, or computer crashes and students are unable to continue testing on the same day, the school test coordinator should document what occurred as a testing irregularity and notify the District Test Coordinator. If the student will be unable to return to testing by the end of the day after the disruption, the District Test Coordinator must immediately notify the LDE, Division of Assessments and Accountability.

CONDITIONS AND PENALTIES FOR VIOLATIONS

The State Superintendent of Education may disallow test results which may have been achieved in a manner which is in violation of test security. In addition:

1. In cases where test results are not accepted because of breach of test security or action by the Louisiana Department of Education, any programmatic, evaluative, or graduation criteria dependent upon the data shall be deemed not to have been met.
2. Anyone known to be involved in the presentation of forged, counterfeit, or altered identification for the purposes of obtaining admission to a test administration site for any test administered by or through the State Board of Elementary and Secondary Education or the Louisiana Department of Education shall have breached test security. Any individual(s) or student who knowingly causes or allows the presentation of forged, counterfeit, or altered identification for the purpose of obtaining admission to any test administration site shall forfeit all test scores and will be allowed to retake the test at the next test administration.
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violations of test security. When either cheating or the violation of test security is suspected, a committee to include at least the principal, school test coordinator, and test administrator shall be convened to determine whether or not a score should be voided. A written report documenting and describing the incident(s) shall be completed. In the event the decision is made to void scores because of cheating, the student and parents shall be notified and offered an opportunity for a hearing to be conducted by the principal with the test administrator and school test coordinator also present. The principal shall make the final decision regarding voiding of test scores or breach of ethics. If the decision is made to void test scores, the school test coordinator must submit a letter on school letterhead with the principal's and school test coordinator's signatures to the District Test Coordinator. Attached to the letter should be the written record of the breach of security or cheating, dates and times of all meetings/hearings relating to the incidents with signatures of all present at these meetings/hearings, and documentation of phone calls to parents. Any witnesses to cheating or breach of security should complete a written statement describing the incident and sign and date the statement. These should be submitted with the written report.

4. Any teacher or other personnel who breaches test security or allows breaches in test security shall be disciplined in accordance with the provisions of School Board policy and regulations adopted by BESE and any applicable state laws. Any violation of test security or breach of ethics on the part of an employee of the Calcasieu Parish School Board before, during, or after testing (including erasure analysis and/or other evidence that results in the voiding of test scores) shall be investigated by the District Test Coordinator. If the violation occurred at the school level, the building principal shall participate in the investigation. In the event sufficient evidence exists to support a violation in test security or breach of ethics, a written report shall be submitted to the Superintendent. A hearing shall be conducted by the Superintendent with the employee(s) under investigation, the District Test Coordinator, the building principal, and the Director of Personnel present. If the Superintendent determines that a violation of test security or breach of ethics has occurred, appropriate recommendations for disciplinary action shall be made and action taken in accordance with School Board policy.
5. In the event that an employee has participated in activities to provide answers or otherwise alter test scores, the recommendation will be dismissal. All evidence of violations of test security and breach of ethics reported to the Superintendent by the Louisiana Department of Education shall require a written report from those suspected of violations, the building principal, and the school test coordinator regardless of whether or not the claims are substantiated.
6. Anonymous complaints received by either the Superintendent or the District Test Coordinator regarding violations of test security or breach of ethics shall be investigated by the District Test Coordinator. If evidence exists to support the complaint(s), appropriate action as described above shall be initiated.

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Item #10

School Board Policy- BD

La. Rev. Stat. Ann. §17:416.8 requires the establishment of a Discipline Policy Review Committee, whose composition is statutorily set, unless a School Board had such a committee already in place prior to August 27, 1994. The policy School Board Policy has been revised to clarify that the School Board does not appoint the committee but establishes it in accordance with statutory guidelines.

SCHOOL BOARD POLICY

The Calcasieu Parish School Board shall formulate policies to guide the action of those to whom it delegates authority. These guides shall constitute the policies governing the operation of the school district. They shall be recorded in writing and made a part of the official School Board Policy Manual.

The formulation and adoption of School Board policies shall constitute one method by which the School Board shall exercise its leadership in the operation of the school district. When establishing School Board policies, the School Board shall prioritize student achievement, financial efficiency, and workforce development on a local, regional, and statewide basis. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the School Board shall exercise its control over the operation of the school district.

The policies of the School Board are meant to be interpreted in terms of Louisiana laws, rules and regulations of the Louisiana Board of Elementary and Secondary Education, and all other regulatory agencies within the local parish, state, and federal levels of government.

POLICY ADOPTION

Any change in or addition to School Board policy to be considered by the School Board shall be subject to the following:

1. Any item which constitutes a new policy to be considered by the School Board shall be clearly indicated on any Committee or School Board agenda as a "proposed policy revision."
2. A committee may discuss and take action regarding the item at a regular or special committee meeting, and recommend that the School Board take appropriate action at a subsequent Board meeting.
3. The School Board may discuss and take appropriate action regarding the item at a regular or special called meeting; however, except as permitted below, any resolution or other action approved by the School Board regarding said item shall be deferred for final adoption until the meeting of the School Board immediately following the meeting at which the policy change first appeared on the agenda. A proposed policy change and/or addition that is amended prior to final adoption may be adopted by a **two-thirds** vote or be deferred for final action until the next regular School Board meeting.
4. A change in policy may also be adopted without deference by a vote of **two-**

thirds of the members present and voting at a regular or special meeting.

The formal adoption of School Board policies shall be recorded in the minutes of the School Board. The official minutes shall constitute the authority for any change made in the Policy Manual.

The School Board is recognized as the legal body authorized to approve policies for the School District, and shall not delegate or relinquish that authority to another party or group. The School Board welcomes comments and suggestions on local policy matters, and will comply with all laws addressing proper involvement of other parties in the policy process.

POLICY REVIEW

The School Board shall periodically direct the systematic review of its policies. The Superintendent shall appropriately involve representative groups of administrators, teachers, supervisors, students, support personnel and lay citizens relative to policies affecting each group.

The School Board shall ~~appoint~~ establish a *discipline policy review committee* ~~selected as required by state law in accordance with La. Rev. Stat. Ann. §17:416.8 whose selection of members shall be neither discriminatory nor arbitrary in nature~~. The purpose of the discipline policy review committee shall be to review discipline policies of the School Board to assure consistency with state law, receive input into the effectiveness of established policy, and make recommendations to improve policy provisions, and to assist the School Board in the orderly operation of the school district. In particular, state law requires a policy review committee to review the School Board's student discipline policies annually to make recommendations for appropriate revisions.

A public hearing shall be held on recommendations to improve policy revisions and to assist the School Board in the orderly operation of the school district before the School Board considers revising any of the discipline policies. State law also requires the administrators, teachers and parents of each public school to meet annually and develop or review the discipline regulations for their school and assure compliance with School Board policy and state law.

POLICY DISSEMINATION

The School Board shall direct the Superintendent to establish and maintain an orderly plan for disseminating School Board policies and administrative rules and regulations.

School Board policies and administrative rules and regulations shall be made accessible to all employees of the School District directly or indirectly affected by those policies. School Board policies and administrative rules and regulations shall also be made accessible to members of the School Board, students and members of the community

served by the School District.

SUSPENSION OF POLICY

The operation of policy or section of policy not established by law or contract may be temporarily suspended by a *majority vote of School Board members present and voting* at a regular or special meeting.

ADMINISTRATION IN ABSENCE OF POLICY

In cases where action must be taken within the school system where the School Board has no formalized policy statement, the Superintendent shall have the power to act. His or her decisions, however, shall be subject to review by action of the School Board at its regular meeting. It shall be the duty of the Superintendent to inform the School Board promptly of such action and of the need for policy if in his or her best judgment, a need for such policy exists.

Revised: June, 1993

Revised: August, 1994

Revised: August, 1999

Revised: July, 2012

Revised: November, 2020

Ref: Constitution of Louisiana, Art. VI, Sec. 10; La. Rev. Stat. Ann. "17:81, 17:416.8; Board minutes 4-15-86, 6-1-93; Board minutes, 10-2-12.

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POLICY REVIEW

The School Board shall periodically direct the systematic review of its policies. The Superintendent shall appropriately involve representative groups of administrators, teachers, supervisors, students, support personnel and lay citizens relative to policies affecting each group.

The School Board shall establish a *discipline policy review committee* in accordance with La. Rev. Stat. Ann. §17:416.8. The purpose of the discipline policy review committee shall be to review discipline policies of the School Board to assure consistency with state law, receive input into the effectiveness of established policy, and make recommendations to improve policy provisions, and to assist the School Board in the orderly operation of the school district. In particular, state law requires a policy review committee to review the School Board's student discipline policies annually to make recommendations for appropriate revisions.

A public hearing shall be held on recommendations to improve policy revisions and to assist the School Board in the orderly operation of the school district before the School Board considers revising any of the discipline policies. State law also requires the administrators, teachers and parents of each public school to meet annually and develop or review the discipline regulations for their school and assure compliance with School Board policy and state law.

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School Board policies and administrative rules and regulations shall be made accessible to all employees of the School District directly or indirectly affected by those policies. School Board policies and administrative rules and regulations shall also be made accessible to members of the School Board, students and members of the community served by the School District.

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In cases where action must be taken within the school system where the School Board has no formalized policy statement, the Superintendent shall have the power to act. His or her decisions, however, shall be subject to review by action of the School Board at its regular meeting. It shall be the duty of the Superintendent to inform the School Board promptly of such action and of the need for policy if in his or her best judgment, a need for such policy exists.

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Revised: August, 1994
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Revised: July, 2012
Revised: November, 2020

Ref: Constitution of Louisiana, Art. VI, Sec. 10; La. Rev. Stat. Ann. §§17:81, 17:416.8; Board minutes 4-15-86, 6-1-9, 10-2-12.

Item #11

Discipline- JD

Act 48 revised La. Rev. Stat. Ann. §17:416 to require that a School Board's discipline policy "clearly define the rules of conduct and expectations of students engaged in virtual instruction." Virtual instruction is defined by statute as "instruction provided to a student through an electronic delivery medium, including, but not limited to, electronic learning platforms that connect to a student in a remote location to classroom instruction." The Discipline policy has been revised to include a new section Discipline of Students Engaged in Virtual Instruction; and the definition of virtual instruction added to the end of the Definitions section.

DISCIPLINE

It is the purpose of the Calcasieu Parish School Board to operate the schools in a manner that will provide an orderly process of education and that will provide for the welfare and safety of all students who attend these schools. The school's primary goal is to educate, not discipline; however, when the behavior of the individual student comes in conflict with rights of others, corrective actions may be necessary both for the benefit of that individual and the school as a whole.

Every teacher and other school employees in the public school system shall endeavor to hold each student to a strict accountability for any disorderly conduct in school, or on the playgrounds of the school, on any school bus, on the street or while going to or returning from school, during intermission or recess, or at any school sponsored activity or function. To assist the teacher, the School Board shall establish regulations for the use of disciplinary measures within the schools and continually monitor and appraise their usefulness. Discipline shall be administered uniformly, consistently, and in a nondiscriminatory manner, in accordance with the School Board's Student Code of Conduct.

Principals shall have both the authority and the duty to take disciplinary action whenever the behavior of any student (s) materially interferes with or substantially disrupts the maintenance of a proper atmosphere for learning within the classroom or other parts of the school. However, no student shall be disciplined in any manner by the School Board or school administrator, teacher, or other school employee for the use of force upon another person when it can be reasonably concluded that the use of such force more probably than not was committed solely for the purpose of preventing a forcible offense against the student or a forcible offense provided that the force used must be reasonable and apparently necessary to prevent such offense. A student who is the aggressor or who brings on a difficulty cannot claim the right stated above to defend himself/herself.

Each teacher may take disciplinary action to correct a student who engages in bullying, who disrupts normal classroom activities, who is disrespectful to a teacher, who willfully disobeys a teacher, who uses abusive or foul language directed at a teacher or another pupil, who violates school rules, or who interferes with an orderly education process. The disciplinary action taken by the teacher shall be in accordance with such regulations and procedures established by the Board.

STUDENT REMOVAL FROM CLASSROOM

A student may be immediately removed from a classroom by the teacher and placed in the custody of the principal or designee if the student's behavior prevents the orderly instruction of other pupils, poses an immediate threat to the safety of students or the teacher, when a student exhibits disrespectful or threatening behavior toward a teacher such as using foul or abusive language or gestures directed at or threatening a student

or teacher, when a pupil violates the school's code of conduct, or when a student exhibits other disruptive, dangerous, or unruly behavior, including inappropriate physical contact, inappropriate verbal conduct, sexual or other harassment, throwing objects, inciting other students to misbehave, or destroying property. The student should not be kept out of school past the suspension period imposed by the principal.

A student removed from the classroom shall be assigned school work missed and shall receive either partial or full credit for such work, upon the recommendation of the student's teacher, if it is completed satisfactorily and timely as determined by the principal or his/her designee.

Any student removed from class in kindergarten through grade 6 shall not be permitted to return to class for at least thirty (30) minutes unless agreed to by the teacher. A student removed from class in grades 7 through 12 shall not be permitted to return to class during the same class period, unless agreed to by the teacher initiating the disciplinary action.

Whenever a teacher is struck by a student, the student, in addition to any other discipline given, shall be permanently removed from the teacher's classroom, unless the teacher objects, or unless the principal, with the concurrence of the building level committee, finds the striking incident to be entirely inadvertent.

Upon the student being removed from class and sent to the principal's office, the principal or designee shall conduct a counseling session with the student to discuss the particular misconduct. Once removed, the student shall not be readmitted to the classroom until the principal has implemented one of the following disciplinary measures:

1. In-school suspension
2. Detention
3. Suspension
4. Initiation of expulsion hearings
5. Assignment to an alternative school
6. Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.
7. Any other disciplinary measure authorized by the principal with the concurrence of the teacher or building level committee.

Parental Notification

The principal or his/her designee shall provide oral or written notification to the parent or legal guardian of any student removed from the classroom. Such notification shall include a description of any disciplinary action taken.

When a student has been removed from a classroom, the teacher may require the parent, tutor, or legal guardian of the student to have a conference with the teacher in the

presence of the principal or his or her designee before the student is readmitted. Upon the student's *third* removal from the same classroom, the teacher and principal shall discuss the pupil's disruptive behavior and contemplated disciplinary measures to be taken before the principal implements such measures. If appropriate, a referral may be made to the building level committee. In addition, a conference between the teacher or other appropriate school employee and the student's parent, tutor, or legal guardian shall be required prior to the student being readmitted. If the disruptive behavior persists, the teacher may request that the principal transfer the student into another setting.

PARENT CONFERENCES

In any case where a teacher, principal, or other school employee is authorized to **require** the parent, tutor, or legal guardian of a student to attend a conference or meeting regarding the student's behavior, and after notice, the parent, tutor, or legal guardian willfully refuses to attend, the principal, or his/her designee, shall file a complaint, in accordance with statutory provisions, with a court exercising juvenile jurisdiction. *Notice* of the conference, specifying the time and date of the conference, shall be given by contacting the parent, tutor, or legal guardian by telephone at the telephone number shown on the student's registration card or by sending a certified letter to the address shown on the student's registration card.

REPORTS TO PRINCIPAL

Any teacher or other school employee may report to the principal any student who acts in a disorderly manner or is in violation of school rules, or any misconduct or violation of school rules by a student who may or may not be known to the teacher or employee. Incidents of alleged discipline violations shall be reported on the *School Behavior Report/School Bus Behavior Report* form provided by the Louisiana Department of Education. The forms shall be submitted in accordance with procedures outlined by the School District, the Superintendent, and school system personnel. The principal shall review and act upon such information submitted, to determine if suspension or other disciplinary action is necessary.

Should the principal fail to act on any report of misconduct or school violation, he/she shall explain the reasons for doing so to the Superintendent or his/her designee and to the teacher or school employee, student, parent, or legal guardian reporting the violation.

DELINQUENT STUDENTS

Students who regularly disrupt the normal school environment shall be considered as delinquent, and may be reported by appropriate school personnel to the juvenile court. Any student that exhibits disruptive behavior, an incorrigible attitude, or any other discipline problems in general may be recommended by the principal for expulsion, assignment to an appropriate alternative educational placement, or transfer to adult education if the student is:

1. Seventeen (17) years of age or older with less than five (5) units of credit toward graduation;
2. Eighteen (18) years of age or older with less than ten (10) units of credit toward graduation; or
3. Nineteen (19) years of age or older with less than fifteen (15) units of credit toward graduation.

RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

Any school administrator or administrator's designee who is required to make a recommendation, decide an issue, or take action in a matter involving the discipline of a student shall recuse himself/herself whenever a member of the immediate family of the administrator or administrator's designee is involved in any manner in the discipline matter. In case of recusal, the action to be taken shall be done so by the Superintendent or an impartial designee of the Superintendent.

Immediate family means the individual's children, brothers, sisters, parents, and spouse and the children, brothers, sisters, and parents of the spouse.

DISCIPLINE OF STUDENTS WITH DISABILITIES

Discipline of students with disabilities shall be in accordance with applicable state or federal law and regulations.

DISCIPLINE OF STUDENTS ENGAGED IN VIRTUAL INSTRUCTION

The School Board shall adopt disciplinary measures that define the rules of conduct and expectations of students engaged in virtual instruction, including clearly defined consequences of conduct, and shall take into consideration the students' and their families' rights to privacy and other constitutional rights while at home or in a location that is not school property. Any such disciplinary measures adopted by the School Board shall be included in the policy *Discipline of Students Engaged in Virtual Instruction*.

DEFINITIONS

Suspension shall mean that student is temporarily prohibited from participating in his/her usual placement within school. This usually involves temporary removal from school.

In-school suspension shall mean (1) student is removed from his/her usual classroom placement to an alternative educational placement for a minimum of one complete school day, and (2) no interruption of services occurs. (An *alternative educational placement* may be located on or off the school site, provided that the student continues to receive instructional services and remains under the supervision of school personnel or their

designees.)

Detention shall mean activities, assignments, or work held before the normal school day, after the normal school day, or on weekends. Failure or refusal by a student to participate in assigned detention shall subject the student to immediate suspension. Assignments, activities, or work which may be assigned during detention include, but are not limited to, counseling, homework assignments, behavior modification program, or other activities aimed at improving the self-esteem of the student.

Expulsion shall mean the removal of a student from school for at least one school semester.

In-school expulsion shall mean (1) Student is temporarily removed from his/her usual classroom placement to an alternative educational placement for a period of time specified by the Office of Child Welfare and Attendance, and (2) no interruption of instructional services occurs. (An *alternative educational placement* may be located on or off the school site, provided that the student continues to receive instructional services and remains under the supervision of school personnel of their designees.)

Virtual instruction means instruction provided to a student through an electronic delivery medium, including, but not limited to, electronic learning platforms that connect to a student in a remote location to classroom instruction.

Revised: December, 1990

Revised: December, 1992

Revised: November, 1993

Revised: August, 1994

Revised: September, 1997

Revised: August, 1999

Revised: August, 2003

Revised: September, 2009

Revised: November, 2012

Revised: November, 2020

Ref: 42 USCA 12112 et seq. (*Equal Opportunity for Individuals with Disabilities*); La. Rev. Stat. Ann. §§17:223, 17:224, 17:233, 17:239, 17:252, 17:416, 17:416.1, 17:416.13; *Regulations for Implementation of the Exceptional Children's Act*, Bulletin 1706, Louisiana Department of Education; Board minutes, 10-14-03, 1-12-10, 2-5-13.

DISCIPLINE

It is the purpose of the Calcasieu Parish School Board to operate the schools in a manner that will provide an orderly process of education and that will provide for the welfare and safety of all students who attend these schools. The school's primary goal is to educate, not discipline; however, when the behavior of the individual student comes in conflict with rights of others, corrective actions may be necessary both for the benefit of that individual and the school as a whole.

Every teacher and other school employees in the public school system shall endeavor to hold each student to a strict accountability for any disorderly conduct in school, or on the playgrounds of the school, on any school bus, on the street or while going to or returning from school, during intermission or recess, or at any school sponsored activity or function. To assist the teacher, the School Board shall establish regulations for the use of disciplinary measures within the schools and continually monitor and appraise their usefulness. Discipline shall be administered uniformly, consistently, and in a nondiscriminatory manner, in accordance with the School Board's *Student Code of Conduct*.

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or teacher, when a pupil violates the school's code of conduct, or when a student exhibits other disruptive, dangerous, or unruly behavior, including inappropriate physical contact, inappropriate verbal conduct, sexual or other harassment, throwing objects, inciting other students to misbehave, or destroying property. The student should not be kept out of school past the suspension period imposed by the principal.

A student removed from the classroom shall be assigned school work missed and shall receive either partial or full credit for such work, upon the recommendation of the student's teacher, if it is completed satisfactorily and timely as determined by the principal or his/her designee.

Any student removed from class in kindergarten through grade 6 shall not be permitted to return to class for at least thirty (30) minutes unless agreed to by the teacher. A student removed from class in grades 7 through 12 shall not be permitted to return to class during the same class period, unless agreed to by the teacher initiating the disciplinary action.

Whenever a teacher is struck by a student, the student, in addition to any other discipline given, shall be permanently removed from the teacher's classroom, unless the teacher objects, or unless the principal, with the concurrence of the building level committee, finds the striking incident to be entirely inadvertent.

Upon the student being removed from class and sent to the principal's office, the principal or designee shall conduct a counseling session with the student to discuss the particular misconduct. Once removed, the student shall not be readmitted to the classroom until the principal has implemented one of the following disciplinary measures:

1. In-school suspension
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4. Initiation of expulsion hearings
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6. Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.
7. Any other disciplinary measure authorized by the principal with the concurrence of the teacher or building level committee.

Parental Notification

The principal or his/her designee shall provide oral or written notification to the parent or legal guardian of any student removed from the classroom. Such notification shall include a description of any disciplinary action taken.

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In any case where a teacher, principal, or other school employee is authorized to **require** the parent, tutor, or legal guardian of a student to attend a conference or meeting regarding the student's behavior, and after notice, the parent, tutor, or legal guardian willfully refuses to attend, the principal, or his/her designee, shall file a complaint, in accordance with statutory provisions, with a court exercising juvenile jurisdiction. *Notice* of the conference, specifying the time and date of the conference, shall be given by contacting the parent, tutor, or legal guardian by telephone at the telephone number shown on the student's registration card or by sending a certified letter to the address shown on the student's registration card.

REPORTS TO PRINCIPAL

Any teacher or other school employee may report to the principal any student who acts in a disorderly manner or is in violation of school rules, or any misconduct or violation of school rules by a student who may or may not be known to the teacher or employee. Incidents of alleged discipline violations shall be reported on the *School Behavior Report/School Bus Behavior Report* form provided by the Louisiana Department of Education. The forms shall be submitted in accordance with procedures outlined by the School District, the Superintendent, and school system personnel. The principal shall review and act upon such information submitted, to determine if suspension or other disciplinary action is necessary.

Should the principal fail to act on any report of misconduct or school violation, he/she shall explain the reasons for doing so to the Superintendent or his/her designee and to the teacher or school employee, student, parent, or legal guardian reporting the violation.

DELINQUENT STUDENTS

Students who regularly disrupt the normal school environment shall be considered as delinquent, and may be reported by appropriate school personnel to the juvenile court. Any student that exhibits disruptive behavior, an incorrigible attitude, or any other discipline problems in general may be recommended by the principal for expulsion, assignment to an appropriate alternative educational placement, or transfer to adult education if the student is:

1. Seventeen (17) years of age or older with less than five (5) units of credit toward graduation;
2. Eighteen (18) years of age or older with less than ten (10) units of credit toward graduation; or
3. Nineteen (19) years of age or older with less than fifteen (15) units of credit toward graduation.

RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

Any school administrator or administrator's designee who is required to make a recommendation, decide an issue, or take action in a matter involving the discipline of a student shall recuse himself/herself whenever a member of the immediate family of the administrator or administrator's designee is involved in any manner in the discipline matter. In case of recusal, the action to be taken shall be done so by the Superintendent or an impartial designee of the Superintendent.

Immediate family means the individual's children, brothers, sisters, parents, and spouse and the children, brothers, sisters, and parents of the spouse.

DISCIPLINE OF STUDENTS WITH DISABILITIES

Discipline of students with disabilities shall be in accordance with applicable state or federal law and regulations.

DISCIPLINE OF STUDENTS ENGAGED IN VIRTUAL INSTRUCTION

The School Board shall adopt disciplinary measures that define the rules of conduct and expectations of students engaged in virtual instruction, including clearly defined consequences of conduct, and shall take into consideration the students' and their families' rights to privacy and other constitutional rights while at home or in a location that is not school property. Any such disciplinary measures adopted by the School Board shall be included in the policy *Discipline of Students Engaged in Virtual Instruction*.

DEFINITIONS

Suspension shall mean that student is temporarily prohibited from participating in his/her usual placement within school. This usually involves temporary removal from school.

In-school suspension shall mean (1) student is removed from his/her usual classroom placement to an alternative educational placement for a minimum of one complete school day, and (2) no interruption of services occurs. (An *alternative educational placement* may be located on or off the school site, provided that the student continues to receive instructional services and remains under the supervision of school personnel or their

designees.)

Detention shall mean activities, assignments, or work held before the normal school day, after the normal school day, or on weekends. Failure or refusal by a student to participate in assigned detention shall subject the student to immediate suspension. Assignments, activities, or work which may be assigned during detention include, but are not limited to, counseling, homework assignments, behavior modification program, or other activities aimed at improving the self-esteem of the student.

Expulsion shall mean the removal of a student from school for at least one school semester.

In-school expulsion shall mean (1) Student is temporarily removed from his/her usual classroom placement to an alternative educational placement for a period of time specified by the Office of Child Welfare and Attendance, and (2) no interruption of instructional services occurs. (An *alternative educational placement* may be located on or off the school site, provided that the student continues to receive instructional services and remains under the supervision of school personnel of their designees.)

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Item #12

Suspension/Expulsion- JDD - JDE

Act 48 provides the parent or tutor of a student who is recommended for expulsion the right of review by the School Board even if the recommendation for expulsion is reduced to a suspension. Parents/tutors of a student who receives an adverse ruling of the School Board may then appeal the matter to the district court within ten (10) days, even if the recommendation for expulsion is reduced to a suspension. Language has been added to both the Suspension and Expulsion policies to reflect this statutory change.

Although not included in policy, the revised statute also includes provisions for awarding reasonable attorney fees if the court finds any school official acted in a "grossly negligent manner; with deliberate disregard for the consequences of his actions to the student; with willful or malicious indifference; with intent to deprive the student, his parent, guardian, or tutor of due process; or initiated a charge that is knowingly false." The court may also award damages and render other appropriate relief including requiring an official letter of apology to the student, parent, tutor, or guardian, to be retained in the student's educational records.

SUSPENSION OF STUDENTS

The Calcasieu Parish School Board recognizes its authority to maintain good order and discipline within the schools of the school district. Therefore, the School Board recognizes the principal's authority to suspend a pupil for a specified period of time in accordance with statutory provisions.

In each case of suspension, the school principal, or his or her designee, prior to any suspension, shall advise the student of the particular misconduct of which he/she is accused as well as the basis for such accusation, and the pupil shall be given an opportunity at that time to explain his/her version of the facts. The principal/designee shall contact the parent, tutor, or legal guardian of the pupil to notify them of the suspension, and establish a date and time for a conference with the principal or designee as a requirement for readmitting the pupil. Notice shall be given by contacting the parent, tutor, or legal guardian by telephone at the telephone number shown on the pupil's registration card, or by sending a certified letter to the address shown on the pupil's registration card. The principal shall promptly advise the Superintendent or designee of all such suspensions, stating the reasons for the suspensions.

Students suspended for more than ten (10) days shall remain under the supervision of the school system using an alternative education program designed to continue the educational process in an alternative educational placement. The student shall be placed in an alternative school or an alternative education program and shall be required to attend and participate in such school, program, or educational services.

No suspended pupil shall be allowed to leave the school premises during the school day until the parent, guardian, or other proper authorities assume responsibility for him/her, unless immediate removal from school due to danger or threat of disruption to academic process is warranted.

If the parent, tutor, or legal guardian fails to attend the required conference within five (5) school days of notification, the truancy laws shall be effective. On not more than one occasion each school year when the parent, tutor, or legal guardian refuses to respond to the notice, the principal may determine whether readmitting the pupil is in the best interest of the pupil. On any subsequent occasions in the same school year, the pupil shall not be readmitted unless the parent, tutor, or legal guardian, court, or other appointed representative responds.

In any case where a teacher, principal, or other school employee is authorized to require the parent, tutor, or legal guardian of a pupil to attend a conference or meeting regarding the pupil's behavior and after notice, the parent, tutor, or legal guardian willfully refuses to attend, the principal or his/her designee shall file a complaint, in accordance with statutory provisions, with a court exercising juvenile jurisdiction.

When a pupil is suspended for a second time within one school year, the principal may require a counseling session be held with the parent and pupil by the school counselor. If no counselor is available, the conference may be held with all the pupil's teachers and the principal or other administrator.

Any student, *after being suspended on three (3) occasions* for committing drugs or weapons offenses during the same school year, **shall upon committing the fourth offense**, be expelled from all the public schools of the system until the beginning of the next regular school year, and the pupil's reinstatement shall be subject to the review and approval of the School Board.

The principal and other appropriate personnel shall be required to file written documentation of all suspensions. Said documentation shall include the circumstances surrounding any suspension, the reason for suspension, and any other pertinent facts concerning the disciplinary action. The principal shall file copies of his/her report with the Superintendent, other appropriate personnel and the parent or guardian and retain a copy for his/her records.

Upon the seizure by any teacher, principal, school security guard, or other school administrator of any firearm, knife, or other dangerous implement which could be used as a weapon or inflict injury, the principal or his or her designee shall be required to report the confiscation to appropriate law enforcement officials.

Appeal

Any parent, tutor, or legal guardian of a pupil suspended shall have the right to appeal to the Superintendent or his/her designee, who shall conduct a hearing on the merits. If the parent or legal guardian is not present for the hearing after having been properly notified, the hearing may proceed and the results of the hearing shall be mailed to the parent or legal guardian within three (3) school days by certified mail, return receipt requested. The decision of the Superintendent on the merits of the case, as well as the term of suspension, shall be final, reserving to the Superintendent the right to remit any portion of the time of suspension.

MANDATORY SUSPENSION

Firearms, Knives, Other Dangerous Instrumentalities, Drugs

The principal shall be required to suspend a pupil who:

1. is found carrying or possessing a firearm or a knife with a blade two (2) inches or longer, or another dangerous instrumentality, except as provided below under the section entitled *Suspension Not Applicable*; or
2. possesses, distributes, sells, gives, or loans any controlled dangerous substance

governed by state law, in any form.

Additionally, the principal shall immediately recommend the pupil's expulsion to the Superintendent, for the above offenses, except in the case of a student less than eleven (11) years of age in pre-kindergarten through grade 5 who is found carrying or possessing a knife with a blade two (2) inches or longer, the principal may, but shall not be required to recommend the student's expulsion. A student found carrying or possessing a knife with a blade less than two (2) inches in length may be suspended by the school principal, but, in appropriate cases, at a minimum, shall be placed in *in-school suspension*.

The parent or tutor of a pupil who has been recommended for expulsion, including if the recommendation is reduced to a suspension, shall have the right to request review by the School Board of such recommendation, or appeal to the parish district court, as appropriate, in accordance with La. Rev. Stat. Ann. §17:416.

Assault or Battery of School Employees

Whenever a pupil is formally accused of violating state law or school disciplinary regulations, or both, by committing assault or battery on any school employee, the principal shall suspend the pupil from school immediately and the pupil shall be removed immediately from the school premises without the benefit of required procedures, provided, however, that such procedures shall follow as soon as practicable. The student shall not be readmitted to the school to which the employee is assigned until all hearings and appeals associated with the alleged violation have been exhausted.

SUSPENSION NOT APPLICABLE

Suspension of a student shall not apply to the following:

1. A student carrying or possessing a firearm or knife for purposes of involvement in a school class, course, or school approved co-curricular or extracurricular activity or any other activity approved by appropriate school officials.
2. A student possessing any controlled dangerous substance that has been obtained directly or due to a valid prescription or order from a licensed physician. However, such student shall carry evidence of that prescription or physician's order on his/her person at all times when in possession of any controlled dangerous substance which shall be subject to verification.

In addition, school officials, in accordance with statutory provisions, shall have total discretion and shall exercise such discretion in imposing on a pupil any disciplinary actions authorized by state law for possession by a pupil of a firearm or knife on school property when such firearm or knife is stored in a motor vehicle and there is no evidence of the pupil's intent to use the firearm or knife in a criminal manner.

DRESS CODE VIOLATIONS

A student enrolled in grades prekindergarten through five shall not be suspended from school or suspended from riding on any school bus for a uniform violation that is not tied to willful disregard of school policies.

CREDIT FOR SCHOOL WORK MISSED

A student who is suspended for ten (10) days or fewer shall be assigned school work missed while he/she is suspended and shall receive either partial or full credit for such work if it is completed satisfactorily and timely as determined by the principal or his/her designee, upon the recommendation of the student's teacher. Each student who has been suspended for ten (10) days or fewer shall receive the missed assignments from each academic teacher. Once the assignments have been issued to the student, the student shall have one (1) school day for each day out due to suspension to complete and submit the work. The teacher shall assess the student's work and the student may receive 100% of the score earned on the assignment.

If a student does not complete the assignment in the allotted amount of time, the student shall receive a zero (0) for the assignments missed due to the suspension.

A student who is suspended for more than ten (10) days 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 is suspended.

RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

Any school administrator or administrator's designee who is required to make a recommendation, decide an issue, or take action in a matter involving the discipline of a student shall recuse himself/herself whenever a member of the immediate family of the administrator or administrator's designee is involved in any manner in the discipline matter. In case of recusal, the action to be taken shall be done so by the Superintendent or an impartial designee of the Superintendent.

Immediate family means the individual's children, brothers, sisters, parents, and spouse and the children, brothers, sisters, and parents of the spouse.

SUSPENSION OF STUDENTS WITH DISABILITIES

Suspension of students with disabilities shall be in accordance with applicable state or federal law and regulations.

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Ref: La. Rev. Stat. Ann. §§17:223, 17:416, 17:416.1, 17:416.2, 17:416.3; Goss v. Lopez, 95 S. Ct. 729 (1973); Regulations for Implementation of the Exceptional Children's Act, Bulletin 1706, Louisiana Department of Education; Board minutes, 10-14-03, 5-8-06, 2-6-07, 9-4-07, 1-12-10, 7-16-13, 12-8-15.

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In each case of suspension, the school principal, or his or her designee, prior to any suspension, shall advise the student of the particular misconduct of which he/she is accused as well as the basis for such accusation, and the pupil shall be given an opportunity at that time to explain his/her version of the facts. The principal/designee shall contact the parent, tutor, or legal guardian of the pupil to notify them of the suspension, and establish a date and time for a conference with the principal or designee as a requirement for readmitting the pupil. Notice shall be given by contacting the parent, tutor, or legal guardian by telephone at the telephone number shown on the pupil's registration card, or by sending a certified letter to the address shown on the pupil's registration card. The principal shall promptly advise the Superintendent or designee of all such suspensions, stating the reasons for the suspensions.

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If the parent, tutor, or legal guardian fails to attend the required conference within five (5) school days of notification, the truancy laws shall be effective. On not more than one occasion each school year when the parent, tutor, or legal guardian refuses to respond to the notice, the principal may determine whether readmitting the pupil is in the best interest of the pupil. On any subsequent occasions in the same school year, the pupil shall not be readmitted unless the parent, tutor, or legal guardian, court, or other appointed representative responds.

In any case where a teacher, principal, or other school employee is authorized to require the parent, tutor, or legal guardian of a pupil to attend a conference or meeting regarding the pupil's behavior and after notice, the parent, tutor, or legal guardian willfully refuses to attend, the principal or his/her designee shall file a complaint, in accordance with statutory provisions, with a court exercising juvenile jurisdiction.

When a pupil is suspended for a second time within one school year, the principal may require a counseling session be held with the parent and pupil by the school counselor. If no counselor is available, the conference may be held with all the pupil's teachers and the principal or other administrator.

Any student, *after being suspended on three (3) occasions* for committing drugs or weapons offenses during the same school year, **shall upon committing the fourth offense**, be expelled from all the public schools of the system until the beginning of the next regular school year, and the pupil's reinstatement shall be subject to the review and approval of the School Board.

The principal and other appropriate personnel shall be required to file written documentation of all suspensions. Said documentation shall include the circumstances surrounding any suspension, the reason for suspension, and any other pertinent facts concerning the disciplinary action. The principal shall file copies of his/her report with the Superintendent, other appropriate personnel and the parent or guardian and retain a copy for his/her records.

Upon the seizure by any teacher, principal, school security guard, or other school administrator of any firearm, knife, or other dangerous implement which could be used as a weapon or inflict injury, the principal or his or her designee shall be required to report the confiscation to appropriate law enforcement officials.

Appeal

Any parent, tutor, or legal guardian of a pupil suspended shall have the right to appeal to the Superintendent or his/her designee, who shall conduct a hearing on the merits. If the parent or legal guardian is not present for the hearing after having been properly notified, the hearing may proceed and the results of the hearing shall be mailed to the parent or legal guardian within three (3) school days by certified mail, return receipt requested. The decision of the Superintendent on the merits of the case, as well as the term of suspension, shall be final, reserving to the Superintendent the right to remit any portion of the time of suspension.

MANDATORY SUSPENSION

Firearms, Knives, Other Dangerous Instrumentalities, Drugs

The principal shall be required to suspend a pupil who:

1. is found carrying or possessing a firearm or a knife with a blade two (2) inches or longer, or another dangerous instrumentality, except as provided below under the section entitled *Suspension Not Applicable*; or
2. possesses, distributes, sells, gives, or loans any controlled dangerous substance

governed by state law, in any form.

Additionally, the principal shall immediately recommend the pupil's expulsion to the Superintendent, for the above offenses, except in the case of a student less than eleven (11) years of age in pre-kindergarten through grade 5 who is found carrying or possessing a knife with a blade two (2) inches or longer, the principal may, but shall not be required to recommend the student's expulsion. A student found carrying or possessing a knife with a blade less than two (2) inches in length may be suspended by the school principal, but, in appropriate cases, at a minimum, shall be placed in *in-school suspension*.

The parent or tutor of a pupil who has been recommended for expulsion, including if the recommendation is reduced to a suspension, shall have the right to request review by the School Board of such recommendation, or appeal to the parish district court, as appropriate, in accordance with La. Rev. Stat. Ann. §17:416.

Assault or Battery of School Employees

Whenever a pupil is formally accused of violating state law or school disciplinary regulations, or both, by committing assault or battery on any school employee, the principal shall suspend the pupil from school immediately and the pupil shall be removed immediately from the school premises without the benefit of required procedures, provided, however, that such procedures shall follow as soon as practicable. The student shall not be readmitted to the school to which the employee is assigned until all hearings and appeals associated with the alleged violation have been exhausted.

SUSPENSION NOT APPLICABLE

Suspension of a student shall not apply to the following:

1. A student carrying or possessing a firearm or knife for purposes of involvement in a school class, course, or school approved co-curricular or extracurricular activity or any other activity approved by appropriate school officials.
2. A student possessing any controlled dangerous substance that has been obtained directly or due to a valid prescription or order from a licensed physician. However, such student shall carry evidence of that prescription or physician's order on his/her person at all times when in possession of any controlled dangerous substance which shall be subject to verification.

In addition, school officials, in accordance with statutory provisions, shall have total discretion and shall exercise such discretion in imposing on a pupil any disciplinary actions authorized by state law for possession by a pupil of a firearm or knife on school property when such firearm or knife is stored in a motor vehicle and there is no evidence of the pupil's intent to use the firearm or knife in a criminal manner.

DRESS CODE VIOLATIONS

A student enrolled in grades prekindergarten through five shall not be suspended from school or suspended from riding on any school bus for a uniform violation that is not tied to willful disregard of school policies.

CREDIT FOR SCHOOL WORK MISSED

A student who is suspended for ten (10) days or fewer shall be assigned school work missed while he/she is suspended and shall receive either partial or full credit for such work if it is completed satisfactorily and timely as determined by the principal or his/her designee, upon the recommendation of the student's teacher. Each student who has been suspended for ten (10) days or fewer shall receive the missed assignments from each academic teacher. Once the assignments have been issued to the student, the student shall have one (1) school day for each day out due to suspension to complete and submit the work. The teacher shall assess the student's work and the student may receive 100% of the score earned on the assignment.

If a student does not complete the assignment in the allotted amount of time, the student shall receive a zero (0) for the assignments missed due to the suspension.

A student who is suspended for more than ten (10) days 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 is suspended.

RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

Any school administrator or administrator's designee who is required to make a recommendation, decide an issue, or take action in a matter involving the discipline of a student shall recuse himself/herself whenever a member of the immediate family of the administrator or administrator's designee is involved in any manner in the discipline matter. In case of recusal, the action to be taken shall be done so by the Superintendent or an impartial designee of the Superintendent.

Immediate family means the individual's children, brothers, sisters, parents, and spouse and the children, brothers, sisters, and parents of the spouse.

SUSPENSION OF STUDENTS WITH DISABILITIES

Suspension of students with disabilities shall be in accordance with applicable state or federal law and regulations.

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EXPULSION

The Calcasieu Parish School Board may expel a pupil from school if an offense committed by the pupil is serious enough to warrant such action or is in violation of state law. Upon the recommendation for expulsion of a pupil by the principal, the Superintendent or his/her designee shall conduct a hearing to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. Notification of the time, date, and place of the expulsion hearing shall be mailed to the parents. Following the hearing, the Superintendent or his/her designee shall notify the parents of the decision rendered.

At the hearing, the principal and/or teacher concerned may be represented by any person appointed by the Superintendent and the concerned teacher shall be permitted to attend and present any relevant information. Until the hearing, the pupil shall remain suspended.

Upon the conclusion of the hearing and upon finding the student guilty of conduct warranting expulsion, the Superintendent shall determine whether such student shall be expelled and the specified period of expulsion, or if other disciplinary action shall be taken. Unless otherwise stipulated by state statutes, the period of expulsion shall not be less than one school semester and may carry over into the next school year, if necessary. During an expulsion, the Superintendent shall place the student in an alternative school or in an alternative educational placement.

APPEALS

The parent or tutor of the pupil who has been recommended for expulsion in accordance with state law may, within five (5) days after the decision to expel has been rendered, request the School Board to review the findings of the Superintendent or designee at a time set by the School Board; otherwise the decision of the Superintendent shall be final. If requested, as herein provided, and after reviewing the findings of the Superintendent or his/her designee, the School Board may affirm, modify, or reverse the action ~~of the Superintendent or designee~~ previously taken. The parent or tutor of the pupil shall have such right of review even if the recommendation is reduced to a suspension.

The parent or tutor of the pupil who has been recommended for expulsion in accordance with state law may, within ten (10) days, appeal to the district court for the parish in which the student's school is located, an adverse ruling of the School Board in upholding the action of the superintendent or his/her designee. The court may reverse or revise the ruling of the School Board upon a finding that the ruling of the School Board was based on an absence of any relevant evidence in support thereof. The parent or tutor of the pupil shall have such right to appeal to the district court even if the recommendation for expulsion is reduced to a suspension.

EXPULSION INVOLVING FIREARMS

Any student, age sixteen (16) or older, or under sixteen (16) and in grades six (6) through twelve (12), who is found guilty of being in possession of a firearm on school property, on a school bus or in actual possession at a school-sponsored event, pursuant to a hearing, shall be expelled from school for a minimum period of four (4) complete school semesters and shall be referred to the district attorney for appropriate action.

Any student in kindergarten through grade five (5) who is found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school-sponsored event, pursuant to a hearing, shall be expelled from school for a minimum period of two (2) complete school semesters and shall be referred to the district attorney for appropriate action.

The Superintendent, however, may modify the length of the minimum expulsion required in the above paragraphs on a case-by-case basis, provided such modification is in writing.

EXPULSION INVOLVING DRUGS

Any student, sixteen (16) years of age or older, found guilty of possession of, or knowledge of and intentional distribution of or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus or at a school-sponsored event, pursuant to a hearing, shall be expelled from school for a minimum period of four (4) complete school semesters.

Any student who is under sixteen (16) years of age and in grades six (6) through twelve (12) and who is found guilty of possession of, or knowledge of and intentional distribution of or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school-sponsored event pursuant to a hearing shall be expelled from school for a minimum period of two (2) complete school semesters.

Any case involving a student in kindergarten through grade five (5) found guilty of possession of, or knowledge of and intentional distribution of or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school-sponsored event, pursuant to a hearing, shall be referred to the School Board through a recommendation for action from the Superintendent.

ADDITIONAL REASONS FOR EXPULSION

Pupils may also be expelled for any of the following reasons:

1. Any pupil, after being suspended for committing violations of any discipline policies or other rule infractions, depending on the severity of the behavior, may be expelled upon recommendation to the Superintendent by the principal and

after an appropriate hearing is held by the Superintendent or designee.

2. Any student who is found carrying or possessing a knife with a blade which equals or exceeds two (2) inches in length.
3. In accordance with federal regulations, a pupil determined to have brought a weapon to a school under the School Board's jurisdiction shall be expelled for a minimum of one calendar year. The Superintendent may modify the expulsion requirement on a case-by-case basis. A *weapon*, in accordance with federal statutes, means a firearm or any device which is designed to expel a projectile or any destructive device, which in turn means any explosive, incendiary or poison gas, bomb, grenade, rocket, missile, mine or similar device.
4. Any student, *after being suspended on three (3) occasions* for committing drugs or weapons offenses during the same school year, **shall, upon committing the fourth offense**, be expelled from all the public schools of the system until the beginning of the next regular school year, and the pupil's reinstatement shall be subject to the review and approval of the School Board.
5. The conviction of any pupil of a felony or the incarceration of any pupil in a juvenile institution for an act which had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the pupil for a period of time as determined by the School Board; such expulsions shall require the vote of ***two-thirds of the elected members of the School Board***.

EXPULSION NOT APPLICABLE

Expulsion shall not apply to the following:

1. A student carrying or possessing a firearm or knife for purposes of involvement in a school class, course, or school approved co-curricular or extracurricular activity or any other activity approved by appropriate school officials.
2. A student possessing any controlled dangerous substance that has been obtained directly or due to a valid prescription or order from a licensed physician and has been approved by the School Board and documentation has been provided to school administration. However, such student shall carry evidence of that prescription or physician's order on his/her person at all times when in possession of any controlled dangerous substance which shall be subject to verification.

In addition, school officials, in accordance with statutory provisions, shall have total discretion and shall exercise such discretion in imposing on a pupil any disciplinary actions authorized by state law for possession by a pupil of a firearm or knife on school

property when such firearm or knife is stored in a motor vehicle and there is no evidence of the pupil's intent to use the firearm or knife in a criminal manner.

DRESS CODE VIOLATIONS

A student enrolled in grades prekindergarten through five shall not be expelled from school for a uniform violation that is not tied to willful disregard of school policies.

READMITTANCE FOLLOWING EXPULSION

Required Parent Conference

In each case of expulsion, the school principal, or his or her designee, shall contact the parent, tutor, or legal guardian of the pupil to notify them of the expulsion, and establish a date and time for a conference with the principal or designee as a requirement for readmitting the pupil. Notice shall be given by sending a certified letter to the address shown on the pupil's registration card. Also, additional notification may be made by contacting the parent, tutor, or legal guardian by telephone at the telephone number shown on the pupil's registration card.

If the parent, tutor, or legal guardian fails to attend the required conference within five (5) school days of notification, the student may be considered a truant and dealt with according to all applicable statutory provisions. On not more than one occasion each school year when the parents, tutor, or legal guardian refuses to respond, the principal may determine whether readmitting the pupil is in the best interest of the pupil. On any subsequent occasions in the same school year, the pupil shall not be readmitted unless the parent, tutor, or legal guardian, court, or other appointed representative responds.

In any case where a teacher, principal, or other school employee is authorized to require the parent, tutor, or legal guardian of a pupil to attend a conference or meeting regarding the pupil's behavior and after notice, the parent, tutor, or legal guardian willfully refuses to attend, the principal or his or her designee shall file a complaint, in accordance with statutory provisions, with a court exercising juvenile jurisdiction.

Readmittance After All Expulsions

Any pupil expelled may be readmitted to school on a probationary basis at any time during the expulsion period on such terms and conditions as may be stipulated by the School Board. Readmission to school on a probationary basis shall be contingent on the pupil and legal guardian or custodian agreeing in writing to the conditions stipulated. Any such agreement shall contain a provision for immediate removal of the pupil from school premises without benefit of a hearing or other procedure upon the principal or Superintendent determining the pupil has violated any term or condition of the agreement. Immediately thereafter, the principal or designee shall provide proper notification in writing of the determination and reasons for removal to the Superintendent and the pupil's parent

or legal guardian.

Readmittance After Expulsion for Firearms, Knives, Weapons, or Drugs

In addition to the readmittance provisions for all expulsions stated above, a pupil that has been expelled for possessing on school property or on a bus, a firearm, knife, or other dangerous weapon, or possessing or possession with intent to distribute or distributing, selling, giving, or loaning while on school property or a school bus any controlled dangerous substance shall not be enrolled or readmitted to any such school on a probationary basis prior to the completion of the period of expulsion until the pupil produces written documentation that he/she and his/her parent or legal guardian have enrolled and participated or is participating in an appropriate rehabilitation or counseling program related to the reason(s) for the pupil's expulsion. The rehabilitation or counseling programs shall be provided by such programs approved by the juvenile or family court having jurisdiction, if applicable, or by the School Board. The requirement for enrollment and participation in a rehabilitation or counseling program shall be waived only upon a documented showing by the pupil that no appropriate program is available in the area or that the pupil cannot enroll or participate due to financial hardship.

Review of Records

A pupil who has been expelled from any school in or out of state shall not be admitted to a school in the school system except upon the review and approval of the School Board following the request for admission. To facilitate the review and approval for readmittance, the pupil shall provide to the School Board information on the dates of any expulsions and the reasons therefor. Additionally, the transfer of pupil records to any school or system shall include information on the dates of any expulsions and the reasons therefor.

CREDIT FOR SCHOOL WORK MISSED

A student who 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 expelled.

RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

Any school administrator or administrator's designee who is required to make a recommendation, decide an issue, or take action in a matter involving the discipline of a student shall recuse himself/herself whenever a member of the immediate family of the administrator or administrator's designee is involved in any manner in the discipline matter. In case of recusal, the action to be taken shall be done so by the Superintendent or an impartial designee of the Superintendent.

Immediate family means the individual's children, brothers, sisters, parents, and spouse and the children, brothers, sisters, and parents of the spouse.

EXPULSION OF STUDENTS WITH DISABILITIES

Expulsion of students with disabilities shall be in accordance with applicable state or federal law and regulations.

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Ref: 18 USC 921 (*Firearms – Definitions*); 20 USC 7151 (*Gun-Free Schools Act*); La. Rev. Stat. Ann. "17:223, 17:416, 17:416.1, 17:416.2, 17:2092; Goss v. Lopez, 95. S. Ct. 729 (1973); Regulations for Implementation of the Exceptional Children's Act, Bulletin 1706, Louisiana Department of Education); Board minutes, 10-14-03, 9-4-07, 10-7-08, 1-12-10, 2-5-13, 12-8-15.

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At the hearing, the principal and/or teacher concerned may be represented by any person appointed by the Superintendent and the concerned teacher shall be permitted to attend and present any relevant information. Until the hearing, the pupil shall remain suspended.

Upon the conclusion of the hearing and upon finding the student guilty of conduct warranting expulsion, the Superintendent shall determine whether such student shall be expelled and the specified period of expulsion, or if other disciplinary action shall be taken. Unless otherwise stipulated by state statutes, the period of expulsion shall not be less than one school semester and may carry over into the next school year, if necessary. During an expulsion, the Superintendent shall place the student in an alternative school or in an alternative educational placement.

APPEALS

The parent or tutor of the pupil who has been recommended for expulsion in accordance with state law may, within five (5) days after the decision to expel has been rendered, request the School Board to review the findings of the Superintendent or designee at a time set by the School Board; otherwise the decision of the Superintendent shall be final. If requested, as herein provided, and after reviewing the findings of the Superintendent or his/her designee, the School Board may affirm, modify, or reverse the action previously taken. The parent or tutor of the pupil shall have such right of review even if the recommendation is reduced to a suspension.

The parent or tutor of the pupil who has been recommended for expulsion in accordance with state law may, within ten (10) days, appeal to the district court for the parish in which the student's school is located, an adverse ruling of the School Board in upholding the action of the superintendent or his/her designee. The court may reverse or revise the ruling of the School Board upon a finding that the ruling of the School Board was based on an absence of any relevant evidence in support thereof. The parent or tutor of the pupil shall have such right to appeal to the district court even if the recommendation for expulsion is reduced to a suspension.

EXPULSION INVOLVING FIREARMS

Any student, age sixteen (16) or older, or under sixteen (16) and in grades six (6) through twelve (12), who is found guilty of being in possession of a firearm on school property, on a school bus or in actual possession at a school-sponsored event, pursuant to a hearing, shall be expelled from school for a minimum period of four (4) complete school semesters and shall be referred to the district attorney for appropriate action.

Any student in kindergarten through grade five (5) who is found guilty of being in possession of a firearm on school property, on a school bus, or in actual possession at a school-sponsored event, pursuant to a hearing, shall be expelled from school for a minimum period of two (2) complete school semesters and shall be referred to the district attorney for appropriate action.

The Superintendent, however, may modify the length of the minimum expulsion required in the above paragraphs on a case-by-case basis, provided such modification is in writing.

EXPULSION INVOLVING DRUGS

Any student, sixteen (16) years of age or older, found guilty of possession of, or knowledge of and intentional distribution of or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus or at a school-sponsored event, pursuant to a hearing, shall be expelled from school for a minimum period of four (4) complete school semesters.

Any student who is under sixteen (16) years of age and in grades six (6) through twelve (12) and who is found guilty of possession of, or knowledge of and intentional distribution of or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school-sponsored event pursuant to a hearing shall be expelled from school for a minimum period of two (2) complete school semesters.

Any case involving a student in kindergarten through grade five (5) found guilty of possession of, or knowledge of and intentional distribution of or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school-sponsored event, pursuant to a hearing, shall be referred to the School Board through a recommendation for action from the Superintendent.

ADDITIONAL REASONS FOR EXPULSION

Pupils may also be expelled for any of the following reasons:

1. Any pupil, after being suspended for committing violations of any discipline policies or other rule infractions, depending on the severity of the behavior, may be expelled upon recommendation to the Superintendent by the principal and

after an appropriate hearing is held by the Superintendent or designee.

2. Any student who is found carrying or possessing a knife with a blade which equals or exceeds two (2) inches in length.
3. In accordance with federal regulations, a pupil determined to have brought a weapon to a school under the School Board's jurisdiction shall be expelled for a minimum of one calendar year. The Superintendent may modify the expulsion requirement on a case-by-case basis. A *weapon*, in accordance with federal statutes, means a firearm or any device which is designed to expel a projectile or any destructive device, which in turn means any explosive, incendiary or poison gas, bomb, grenade, rocket, missile, mine or similar device.
4. Any student, *after being suspended on three (3) occasions* for committing drugs or weapons offenses during the same school year, **shall, upon committing the fourth offense**, be expelled from all the public schools of the system until the beginning of the next regular school year, and the pupil's reinstatement shall be subject to the review and approval of the School Board.
5. The conviction of any pupil of a felony or the incarceration of any pupil in a juvenile institution for an act which had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the pupil for a period of time as determined by the School Board; such expulsions shall require the vote of ***two-thirds of the elected members of the School Board***.

EXPULSION NOT APPLICABLE

Expulsion shall not apply to the following:

1. A student carrying or possessing a firearm or knife for purposes of involvement in a school class, course, or school approved co-curricular or extracurricular activity or any other activity approved by appropriate school officials.
2. A student possessing any controlled dangerous substance that has been obtained directly or due to a valid prescription or order from a licensed physician and has been approved by the School Board and documentation has been provided to school administration. However, such student shall carry evidence of that prescription or physician's order on his/her person at all times when in possession of any controlled dangerous substance which shall be subject to verification.

In addition, school officials, in accordance with statutory provisions, shall have total discretion and shall exercise such discretion in imposing on a pupil any disciplinary actions authorized by state law for possession by a pupil of a firearm or knife on school

property when such firearm or knife is stored in a motor vehicle and there is no evidence of the pupil's intent to use the firearm or knife in a criminal manner.

DRESS CODE VIOLATIONS

A student enrolled in grades prekindergarten through five shall not be expelled from school for a uniform violation that is not tied to willful disregard of school policies.

READMITTANCE FOLLOWING EXPULSION

Required Parent Conference

In each case of expulsion, the school principal, or his or her designee, shall contact the parent, tutor, or legal guardian of the pupil to notify them of the expulsion, and establish a date and time for a conference with the principal or designee as a requirement for readmitting the pupil. Notice shall be given by sending a certified letter to the address shown on the pupil's registration card. Also, additional notification may be made by contacting the parent, tutor, or legal guardian by telephone at the telephone number shown on the pupil's registration card.

If the parent, tutor, or legal guardian fails to attend the required conference within five (5) school days of notification, the student may be considered a truant and dealt with according to all applicable statutory provisions. On not more than one occasion each school year when the parents, tutor, or legal guardian refuses to respond, the principal may determine whether readmitting the pupil is in the best interest of the pupil. On any subsequent occasions in the same school year, the pupil shall not be readmitted unless the parent, tutor, or legal guardian, court, or other appointed representative responds.

In any case where a teacher, principal, or other school employee is authorized to require the parent, tutor, or legal guardian of a pupil to attend a conference or meeting regarding the pupil's behavior and after notice, the parent, tutor, or legal guardian willfully refuses to attend, the principal or his or her designee shall file a complaint, in accordance with statutory provisions, with a court exercising juvenile jurisdiction.

Readmittance After All Expulsions

Any pupil expelled may be readmitted to school on a probationary basis at any time during the expulsion period on such terms and conditions as may be stipulated by the School Board. Readmission to school on a probationary basis shall be contingent on the pupil and legal guardian or custodian agreeing in writing to the conditions stipulated. Any such agreement shall contain a provision for immediate removal of the pupil from school premises without benefit of a hearing or other procedure upon the principal or Superintendent determining the pupil has violated any term or condition of the agreement. Immediately thereafter, the principal or designee shall provide proper notification in writing of the determination and reasons for removal to the Superintendent and the pupil's parent

or legal guardian.

Readmittance After Expulsion for Firearms, Knives, Weapons, or Drugs

In addition to the readmittance provisions for all expulsions stated above, a pupil that has been expelled for possessing on school property or on a bus, a firearm, knife, or other dangerous weapon, or possessing or possession with intent to distribute or distributing, selling, giving, or loaning while on school property or a school bus any controlled dangerous substance shall not be enrolled or readmitted to any such school on a probationary basis prior to the completion of the period of expulsion until the pupil produces written documentation that he/she and his/her parent or legal guardian have enrolled and participated or is participating in an appropriate rehabilitation or counseling program related to the reason(s) for the pupil's expulsion. The rehabilitation or counseling programs shall be provided by such programs approved by the juvenile or family court having jurisdiction, if applicable, or by the School Board. The requirement for enrollment and participation in a rehabilitation or counseling program shall be waived only upon a documented showing by the pupil that no appropriate program is available in the area or that the pupil cannot enroll or participate due to financial hardship.

Review of Records

A pupil who has been expelled from any school in or out of state shall not be admitted to a school in the school system except upon the review and approval of the School Board following the request for admission. To facilitate the review and approval for readmittance, the pupil shall provide to the School Board information on the dates of any expulsions and the reasons therefor. Additionally, the transfer of pupil records to any school or system shall include information on the dates of any expulsions and the reasons therefor.

CREDIT FOR SCHOOL WORK MISSED

A student who 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 expelled.

RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

Any school administrator or administrator's designee who is required to make a recommendation, decide an issue, or take action in a matter involving the discipline of a student shall recuse himself/herself whenever a member of the immediate family of the administrator or administrator's designee is involved in any manner in the discipline matter. In case of recusal, the action to be taken shall be done so by the Superintendent or an impartial designee of the Superintendent.

Immediate family means the individual's children, brothers, sisters, parents, and spouse and the children, brothers, sisters, and parents of the spouse.

EXPULSION OF STUDENTS WITH DISABILITIES

Expulsion of students with disabilities shall be in accordance with applicable state or federal law and regulations.

Revised: October, 1995
Revised: July, 1996
Revised: September, 1997
Revised: August, 2003
Revised: August, 2007

Revised: September, 2008
Revised: September, 2009
Revised: November, 2012
Revised: December 8, 2015
Revised: November, 2020

Ref: 18 USC 921 (*Firearms – Definitions*); 20 USC 7151 (*Gun-Free Schools Act*); La. Rev. Stat. Ann. §§17:223, 17:416, 17:416.1, 17:416.2, 17:2092; Goss v. Lopez, 95. S. Ct. 729 (1973); Regulations for Implementation of the Exceptional Children's Act, Bulletin 1706, Louisiana Department of Education); Board minutes, 10-14-03, 9-4-07, 10-7-08, 1-12-10, 2-5-13, 12-8-15.

Item #13

Bids and Quotations- DJED

La. Rev. Stat. Ann. §38:2212 was revised by Act 111. The contract limit for public works has been raised once again, this time from \$150,000 to \$250,000, as reflected in the Bids and Quotations policy. This change became effective July 1, 2020. Adjustments of this threshold may be made by the State beginning in 2025.

BIDS AND QUOTATIONS

1. Public Works

The Calcasieu Parish School Board shall advertise and let by contract, except in cases of emergencies, as provided below, all public work exceeding \$~~150,000~~ 250,000 per project. The contract shall be awarded to the lowest responsible bidder who has bid according to the contract, plan, and specifications advertised, unless stipulated otherwise by the School Board.

As an evidence of good faith, each bidder for public works project shall attach to its bid, a bid bond, certified check, or cashier's check in an amount equal to five percent (5%) of the bid amount.

When using state or locally generated funds, under no circumstances shall there be a division or separation of any public work project into smaller projects, which division or separation would have the effect of avoiding the requirement that public work be advertised and let by contract to the lowest responsible bidder in accordance with statutory provisions.

All advertisements for bids shall appear in the newspaper selected as the official journal for the School Board, except in emergencies as may be declared by the School Board, or designee. The advertisement, when published, shall appear once a week for three (3) different weeks, the first advertisement to appear at least twenty-five (25) days prior to the opening of bids. In addition to newspaper advertisements, the School Board may also publish advertisements and accept bids by electronic media available to the general public in accordance with uniform standards promulgated by the state. In any advertisement, the first publication shall not occur on a Saturday, Sunday, or legal holiday.

All bids shall be opened in public in the presence of one or more witnesses at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and open to public inspection. The Superintendent and/or other appropriate administrators shall review, summarize and report bids to the School Board with recommendations for final action.

Contracts for public works aggregating \$~~150,000~~ 250,000 or less shall be subject to the following:

A. \$10,000 - \$~~150,000~~ 250,000

Contracts for public works aggregating \$10,000.00 or more, but less than \$~~150,000~~ 250,000 shall be made by obtaining no fewer than three (3) documented written, facsimile, or electronic quotations. A written

confirmation of the accepted offers shall be obtained and made part of the purchase file. If quotations lower than the accepted quotation are received, the reasons for their rejection shall be recorded in the purchase file.

B. \$0.00 - \$9,999.99

Competitive quotations may be received at the discretion of the purchasing department head (quotes recommended).

The School Board shall retain the option of requiring all bids that are let out for public works be submitted electronically.

2. Supplies, Materials and Equipment

The School Board shall advertise and let by contract all purchases of supplies, materials and equipment aggregating \$30,000 or more. All advertisements for bids shall appear in the newspaper selected as the official journal for the School Board. The advertisement, when published, shall appear at least fifteen (15) days prior to the date set forth therein for the opening of bids. In addition, the School Board shall also publish an advertisement by electronic media available to the general public. Notice shall also be given in writing to persons in a position to furnish the supplies, materials and equipment as shown by the purchasing department's records.

When using state or locally generated funds, purchases cannot be divided by departments or by a school if the effect is to evade the state's public bid law. Purchases of commodities that are bought in small but recurring amounts through the year shall be bid on an annual basis.

All bids shall be opened in public in the presence of one or more witnesses, at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and open to public inspection. ~~The Superintendent and/or other appropriate administrators shall review, summarize and report bids to the Board with recommendations for final action.~~

The School Board may require, as evidence of good faith that each bidder for the purchase of supplies, materials or equipment, attach to its bid a bid bond, certified check or cashier's check in an amount equal to five percent (5%) of the bid amount.

Purchases of supplies, material and equipment aggregating less than \$30,000.00 shall be subject to the following:

- A. Purchases of \$10,000.00 or more, but less than \$30,000 shall be made by obtaining no fewer than three (3) documented ~~written, facsimile, or electronic~~ quotations. A written confirmation of the accepted offers shall be

obtained and made part of the purchase file. If quotations lower than the accepted quotation are received, the reasons for their rejection shall be recorded in the purchase file.

- B. \$0.00 - \$9,999.99 Competitive quotations may be received at the discretion of the purchasing department head (quotes recommended).

The School Board shall retain the option of requiring all bids that are let out for materials and supplies be submitted electronically.

In lieu of formal bids, the School Board may use a *reverse auction* or *competitive online solicitation process* for the purchase of equipment, supplies, and other materials, as outlined in policy *DJE, Purchasing*.

3. Bid Award

In order to protect the integrity of the competitive bidding process, the determination of responsiveness by the bidder must be made from the bid documents at the time of the bid opening. Any deviation from or failure to supply information required by the bid documents, may result in the bid being rejected as non-responsive.

The Superintendent and/or other appropriate administrators shall review, summarize and report bids to the School Board with recommendations for bid award unless the School Board grants permission for staff to evaluate, award, and notify the School Board at a later date.

4. Disqualification of Bidder for Non-Responsibility

If the School Board proposes to disqualify any bidder for non-responsibility (the possibility that the bidder may not satisfactorily fulfill the contract being bid), the School Board shall:

1. Give written notice of the proposed disqualification to such bidder, and include in the written notice all reasons for the proposed disqualification;
2. Give such bidder, who is proposed to be disqualified, the opportunity to be heard at an informal hearing to be conducted not later than five (5) business days after the issuance of the notice of the proposed disqualification, at which such bidder is afforded the opportunity to refute the reasons for the disqualification; and
3. Conduct the informal hearing prior to the award of the public work.

No award of the contract for the public work shall be made by the School Board

prior to the expiration of at least five (5) working days following the date of issuance of the written ruling from the informal hearing.

5. Exclusion/Rejection of Bids

The School Board, after the opening of bids, shall require each bidder or bidding entity to attest or submit an attestation that the sole proprietor, partner, incorporator, director, manager, officer, or other like individual who owns at least ten percent (10%) of the bidding entity, has not been convicted of, or has not entered a plea of guilty or nolo contendere (no contest) to any of the crimes or equivalent federal crimes listed in La. Rev. Stat. Ann. §38:2227.

In awarding bids or contracts, the School Board shall be authorized to reject the lowest bid from a business in which any individual with ownership interest of five percent (5%) or more has been convicted of, pled guilty or nolo contendere to any a state felony crime or equivalent federal crime committed in the solicitation or execution of a contract or bid under the state laws governing public contracts; professional, personal, consulting, and social services procurement; or the Louisiana Procurement Code.

Any contract between the School Board and a person or entity entered into as a result of fraud, bribery, corruption, or other criminal acts, for which a final conviction has been obtained, shall be null and void.

Any person whose conviction causes the nullity of a contract shall be responsible for payment of all costs, attorney fees, and damages incurred in the rebidding of the contract.

~~D. State Contract (Now included in DJE, Purchasing)~~

~~The School Board may make use of valid contracts put in place by the State of Louisiana Office of State Purchasing. The Board may also piggyback, or purchase materials and supplies on valid contracts of other political subdivisions or legally permitted cooperative purchasing organizations.~~

~~E. Sole Source Procurements (La. Rev. Stat. Ann. §39:1597 et seq.) (Now included in DJE, Purchasing)~~

~~A contract may be awarded for a required supply, service, or major repair without competition when, under regulations, the chief procurement officer or his/her designee above the level of procurement officer determines in writing that there is only one source for the required supply, service, or major repair item. Such written documentation shall include specific details on why only one vendor is available to provide a product or service.~~

6. In cases of an emergency or extreme emergency when time is not sufficient to advertise for bids for public works or purchase of materials, the School Board or designee is permitted by law to declare through resolution that a public emergency or extreme public emergency exists and extend a contract for more than the sums mentioned without going out to bid. However, in such cases every effort shall be made by ~~the administration~~ School Board personnel to secure competitive quotations ~~through negotiations~~. The accepted quote shall be confirmed and documented in writing. State law permits a person designated by the School Board to declare the existence of an *extreme public emergency*. This designated person shall be the Superintendent and/or his/her designee. Notices of an *emergency* or *extreme emergency* shall be published in the School Board's official journal within ten (10) days of the emergency being certified by the School Board or designee.

An emergency is defined by La. Rev. Stat. Ann. §38:2211 as

"An unforeseen mischance bringing with it destruction or injury of life or property or the imminent threat of such destruction or injury or as the result of an order from any judicial body to take any immediate action which requires construction or repairs absent compliance with the formalities of this Part, where the mischance or court order will not admit of the delay incident to advertising as provided in this Part."

An extreme public emergency is defined by La. Rev. Stat. Ann. §38:2211 as

"A catastrophic event which causes the loss of ability to obtain a quorum of the members necessary to certify the emergency prior to making the expenditure to acquire materials or supplies or to make repairs necessary for the protection of life, property, or continued function of the public entity."

Revised: November, 1987
Revised: November, 1989
Revised: December, 1991
Revised: December, 1992
Revised: June, 1995
Revised: December, 1995
Revised: November, 1997
Revised: August, 1999
Revised: October, 1999
Revised: December, 1999
Revised: November, 2001
Revised: June, 2002

Revised: November, 2003
Revised: November, 2006
Revised: June, 2010
Revised: November, 2010
Revised: November, 2011
Revised: May, 2017
Revised: August, 2020

Ref: 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), 48 CFR 2.101 (Definitions); La. Rev. Stat. Ann. §§9:2716, 9:2717, 38:2181, 38:2182, 38:2211, 38:2212, 38:2212.1, 38:2212.9,

38:2214, 38:2218, 38:2227, [38:2241](#), 38:2251, 38:2271, 39:1551, 39:1552, 39:1553, 39:1554, 39:1554.1, 39:1556, 39:1557, 39:1558, 39:1597, 39:1710; Board minutes, 10-17-89, 3-17-92, 3-7-95, 1-16-96, 5-7-02, 9-17-02, 5-11-04, 2-6-07, 5-11-10, 2-8-10, 2-7-12.

BIDS AND QUOTATIONS

1. Public Works

The Calcasieu Parish School Board shall advertise and let by contract, except in cases of emergencies, as provided below, all public work exceeding \$250,000 per project. The contract shall be awarded to the lowest responsible bidder who has bid according to the contract, plan, and specifications advertised, unless stipulated otherwise by the School Board.

As an evidence of good faith, each bidder for public works project shall attach to its bid, a bid bond, certified check, or cashier's check in an amount equal to five percent (5%) of the bid amount.

When using state or locally generated funds, under no circumstances shall there be a division or separation of any public work project into smaller projects, which division or separation would have the effect of avoiding the requirement that public work be advertised and let by contract to the lowest responsible bidder in accordance with statutory provisions.

All advertisements for bids shall appear in the newspaper selected as the official journal for the School Board, except in emergencies as may be declared by the School Board, or designee. The advertisement, when published, shall appear once a week for three (3) different weeks, the first advertisement to appear at least twenty-five (25) days prior to the opening of bids. In addition to newspaper advertisements, the School Board may also publish advertisements and accept bids by electronic media available to the general public in accordance with uniform standards promulgated by the state. In any advertisement, the first publication shall not occur on a Saturday, Sunday, or legal holiday.

All bids shall be opened in public in the presence of one or more witnesses at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and open to public inspection. The Superintendent and/or other appropriate administrators shall review, summarize and report bids to the School Board with recommendations for final action.

Contracts for public works aggregating \$250,000 or less shall be subject to the following:

A. \$10,000 - \$250,000

Contracts for public works aggregating \$10,000.00 or more, but less than \$250,000 shall be made by obtaining no fewer than three (3) documented written, facsimile, or electronic quotations. A written confirmation of the

accepted offers shall be obtained and made part of the purchase file. If quotations lower than the accepted quotation are received, the reasons for their rejection shall be recorded in the purchase file.

B. \$0.00 - \$9,999.99

Competitive quotations may be received at the discretion of the purchasing department head (quotes recommended).

The School Board shall retain the option of requiring all bids that are let out for public works be submitted electronically.

2. Supplies, Materials and Equipment

The School Board shall advertise and let by contract all purchases of supplies, materials and equipment aggregating \$30,000 or more. All advertisements for bids shall appear in the newspaper selected as the official journal for the School Board. The advertisement, when published, shall appear at least fifteen (15) days prior to the date set forth therein for the opening of bids. In addition, the School Board shall also publish an advertisement by electronic media available to the general public. Notice shall also be given in writing to persons in a position to furnish the supplies, materials and equipment as shown by the purchasing department's records.

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The School Board may require, as evidence of good faith that each bidder for the purchase of supplies, materials or equipment, attach to its bid a bid bond, certified check or cashier's check in an amount equal to five percent (5%) of the bid amount.

Purchases of supplies, material and equipment aggregating less than \$30,000.00 shall be subject to the following:

- A. Purchases of \$10,000.00 or more, but less than \$30,000 shall be made by obtaining no fewer than three (3) documented quotations. A written confirmation of the accepted offers shall be obtained and made part of the purchase file. If quotations lower than the accepted quotation are received, the reasons for their rejection shall be recorded in the purchase file.

- B. \$0.00 - \$9,999.99 Competitive quotations may be received at the discretion of the purchasing department head (quotes recommended).

The School Board shall retain the option of requiring all bids that are let out for materials and supplies be submitted electronically.

In lieu of formal bids, the School Board may use a *reverse auction* or *competitive online solicitation process* for the purchase of equipment, supplies, and other materials, as outlined in policy *DJE, Purchasing*.

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In order to protect the integrity of the competitive bidding process, the determination of responsiveness by the bidder must be made from the bid documents at the time of the bid opening. Any deviation from or failure to supply information required by the bid documents, may result in the bid being rejected as *non-responsive*.

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4. Disqualification of Bidder for Non-Responsibility

If the School Board proposes to disqualify any bidder for *non-responsibility* (the possibility that the bidder may not satisfactorily fulfill the contract being bid), the School Board shall:

1. Give written notice of the proposed disqualification to such bidder, and include in the written notice all reasons for the proposed disqualification;
2. Give such bidder, who is proposed to be disqualified, the opportunity to be heard at an informal hearing to be conducted not later than five (5) business days after the issuance of the notice of the proposed disqualification, at which such bidder is afforded the opportunity to refute the reasons for the disqualification; and
3. Conduct the informal hearing prior to the award of the public work.

No award of the contract for the public work shall be made by the School Board prior to the expiration of at least five (5) working days following the date of issuance of the written ruling from the informal hearing.

5. Exclusion/Rejection of Bids

The School Board, after the opening of bids, shall require each bidder or bidding entity to attest or submit an attestation that the sole proprietor, partner, incorporator, director, manager, officer, or other like individual who owns at least ten percent (10%) of the bidding entity, has not been convicted of, or has not entered a plea of guilty or nolo contendere (no contest) to any of the crimes or equivalent federal crimes listed in La. Rev. Stat. Ann. §38:2227.

In awarding bids or contracts, the School Board shall be authorized to reject the lowest bid from a business in which any individual with ownership interest of five percent (5%) or more has been convicted of, pled guilty or nolo contendere to any a state felony crime or equivalent federal crime committed in the solicitation or execution of a contract or bid under the state laws governing public contracts; professional, personal, consulting, and social services procurement; or the Louisiana Procurement Code.

Any contract between the School Board and a person or entity entered into as a result of fraud, bribery, corruption, or other criminal acts, for which a final conviction has been obtained, shall be null and void.

Any person whose conviction causes the nullity of a contract shall be responsible for payment of all costs, attorney fees, and damages incurred in the rebidding of the contract.

6. In cases of an emergency or extreme emergency when time is not sufficient to advertise for bids for public works or purchase of materials, the School Board or designee is permitted by law to declare through resolution that a public emergency or extreme public emergency exists and extend a contract for more than the sums mentioned without going out to bid;. However, in such cases every effort shall be made by School Board personnel to secure competitive quotations. The accepted quote shall be confirmed and documented in writing. State law permits a person designated by the School Board to declare the existence of an *extreme public emergency*. This designated person shall be the Superintendent and/or his/her designee. Notices of an *emergency* or *extreme emergency* shall be published in the School Board's official journal within ten (10) days of the emergency being certified by the School Board or designee.

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Part."

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"A catastrophic event which causes the loss of ability to obtain a quorum of the members necessary to certify the emergency prior to making the expenditure to acquire materials or supplies or to make repairs necessary for the protection of life, property, or continued function of the public entity."

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Revised: May, 2017
Revised: August, 2020

Ref: 2 CFR 200 (*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*), 48 CFR 2.101 (*Definitions*); La. Rev. Stat. Ann. §§9:2716, 9:2717, 38:2181, 38:2182, 38:2211, 38:2212, 38:2212.1, 38:2212.9, 38:2214, 38:2218, 38:2227, 38:2241, 38:2251, 38:2271, 39:1551, 39:1552, 39:1553, 39:1554, 39:1554.1, 39:1556, 39:1557, 39:1558, 39:1597, 39:1710; Board minutes, 10-17-89, 3-17-92, 3-7-95, 1-16-96, 5-7-02, 9-17-02, 5-11-04, 2-6-07, 5-11-10, 2-8-10, 2-7-12.

Item #14

Purchasing- DJE

Act 265 of the 2020 Louisiana Legislature revised La. Rev. Stat. Ann. §38:2212.1 addressing qualified group purchasing organizations. As included in the Purchasing policy, statutes now allow for purchase of materials, equipment or supplies through a qualified group purchasing organization if either the price is less than that for the same or substantially similar materials, equipment, or supplies on the state contract or bid list, or if the same or substantially similar materials, equipment, or supplies are not under state contract or on the state bid list. Language was also added to qualify that nothing included in this allowed purchase should be construed to authorize the School Board to make such purchases from or through an entity or vendor other than a qualified group purchasing organization without using a procurement process otherwise provided by state law.

PURCHASING

Purchases of supplies, equipment, services and major repairs, including construction/renovation public works contracts, shall adhere to rules and regulations set forth in applicable Louisiana Revised Statutes.

All purchasing for the school system to be paid from School Board funds shall be made by the Superintendent or his/her designee in conformance with existing regulations and procedures of the School Board and the laws pertinent to state and federal agencies. Budget allocations for specific purposes shall constitute advance School Board approval for all purchases except in such cases as state law or School Board policy may require. No debt shall be contracted in the name of the Calcasieu Parish School Board without action by the School Board, except those items which are provided for in the regular budget. All purchase orders shall be properly signed by the Superintendent or his/her designee.

Purchases shall be made at the lowest possible cost to the school system consistent with the system specifications of quality and service.

Each principal shall assure that purchases by the individual school shall be made in accordance with applicable state and federal law, and administrative regulations and procedures developed by the Superintendent and staff, and as further detailed in the School Board's handbook, *School Activity Funds, Principles and Procedures*.

No employee, officer or agent of the Calcasieu Parish School Board shall participate in the selection, award, or administration of a contract or purchase of supplies, materials and equipment if a conflict of interest, real or apparent would be involved. Such a conflict would arise when:

1. The employee, officer or agent;
2. Any member of their immediate family;
3. His or her partner or business associate;
4. An organization which employs, or is about to employ any of the above, has a financial or other interest in the firm selected for award.

The Calcasieu Parish School Board's employees shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. All purchasing shall comply with the U.S. Department of Education Department *General Administrative Regulations* (EDGAR), the *Louisiana Public Bid Law*, the *Louisiana Code of Governmental Ethics*, the *Louisiana Procurement Code*, and applicable state or federal regulations.

PROCUREMENT METHOD

Depending on the funding source and purchase amount, the following procurement methods shall be used:

Procurement Methods	Federal Requirement Uniform Grants Guidance Section 200.320	State Requirement Title 38 La. Bid Law R.S. 38:2212.1	State Requirement Title 39 La. Procurement Code R. S. 39:1551-1755 Executive Order: JBE 2017-18	Action required
Micro Purchases (new method)	Purchases less than \$10,000 No competitive process required.	Purchases less than \$1,000 No competitive process required.	Purchases less than \$5,000 No competitive process required.	Title 38 Follow more restrictive state requirement. Title 39 Follow more restrictive state requirement.
Small Purchases (informal)	\$10,000-\$250,000 Price or rate quotation from adequate number of qualified sources.	\$1,000 \$10,000	Purchases less than \$5,000 No competitive process required.	Title 38 Follow more restrictive state requirement. Title 39 Follow more restrictive state requirement.
		3 or more quotes suggested but not required.		
		\$10,000 \$30,000	\$5,000 \$15,000	Title 38 and Title 39 Align with federal requirement.
		Solicit 3 or more quotes.	Solicit 3 or more quotes.	
			\$15,000 \$25,000	Title 39 Follow more restrictive state requirement.
			Solicit 5 or more quotes.	
Sealed Bids (formal advertising)	Exceeding \$250,000	Materials and Supplies Exceeding	Exceeding \$25,000	Title 38 Follow more restrictive state

	Publicly bid and award to lowest responsible bidder.	\$30,000 Public Works Exceeding \$154,450 Publicly bid and award to lowest responsible bidder.	Refer to LA Procurement Code (R.S. 39:1551-1755)	requirement. Title 39 Follow more restrictive state requirement.
Competitive Proposals	Exceeding \$250,000 Request for Proposal from adequate number of sources; must have written method for selecting recipients.	Materials and Supplies Exceeding \$30,000 Public Works Exceeding \$154,450 Publicly bid and award to lowest responsible bidder.	Exceeding \$25,000 Refer to LA Procurement Code (R.S. 39:1551-1755)	Title 38 and Title 39 Follow more restrictive state requirement.
Noncompetitive Proposals — Sole Source Purchases	Sole source purchases are appropriate only under the circumstances listed below. These circumstances must be adequately documented. 1. The item procured is only available from a single source; 2. The purchase is in response to a public emergency that will not permit a delay resulting from the competitive process; 3. The purchase is expressly authorized by awarding or pass-through agency in response to written request from the School Board; or 4. After soliciting a number of sources competition is deemed inadequate. Process must be adequately documented.			

~~The School Board may choose by resolution to adopt the Louisiana Procurement Code in part or in its entirety. The School Board may also purchase from vendors with state contracts that have been pre-approved by the Office of State Procurement (OSP).~~

USE OF FEDERAL FUNDS

All procurement of materials, supplies, and services, as well as the construction of public

works, funded in whole or in part with federal funds shall comply with the requirements contained in Title 2, Section 200, of the Code of Federal Regulations. All procurements using federal funds, in whole or in part, shall employ one of the procedures identified in 2 CFR 200.320, if more stringent than those procedures required by Louisiana law. ~~made when using federally generated funds shall follow the appropriate procurement method as summarized in the above chart~~ Should the School Board adopt the Louisiana Procurement Code, whether in part or in its entirety, the accompanying administrative regulations as promulgated in the Louisiana Procurement Code, as well as guidelines and policies issued by the Louisiana's Office of State Purchasing relevant to the particular adoption(s) may be applicable to the purchase, if more stringent.

Solicitations from Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

When spending federal funds, the Calcasieu Parish School Board shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Louisiana Economic Development Agency, and Small Business Administration and the Minority Business Development Agency of the United States Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs 1 through 5 of this section.

Exclusion or Rejection of Quotes or Bids

A contract award or a purchase made with federal funds shall not be made to parties listed on the government-wide exclusions in the *System for Award Management*

maintained by the U.S. Government, which contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority.

USE OF STATE FUNDS

Procurement of materials and supplies when using state or locally generated funds shall follow the procurement method as ~~summarized in the above chart. As noted in the chart, the procurement method may be dependent on whether the School Board has adopted the provisions of Title 38 or Title 39 of the Louisiana Statutes as it pertains to the actual purchase~~ authorized by Louisiana law.

Financing Purchases

The School Board may finance the purchase of equipment or other movable property to be used by the School Board by entering into an installment sale, lease, or similar agreement with any lender or other person. If required, such agreement shall be subject to approval of the State Bond Commission in accordance with statutory provisions. No individual school or employee shall obligate the School Board without proper school system personnel knowledge and approval.

Use of State Contract

If equipment, materials or supplies are available from a State of Louisiana Contract, the Superintendent and/or his/her designee may approve the purchase without using one of the purchasing procedures outlined in statutory provisions, if advantageous to the School Board.

The School Board may also *piggyback*, or purchase materials and supplies on valid contracts of other political subdivisions in accordance with La. Rev. Stat. Ann. § 33:1321-1337 or La. Rev. Stat. Ann. § 38:321.1. ~~In doing so, the School Board shall obtain documentation from the other agency that clearly demonstrates the contract was previously bid and is a viable contract. The price paid by the School Board shall be the same as the contract's bid price.~~

Louisiana Procurement Code

State law authorizes School Boards to adopt all or any part of the *Louisiana Procurement Code* as contained in state statutes (La. Rev. Stat. Ann. "39:1551-39:1755). For proper and efficient operations, the Calcasieu Parish School Board may adopt, by resolution or otherwise, pertinent provisions of the *Louisiana Procurement Code*, accompanying administrative regulations as promulgated in the *Louisiana Procurement Code*, as well as guidelines and policies issued by the state's Office of State Purchasing relevant to the procurement of materials, supplies, merchandise, and other types of property.

Sole Source Provider

The School Board may award a contract for the purchase of supplies, services, or major repairs without competition when the Superintendent or designated employee has determined, in writing, that there is only one source for the supply, service, or major repair item(s) to be acquired. Pertinent procedures for purchasing such items from a sole source shall be as outlined in the State of Louisiana Office of State Purchasing's *Purchasing Rules and Regulations*, ~~and as noted at the bottom of the Procurement Method Chart included above.~~

Qualified Group Purchasing Organizations

A *qualified group purchasing organization* means an organization, whether for profit or not for profit, of which two (2) or more public school districts are members and which solicits proposals or bids from vendors of materials, equipment, or supplies of the type and nature as may be purchased by a public school district or public school.

As provided in La. Rev. Stat. Ann. §38:2212.1, the School Board may enter into an agreement with: (A) one or more School Boards to form a qualified group purchasing organization; or (B) one or more qualified group purchasing organizations for the purchase of materials, equipment, and supplies, including installation thereof. Any such agreement shall require that the qualified group purchasing organization submit a price list for those materials, equipment, and supplies offered by it and that the prices quoted on the list remain in effect for a stated period of time of not less than three (3) months. Any such price list shall be considered, for all purposes, to be a valid and binding bid by the qualified group purchasing organization during the effective period of the agreement, and no additional bid by the qualified group purchasing organization is necessary.

The School Board may purchase materials, equipment, or supplies directly from or through a qualified group purchasing organization if either the price is less than that for the same or substantially similar materials, equipment, or supplies on the state contract or bid list, or if the same or substantially similar materials, equipment, or supplies are not under state contract or on the state bid list. Nothing included in this paragraph shall be construed to authorize the School Board to purchase materials, equipment, or supplies from or through an entity or vendor other than a qualified group purchasing organization as defined herein without using a procurement process otherwise provided by state law.

Competitive Online Solicitation

The School Board may use a *reverse auction* or *competitive online solicitation process* on the Internet for the purchase of equipment, supplies, and other materials in lieu of the more formal bid process when the School Board's procurement officer determines that the electronic bidding is more advantageous and in the best interests of the School Board.

Prior to the use of a competitive online solicitation process, the School Board may require

that:

1. Vendors register before opening dates and time, and as part of the registration, require that the vendors agree to any terms and conditions and other requirements of the solicitation.
2. Vendors be prequalified prior to placing bids and allow only bidders who are prequalified to submit bids.
3. The solicitation shall designate an opening date and time and the closing date and time. The closing date and time may be fixed or remain open depending on the structure of the item being bid.
4. At the opening date and time, the School Board shall begin accepting online bids and continue accepting bids until the bidding is officially closed. Registered bidders shall be allowed to lower the price of their bid below the lowest bid posted on the Internet until the closing date and time.
5. Bidders' identities shall not be revealed during the bidding process; only the successively lower prices, ranks, scores, and related bid details shall be revealed.
6. All bids shall be posted electronically and updated on a real-time basis.
7. The School Board shall retain the right to cancel the solicitation if it determines that it is in the School Board's best interest.
8. The School Board shall retain its existing authority to determine the criteria that will be used as a basis for making awards.

Adequate public notice for purchases using a reverse auction or competitive online solicitation process shall be given as follows:

1. The advertisement or notice shall be published two (2) times in a newspaper in the locality, the first advertisement to appear at least fifteen (15) days before the opening date of the reverse auction. In addition to the newspaper advertisement, the School Board may also publish an advertisement by electronic media available to the general public.
2. The first publication of the advertisement shall not occur on a Saturday, Sunday, or legal holiday.

VENDORS

The School Board shall seek business and bids from all eligible vendors, regardless of race, creed, color, sex, national origin, age or handicap. No favoritism shall be extended

to any vendor. Each order shall be placed on the basis of quality, price and delivery; past services being a factor if all other considerations are equal.

No person officially connected with or employed by the School Board shall be an agent for, or have any pecuniary or beneficial interest in or receive any compensation or reward from any vendor for the sale of supplies, materials, equipment, services or public works contracts.

No employee of the School Board shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any vendor representative or agent of a vendor, or a prospective vendor or contractor.

Revised: June, 2010
Revised: November, 2011
Revised: February 10, 2015

Revised: February 14, 2017
Revised: March 19, 2019
Revised: August, 2020

Ref: 2 CFR 200 (*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*); 48 CFR 2.101 (*Definitions*); La. Rev. Stat. Ann. §§[33:1321-1337](#), 33:4712.7, [38:321.1](#), 38:2212, 38:2212.1, 38:2214, 38:2218, 38:2219, 38:2271, 39:1551, 39:1552, 39:1553, 39:1554, 39:1554.1, 39:1556, 39:1557, 39:1558, 39:1597, 39:1710; School Activity Funds Principles and Procedures; Board minutes, 5-11-10, 2-7-12, 2-10-15, 2-14-17, 3-19-19.

PURCHASING

Purchases of supplies, equipment, services and major repairs, including construction/renovation public works contracts, shall adhere to rules and regulations set forth in applicable Louisiana Revised Statutes.

All purchasing for the school system to be paid from School Board funds shall be made by the Superintendent or his/her designee in conformance with existing regulations and procedures of the School Board and the laws pertinent to state and federal agencies. Budget allocations for specific purposes shall constitute advance School Board approval for all purchases except in such cases as state law or School Board policy may require. No debt shall be contracted in the name of the Calcasieu Parish School Board without action by the School Board, except those items which are provided for in the regular budget. All purchase orders shall be properly signed by the Superintendent or his/her designee.

Purchases shall be made at the lowest possible cost to the school system consistent with the system specifications of quality and service.

Each principal shall assure that purchases by the individual school shall be made in accordance with applicable state and federal law, and administrative regulations and procedures developed by the Superintendent and staff, and as further detailed in the School Board's handbook, *School Activity Funds, Principles and Procedures*.

No employee, officer or agent of the Calcasieu Parish School Board shall participate in the selection, award, or administration of a contract or purchase of supplies, materials and equipment if a conflict of interest, real or apparent would be involved. Such a conflict would arise when:

1. The employee, officer or agent;
2. Any member of their immediate family;
3. His or her partner or business associate;
4. An organization which employs, or is about to employ any of the above, has a financial or other interest in the firm selected for award.

The Calcasieu Parish School Board's employees shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. All purchasing shall comply with the U.S. Department of Education Department *General Administrative Regulations* (EDGAR), the *Louisiana Public Bid Law*, the *Louisiana Code of Governmental Ethics*, the *Louisiana Procurement Code*, and applicable state or federal regulations.

PROCUREMENT METHOD

USE OF FEDERAL FUNDS

All procurement of materials, supplies, and services, as well as the construction of public works, funded in whole or in part with federal funds shall comply with the requirements contained in Title 2, Section 200, of the Code of Federal Regulations. All procurements using federal funds, in whole or in part, shall employ one of the procedures identified in 2 CFR 200.320, if more stringent than those procedures required by Louisiana law. Should the School Board adopt the Louisiana Procurement Code, whether in part or in its entirety, the accompanying administrative regulations as promulgated in the Louisiana Procurement Code, as well as guidelines and policies issued by the Louisiana's Office of State Purchasing relevant to the particular adoption(s) may be applicable to the purchase, if more stringent.

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When spending federal funds, the Calcasieu Parish School Board shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Louisiana Economic Development Agency, and Small Business Administration and the Minority Business Development Agency of the United States Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs 1 through 5 of this section.

Exclusion or Rejection of Quotes or Bids

A contract award or a purchase made with federal funds shall not be made to parties listed on the government-wide exclusions in the *System for Award Management* maintained by the U.S. Government, which contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority.

USE OF STATE FUNDS

Procurement of materials and supplies when using state or locally generated funds shall follow the procurement method as authorized by Louisiana law.

Financing Purchases

The School Board may finance the purchase of equipment or other movable property to be used by the School Board by entering into an installment sale, lease, or similar agreement with any lender or other person. If required, such agreement shall be subject to approval of the State Bond Commission in accordance with statutory provisions. No individual school or employee shall obligate the School Board without proper school system personnel knowledge and approval.

Use of State Contract

If equipment, materials or supplies are available from a State of Louisiana Contract, the Superintendent and/or his/her designee may approve the purchase without using one of the purchasing procedures outlined in statutory provisions, if advantageous to the School Board.

The School Board may also *piggyback*, or purchase materials and supplies on valid contracts of other political subdivisions in accordance with La. Rev. Stat. Ann. §§33:1321-1337 or La. Rev. Stat. Ann. §38:321.1.

Louisiana Procurement Code

State law authorizes School Boards to adopt all or any part of the *Louisiana Procurement Code* as contained in state statutes (La. Rev. Stat. Ann. §§39:1551-39:1755). For proper and efficient operations, the Calcasieu Parish School Board may adopt, by resolution or otherwise, pertinent provisions of the *Louisiana Procurement Code*, accompanying administrative regulations as promulgated in the *Louisiana Procurement Code*, as well as guidelines and policies issued by the state's Office of State Purchasing relevant to the procurement of materials, supplies, merchandise, and other types of property.

Sole Source Provider

The School Board may award a contract for the purchase of supplies, services, or major repairs without competition when the Superintendent or designated employee has determined, in writing, that there is only one source for the supply, service, or major repair item(s) to be acquired. Pertinent procedures for purchasing such items from a sole source shall be as outlined in the State of Louisiana Office of State Purchasing's *Purchasing Rules and Regulations*.

Qualified Group Purchasing Organizations

A *qualified group purchasing organization* means an organization, whether for profit or not for profit, of which two (2) or more public school districts are members and which solicits proposals or bids from vendors of materials, equipment, or supplies of the type and nature as may be purchased by a public school district or public school.

As provided in La. Rev. Stat. Ann. §38:2212.1, the School Board may enter into an agreement with: (A) one or more School Boards to form a qualified group purchasing organization; or (B) one or more qualified group purchasing organizations for the purchase of materials, equipment, and supplies, including installation thereof. Any such agreement shall require that the qualified group purchasing organization submit a price list for those materials, equipment, and supplies offered by it and that the prices quoted on the list remain in effect for a stated period of time of not less than three (3) months. Any such price list shall be considered, for all purposes, to be a valid and binding bid by the qualified group purchasing organization during the effective period of the agreement, and no additional bid by the qualified group purchasing organization is necessary.

The School Board may purchase materials, equipment, or supplies directly from or through a qualified group purchasing organization if either the price is less than that for the same or substantially similar materials, equipment, or supplies on the state contract or bid list, or if the same or substantially similar materials, equipment, or supplies are not under state contract or on the state bid list. Nothing included in this paragraph shall be construed to authorize the School Board to purchase materials, equipment, or supplies from or through an entity or vendor other than a qualified group purchasing organization as defined herein without using a procurement process otherwise provided by state law.

Competitive Online Solicitation

The School Board may use a *reverse auction* or *competitive online solicitation process* on the Internet for the purchase of equipment, supplies, and other materials in lieu of the more formal bid process when the School Board's procurement officer determines that the electronic bidding is more advantageous and in the best interests of the School Board.

Prior to the use of a competitive online solicitation process, the School Board may require that:

1. Vendors register before opening dates and time, and as part of the registration, require that the vendors agree to any terms and conditions and other requirements of the solicitation.
2. Vendors be prequalified prior to placing bids and allow only bidders who are prequalified to submit bids.
3. The solicitation shall designate an opening date and time and the closing date and time. The closing date and time may be fixed or remain open depending on the structure of the item being bid.
4. At the opening date and time, the School Board shall begin accepting online bids and continue accepting bids until the bidding is officially closed. Registered bidders shall be allowed to lower the price of their bid below the lowest bid posted on the Internet until the closing date and time.
5. Bidders' identities shall not be revealed during the bidding process; only the successively lower prices, ranks, scores, and related bid details shall be revealed.
6. All bids shall be posted electronically and updated on a real-time basis.
7. The School Board shall retain the right to cancel the solicitation if it determines that it is in the School Board's best interest.
8. The School Board shall retain its existing authority to determine the criteria that will be used as a basis for making awards.

Adequate public notice for purchases using a reverse auction or competitive online solicitation process shall be given as follows:

1. The advertisement or notice shall be published two (2) times in a newspaper in the locality, the first advertisement to appear at least fifteen (15) days before the opening date of the reverse auction. In addition to the newspaper advertisement, the School Board may also publish an advertisement by electronic media available to the general public.
2. The first publication of the advertisement shall not occur on a Saturday, Sunday, or legal holiday.

VENDORS

The School Board shall seek business and bids from all eligible vendors, regardless of race, creed, color, sex, national origin, age or handicap. No favoritism shall be extended to any vendor. Each order shall be placed on the basis of quality, price and delivery; past services being a factor if all other considerations are equal.

No person officially connected with or employed by the School Board shall be an agent for, or have any pecuniary or beneficial interest in or receive any compensation or reward from any vendor for the sale of supplies, materials, equipment, services or public works contracts.

No employee of the School Board shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any vendor representative or agent of a vendor, or a prospective vendor or contractor.

Revised: June, 2010
Revised: November, 2011
Revised: February 10, 2015

Revised: February 14, 2017
Revised: March 19, 2019
Revised: August, 2020

Ref: 2 CFR 200 (*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*); 48 CFR 2.101 (*Definitions*); La. Rev. Stat. Ann. §§33:1321-1337, 33:4712.7, 38:321.1, 38:2212, 38:2212.1, 38:2214, 38:2218, 38:2219, 38:2271, 39:1551, 39:1552, 39:1553, 39:1554, 39:1554.1, 39:1556, 39:1557, 39:1558, 39:1597, 39:1710; School Activity Funds Principles and Procedures; Board minutes, 5-11-10, 2-7-12, 2-10-15, 2-14-17, 3-19-19.

Item #15

Sick Leave- GBRIB

Act 34 of the 2nd Extraordinary Session revised three statutes adding the same language to the statutes which address sick leave for bus operators, teachers, and school employees, respectively. These statutes previously required a physician's certification for absences of six (6) or more consecutive days. Now that certification can also be provided by a physician assistant providing health care in accordance with Louisiana law, or a nurse practitioner providing health care in accordance with Louisiana law.

SICK LEAVE

The Calcasieu Parish School Board shall grant all employees hired for the school year or longer a minimum of ten (10) days absence per year because of personal illness or other emergencies without loss of pay in accordance with the following schedule:

<u>Months Employed</u>	<u>Sick Leave Days per Year</u>
9	10
10	11
11	11
12	12

Sick leave, when not used, shall be allowed to accumulate to the credit of the employee without limitation. However, upon initial employment, a *teacher* employed by the School Board shall not be allowed any sick leave until he/she reports for duty and actually performs work.

The minimum of ten days of sick leave for an employee shall be based on the employee beginning work at the beginning of the school year. In the case of an employee beginning work in the first month of the school year, *ten days* sick leave shall be allowed. If an employee begins work in the second month of the school year, *nine days* of sick leave shall be allowed, and the number of days of sick leave shall continue to be prorated for an employee who begins work until the eighth month of the school year, when only *three days* of sick leave shall be allowed. The Superintendent and/or his/her designee shall be responsible for developing and maintaining pertinent regulations and procedures governing sick leave.

All other employees (10, 11, and 12 month employees) will be given a minimum of 10, 11, or 12 days which will be based on the employee's hire date. If hired after the appropriate starting time, their sick leave will be prorated from a schedule established by the Personnel Department.

TERMINOLOGY

Statutes governing sick leave for School Board personnel include differing provisions for different categories of employees. For purposes of this policy, the following terminology shall apply:

A *teacher* shall mean any person employed by the School Board who holds a valid teaching certificate or any social worker, guidance counselor, or school psychologist employed by the School Board who holds, as applicable, a valid professional ancillary certificate.

A *bus operator* shall mean any person employed by the School Board who operates a school bus transporting children under the supervision of the School Board.

A *school employee* shall mean any person employed by the School Board who is not a teacher or whose employment does not require the holding of a teacher's certificate or who is not employed as a bus operator.

The use of the term *employee* shall include all three categories of personnel.

An employee who is absent for six (6) or more consecutive days shall be required to present a certificate from a physician, [physician assistant providing health care services in accordance with Louisiana law, or nurse practitioner providing health care services in accordance with Louisiana law](#), certifying such absence upon return to work. In the case of repeated absences of less than six (6) days because of illness, the School Board reserves the right to require verification of illness. Should a pattern of behavior so warrant, upon the request of the Superintendent or School Board, the employee shall be required, at the expense of the School Board, to provide a certificate from a physician specified by the Superintendent or School Board, in order to verify the existence of an illness, injury, or medical emergency.

Excuses for employee absences due to illness or injury must be provided on physician's letterhead containing the physician's name, address, and telephone number, typed, printed, or as part of the letterhead. The physician's typed or neatly printed name shall also appear beneath his/her signature. The letter must clearly state the reason for the illness or injury, date of the illness or injury, and the anticipated return-to-work date.

If an employee is absent from duty under circumstances in which he/she is not entitled to any kind of leave, such employee shall be considered to be in violation of his/her contract, and is not entitled to be paid for the days of unauthorized absence and non-performance of duties.

SICK LEAVE FOR EMERGENCIES

Emergencies for sick leave purposes shall be defined by the School Board as:

1. serious illness or disability of immediate family (spouse or children);
2. serious illness or disability of the employee's parents or those to the spouse, brothers and sisters or those of the spouse; or
3. wedding of the employee.

Emergencies not listed shall be considered by the Superintendent.

EXTENDED SICK LEAVE

The School Board shall permit employees to take up to ninety (90) days of extended sick leave in each six-year period of employment which may be used for a medical necessity at any time the employee has **no** remaining regular sick leave balance at the time the extended sick leave is set to begin. The initial six-year period of employment shall begin on August 15, 1999 for all *teachers* and *bus operators* employed as of that date, on August 15, 2008 for *school employees* employed as of that date, or on the effective date of employment for those employees employed after the dates above. All decisions relative to the granting of extended sick leave shall be made by the Superintendent.

Unused days during any six-year period of employment shall not cumulate or carry forward into the next six-year period of employment. The balance of days of extended sick leave available shall transfer with the employee from one public school employer to another without loss or restoration of days.

Interruptions of service between periods of employment with a public school employer shall not be included in any calculation of a six-year period, such that any employment with any public school employer, regardless of when it occurs, shall be included in any determination of the balance of days of extended sick leave available to the employee.

Any employee on extended sick leave shall be paid **sixty-five percent (65%)** of the salary paid the employee at the time the extended sick leave begins.

Definitions

Child means a biological son or daughter, an adopted son or daughter, a foster son or daughter, a stepson or daughter, or a legal ward of an employee standing in *loco parentis* to that ward who is either under the age of eighteen (18) or who is eighteen (18) years of age but under twenty-four (24) years of age and is a full-time student, or who is nineteen (19) years of age or older and incapable of self-care because of a mental or physical disability.

Immediate family member shall mean a spouse, parent, or child of the employee.

Infant means a child under one year of age.

Medical necessity shall be the result of a catastrophic illness or injury, a life-threatening, chronic, or incapacitating condition, as certified by a physician, of the employee or a member of his/her immediate family.

Parent means the biological parent of an employee or an individual who stood in *loco parentis* to the employee.

Extended Sick Leave for Maternity or Adoptive Purposes

Each *teacher* granted maternity or adoptive leave in accordance with state law and who has no remaining sick leave balance available may be granted up to (30) days of additional extended sick leave in each six-year period of employment for personal illness relating to pregnancy, illness of an infant, or for required medical visits certified by a physician as relating to infant or maternal health.

Gainful Employment Permitted

An employee may undertake additional gainful employment while on extended sick leave, provided **all** of the following conditions are met:

1. The employee can demonstrate that he/she will be working not more than twenty (20) hours a week in a part-time job that the employee has been working for not less than one hundred twenty (120) days prior to the beginning of any period of extended sick leave.
2. The physician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended sick leave is required.

Any violation of the provisions regarding gainful employment may require the employee to return to the School Board all compensation paid during any week of extended sick leave in which the employee worked more than twenty (20) hours and to reimburse the School Board all related employment costs attributable to such period as calculated by the School Board, without any restoration of leave days.

Application Process

On every occasion that a *teacher* uses extended sick leave, a statement from a licensed physician certifying that it is for personal illness relating to pregnancy, illness of an infant, or for required medical visits related to infant or maternal health, or that it is a medical necessity, shall be presented prior to extended sick leave being taken.

On every occasion that a *bus operator* or *school employee* uses extended sick leave, a statement from a licensed physician certifying that it is a medical necessity for the *bus operator* or *school employee* to be absent for at least ten (10) consecutive work days shall be presented prior to extended sick leave being taken.

The required physician's statement may be presented along with the request for extended sick leave subsequent to the *teacher's* or *school employee's* return to service. In such a case, the extended sick leave shall be granted for all days for which extended sick leave is requested, provided the request and required documentation is presented within three (3) days after the *teacher* or *school employee* returns to service. However, the School

Board or the Superintendent reserves the right to question the validity of the medical certification after the three day period.

If the period an employee is on extended sick leave is anticipated to carry over from one school year to the start of the next school year, another application and physician's statement shall be submitted prior to the start of the next school year in order to be eligible for continued extended sick leave.

SICK LEAVE FOR ASSAULT OR BATTERY

Any employee of the public schools who is disabled while acting in his/her official capacity as a result of an assault or battery by any student or person shall receive sick leave without reduction in pay, and without reduction in accrued sick leave days while disabled as a result of such assault and battery. A *teacher* shall be required to provide a certificate from a physician certifying the disability. A *bus operator* or *school employee* shall be required to present certification of the disability from a physician if the bus operator or school employee is absent for six (6) or more consecutive days as a result of the disability.

Disability, for purposes of this policy, shall mean the inability to perform the essential functions of the job.

The sick leave authorized shall be in addition to all other sick leave authorized herein, shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any manner except as set forth above.

The School Board shall not reduce the pay or accrued sick leave of any employee who is absent from his/her duties to seek medical attention or treatment as a result of an injury from assault or battery.

If the employee's physician determines that the employee is able to return to regular duties with restrictions and the School Board does not allow the employee to return to duty with those restrictions, the employee's leave shall be granted or continued as provided by statute.

If any employee is receiving sick leave as a result of assault or battery as provided in this section and begins receiving retirement benefits, the sick leave provided herein shall cease.

SICK LEAVE FOR PHYSICAL CONTACT WITH A STUDENT

Any *teacher* who is disabled while acting in his/her official capacity as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student, shall receive sick leave for a period of up to one (1) calendar year without reduction in pay and without reduction in accrued sick leave days while

disabled as a result of rendering such assistance. Any *school employee*, but not a *bus operator*, disabled in a similar manner shall receive up to ninety (90) days of such sick leave. The *teacher* or *school employee* shall be required to present a certificate from a physician certifying the disability. The School Board may extend the period of sick leave beyond the allowable period at its discretion.

The School Board shall not reduce the pay or accrued sick leave of any *teacher* or *school employee* who is absent from his/her duties to seek medical attention or treatment as a result of an injury from physical contact with a student.

If the *teacher's* or *school employee's* physician determines that the employee is able to return to regular duties with restrictions and the School Board does not allow the employee to return to duty with those restrictions, the *teacher's* or *school employee's* leave shall be granted or continued as provided by statute.

VALIDITY OF PHYSICIAN'S CERTIFICATION

If at any time during the period of certified disability the School Board questions the validity or accuracy of the physician's certification for any type of sick leave request made by a *teacher*, or for extended leave or leave requested as a result of physical assault or battery made by a *bus operator* or *school employee*, the School Board may require the employee to be examined by a licensed physician selected by the School Board.

Any further review of medical certification shall proceed as follows:

1. Upon review of the physician's certification submitted, if the School Board or Superintendent questions the validity or accuracy of the certification, the School Board or Superintendent may require the employee, or the immediate family member, as applicable, as a condition for taking the applicable sick leave, to be examined by a licensed physician selected by the School Board or Superintendent. If the physician finds medical necessity or certifies a disability, the leave shall be granted.
2. If the selected physician disagrees with the original medical certification from the physician selected by the employee, then the School Board or Superintendent may require the employee, or immediate family member, as applicable, as a condition for taking the applicable sick leave, to be examined by a *third* licensed physician, whose name appears next in the rotation of physicians on a list established by the local medical society and maintained by the School Board or Superintendent. The final determination of medical necessity or certification of a disability shall be based on the opinion of the third physician.
3. In the determination of the validity of a physician's certification, the opinion of *all* physicians consulted shall be submitted to the School Board or Superintendent in the form of a **sworn statement**. All information contained in any statement from

a physician shall be confidential and shall not be subject to the public records law.

The School Board shall pay all costs of any examinations and tests determined to be necessary.

SICK LEAVE/WORKERS' COMPENSATION

Should any *teacher* become injured or disabled while acting in his/her official capacity, other than by assault, the *teacher* shall be entitled to appropriate worker's compensation benefits and/or sick leave benefits, at the *teacher's* option, for the period of time while injured or disabled. Any benefits received, however, shall not exceed the total amount of the regular salary the *teacher* was receiving at the time of injury or disability. The *teacher* shall be required to present a certificate from a physician certifying such injury or incapacitation.

VESTING OF SICK LEAVE

All sick leave accumulated by a *teacher* or *school employee*, but *not a bus operator*, shall be vested in the *teacher* or *school employee* by whom such leave has been accumulated. In the event of the transfer of a *teacher* or *school employee* from one school system to another in Louisiana, or upon the return of such *teacher* or *school employee* to the same school system within five (5) years or such longer period that may be approved by the School Board to which the *teacher* or *school employee* returned, regardless of the dates on which the leave was accumulated or the date of transfer or return of the *teacher* or *school employee*, such vested leave which remains unused or for which the *teacher* or *school employee* has not been compensated directly or transferred such days for retirement credit, shall be transferred, returned to, or continued by the School Board and shall be retained to the credit of *teacher* or *school employee*.

PAYMENT UPON RETIREMENT OR DEATH

Upon the retirement of any employee, or upon the employee entering or upon the employee's death prior to retirement, the School Board shall pay the employee or his/her heirs or assigns, for any unused sick leave, not to exceed twenty-five (25) days. Such pay shall be at the daily rate of pay paid to the employee at the time of his/her retirement or death.

DEFERRED RETIREMENT OPTION PROGRAM (DROP)

Any employee of the Calcasieu Parish School Board who participates in the *Deferred Retirement Option Program (DROP)* shall be eligible for and may elect to receive on a one-time basis severance pay (accrued sick leave up to a maximum of twenty-five (25) days) upon entering DROP on the same basis as any other employee who retires or otherwise leaves employment; otherwise, any accrued sick leave shall be paid only upon final retirement of the employee.

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Revised: December, 1995
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SICK LEAVE

The Calcasieu Parish School Board shall grant all employees hired for the school year or longer a minimum of ten (10) days absence per year because of personal illness or other emergencies without loss of pay in accordance with the following schedule:

<u>Months Employed</u>	<u>Sick Leave Days per Year</u>
9	10
10	11
11	11
12	12

Sick leave, when not used, shall be allowed to accumulate to the credit of the employee without limitation. However, upon initial employment, a *teacher* employed by the School Board shall not be allowed any sick leave until he/she reports for duty and actually performs work.

The minimum of ten days of sick leave for an employee shall be based on the employee beginning work at the beginning of the school year. In the case of an employee beginning work in the first month of the school year, *ten days* sick leave shall be allowed. If an employee begins work in the second month of the school year, *nine days* of sick leave shall be allowed, and the number of days of sick leave shall continue to be prorated for an employee who begins work until the eighth month of the school year, when only *three days* of sick leave shall be allowed. The Superintendent and/or his/her designee shall be responsible for developing and maintaining pertinent regulations and procedures governing sick leave.

All other employees (10, 11, and 12 month employees) will be given a minimum of 10, 11, or 12 days which will be based on the employee's hire date. If hired after the appropriate starting time, their sick leave will be prorated from a schedule established by the Personnel Department.

TERMINOLOGY

Statutes governing sick leave for School Board personnel include differing provisions for different categories of employees. For purposes of this policy, the following terminology shall apply:

A *teacher* shall mean any person employed by the School Board who holds a valid teaching certificate or any social worker, guidance counselor, or school psychologist employed by the School Board who holds, as applicable, a valid professional ancillary certificate.

A *bus operator* shall mean any person employed by the School Board who operates a school bus transporting children under the supervision of the School Board.

A *school employee* shall mean any person employed by the School Board who is not a teacher or whose employment does not require the holding of a teacher's certificate or who is not employed as a bus operator.

The use of the term *employee* shall include all three categories of personnel.

An employee who is absent for six (6) or more consecutive days shall be required to present a certificate from a physician, physician assistant providing health care services in accordance with Louisiana law, or nurse practitioner providing health care services in accordance with Louisiana law, certifying such absence upon return to work. In the case of repeated absences of less than six (6) days because of illness, the School Board reserves the right to require verification of illness. Should a pattern of behavior so warrant, upon the request of the Superintendent or School Board, the employee shall be required, at the expense of the School Board, to provide a certificate from a physician specified by the Superintendent or School Board, in order to verify the existence of an illness, injury, or medical emergency.

Excuses for employee absences due to illness or injury must be provided on physician's letterhead containing the physician's name, address, and telephone number, typed, printed, or as part of the letterhead. The physician's typed or neatly printed name shall also appear beneath his/her signature. The letter must clearly state the reason for the illness or injury, date of the illness or injury, and the anticipated return-to-work date.

If an employee is absent from duty under circumstances in which he/she is not entitled to any kind of leave, such employee shall be considered to be in violation of his/her contract, and is not entitled to be paid for the days of unauthorized absence and non-performance of duties.

SICK LEAVE FOR EMERGENCIES

Emergencies for sick leave purposes shall be defined by the School Board as:

1. serious illness or disability of immediate family (spouse or children);
2. serious illness or disability of the employee's parents or those to the spouse, brothers and sisters or those of the spouse; or
3. wedding of the employee.

Emergencies not listed shall be considered by the Superintendent.

EXTENDED SICK LEAVE

The School Board shall permit employees to take up to ninety (90) days of extended sick leave in each six-year period of employment which may be used for a medical necessity at any time the employee has **no** remaining regular sick leave balance at the time the extended sick leave is set to begin. The initial six-year period of employment shall begin on August 15, 1999 for all *teachers* and *bus operators* employed as of that date, on August 15, 2008 for *school employees* employed as of that date, or on the effective date of employment for those employees employed after the dates above. All decisions relative to the granting of extended sick leave shall be made by the Superintendent.

Unused days during any six-year period of employment shall not cumulate or carry forward into the next six-year period of employment. The balance of days of extended sick leave available shall transfer with the employee from one public school employer to another without loss or restoration of days.

Interruptions of service between periods of employment with a public school employer shall not be included in any calculation of a six-year period, such that any employment with any public school employer, regardless of when it occurs, shall be included in any determination of the balance of days of extended sick leave available to the employee.

Any employee on extended sick leave shall be paid **sixty-five percent (65%)** of the salary paid the employee at the time the extended sick leave begins.

Definitions

Child means a biological son or daughter, an adopted son or daughter, a foster son or daughter, a stepson or daughter, or a legal ward of an employee standing in *loco parentis* to that ward who is either under the age of eighteen (18) or who is eighteen (18) years of age but under twenty-four (24) years of age and is a full-time student, or who is nineteen (19) years of age or older and incapable of self-care because of a mental or physical disability.

Immediate family member shall mean a spouse, parent, or child of the employee.

Infant means a child under one year of age.

Medical necessity shall be the result of a catastrophic illness or injury, a life-threatening, chronic, or incapacitating condition, as certified by a physician, of the employee or a member of his/her immediate family.

Parent means the biological parent of an employee or an individual who stood in *loco parentis* to the employee.

Extended Sick Leave for Maternity or Adoptive Purposes

Each *teacher* granted maternity or adoptive leave in accordance with state law and who has no remaining sick leave balance available may be granted up to (30) days of additional extended sick leave in each six-year period of employment for personal illness relating to pregnancy, illness of an infant, or for required medical visits certified by a physician as relating to infant or maternal health.

Gainful Employment Permitted

An employee may undertake additional gainful employment while on extended sick leave, provided **all** of the following conditions are met:

1. The employee can demonstrate that he/she will be working not more than twenty (20) hours a week in a part-time job that the employee has been working for not less than one hundred twenty (120) days prior to the beginning of any period of extended sick leave.
2. The physician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended sick leave is required.

Any violation of the provisions regarding gainful employment may require the employee to return to the School Board all compensation paid during any week of extended sick leave in which the employee worked more than twenty (20) hours and to reimburse the School Board all related employment costs attributable to such period as calculated by the School Board, without any restoration of leave days.

Application Process

On every occasion that a *teacher* uses extended sick leave, a statement from a licensed physician certifying that it is for personal illness relating to pregnancy, illness of an infant, or for required medical visits related to infant or maternal health, or that it is a medical necessity, shall be presented prior to extended sick leave being taken.

On every occasion that a *bus operator* or *school employee* uses extended sick leave, a statement from a licensed physician certifying that it is a medical necessity for the *bus operator* or *school employee* to be absent for at least ten (10) consecutive work days shall be presented prior to extended sick leave being taken.

The required physician's statement may be presented along with the request for extended sick leave subsequent to the *teacher's* or *school employee's* return to service. In such a case, the extended sick leave shall be granted for all days for which extended sick leave is requested, provided the request and required documentation is presented within three (3) days after the *teacher* or *school employee* returns to service. However, the School

Board or the Superintendent reserves the right to question the validity of the medical certification after the three day period.

If the period an employee is on extended sick leave is anticipated to carry over from one school year to the start of the next school year, another application and physician's statement shall be submitted prior to the start of the next school year in order to be eligible for continued extended sick leave.

SICK LEAVE FOR ASSAULT OR BATTERY

Any employee of the public schools who is disabled while acting in his/her official capacity as a result of an assault or battery by any student or person shall receive sick leave without reduction in pay, and without reduction in accrued sick leave days while disabled as a result of such assault and battery. A *teacher* shall be required to provide a certificate from a physician certifying the disability. A *bus operator* or *school employee* shall be required to present certification of the disability from a physician if the bus operator or school employee is absent for six (6) or more consecutive days as a result of the disability.

Disability, for purposes of this policy, shall mean the inability to perform the essential functions of the job.

The sick leave authorized shall be in addition to all other sick leave authorized herein, shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any manner except as set forth above.

The School Board shall not reduce the pay or accrued sick leave of any employee who is absent from his/her duties to seek medical attention or treatment as a result of an injury from assault or battery.

If the employee's physician determines that the employee is able to return to regular duties with restrictions and the School Board does not allow the employee to return to duty with those restrictions, the employee's leave shall be granted or continued as provided by statute.

If any employee is receiving sick leave as a result of assault or battery as provided in this section and begins receiving retirement benefits, the sick leave provided herein shall cease.

SICK LEAVE FOR PHYSICAL CONTACT WITH A STUDENT

Any *teacher* who is disabled while acting in his/her official capacity as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student, shall receive sick leave for a period of up to one (1) calendar year without reduction in pay and without reduction in accrued sick leave days while

disabled as a result of rendering such assistance. Any *school employee*, but not a *bus operator*, disabled in a similar manner shall receive up to ninety (90) days of such sick leave. The *teacher* or *school employee* shall be required to present a certificate from a physician certifying the disability. The School Board may extend the period of sick leave beyond the allowable period at its discretion.

The School Board shall not reduce the pay or accrued sick leave of any *teacher* or *school employee* who is absent from his/her duties to seek medical attention or treatment as a result of an injury from physical contact with a student.

If the *teacher's* or *school employee's* physician determines that the employee is able to return to regular duties with restrictions and the School Board does not allow the employee to return to duty with those restrictions, the *teacher's* or *school employee's* leave shall be granted or continued as provided by statute.

VALIDITY OF PHYSICIAN'S CERTIFICATION

If at any time during the period of certified disability the School Board questions the validity or accuracy of the physician's certification for any type of sick leave request made by a *teacher*, or for extended leave or leave requested as a result of physical assault or battery made by a *bus operator* or *school employee*, the School Board may require the employee to be examined by a licensed physician selected by the School Board.

Any further review of medical certification shall proceed as follows:

1. Upon review of the physician's certification submitted, if the School Board or Superintendent questions the validity or accuracy of the certification, the School Board or Superintendent may require the employee, or the immediate family member, as applicable, as a condition for taking the applicable sick leave, to be examined by a licensed physician selected by the School Board or Superintendent. If the physician finds medical necessity or certifies a disability, the leave shall be granted.
2. If the selected physician disagrees with the original medical certification from the physician selected by the employee, then the School Board or Superintendent may require the employee, or immediate family member, as applicable, as a condition for taking the applicable sick leave, to be examined by a *third* licensed physician, whose name appears next in the rotation of physicians on a list established by the local medical society and maintained by the School Board or Superintendent. The final determination of medical necessity or certification of a disability shall be based on the opinion of the third physician.
3. In the determination of the validity of a physician's certification, the opinion of *all* physicians consulted shall be submitted to the School Board or Superintendent in the form of a **sworn statement**. All information contained in any statement from

a physician shall be confidential and shall not be subject to the public records law.

The School Board shall pay all costs of any examinations and tests determined to be necessary.

SICK LEAVE/WORKERS' COMPENSATION

Should any *teacher* become injured or disabled while acting in his/her official capacity, other than by assault, the *teacher* shall be entitled to appropriate worker's compensation benefits and/or sick leave benefits, at the *teacher's* option, for the period of time while injured or disabled. Any benefits received, however, shall not exceed the total amount of the regular salary the *teacher* was receiving at the time of injury or disability. The *teacher* shall be required to present a certificate from a physician certifying such injury or incapacitation.

VESTING OF SICK LEAVE

All sick leave accumulated by a *teacher* or *school employee*, but *not a bus operator*, shall be vested in the *teacher* or *school employee* by whom such leave has been accumulated. In the event of the transfer of a *teacher* or *school employee* from one school system to another in Louisiana, or upon the return of such *teacher* or *school employee* to the same school system within five (5) years or such longer period that may be approved by the School Board to which the *teacher* or *school employee* returned, regardless of the dates on which the leave was accumulated or the date of transfer or return of the *teacher* or *school employee*, such vested leave which remains unused or for which the *teacher* or *school employee* has not been compensated directly or transferred such days for retirement credit, shall be transferred, returned to, or continued by the School Board and shall be retained to the credit of *teacher* or *school employee*.

PAYMENT UPON RETIREMENT OR DEATH

Upon the retirement of any employee, or upon the employee entering or upon the employee's death prior to retirement, the School Board shall pay the employee or his/her heirs or assigns, for any unused sick leave, not to exceed twenty-five (25) days. Such pay shall be at the daily rate of pay paid to the employee at the time of his/her retirement or death.

DEFERRED RETIREMENT OPTION PROGRAM (DROP)

Any employee of the Calcasieu Parish School Board who participates in the *Deferred Retirement Option Program* (DROP) shall be eligible for and may elect to receive on a one-time basis severance pay (accrued sick leave up to a maximum of twenty-five (25) days) upon entering DROP on the same basis as any other employee who retires or otherwise leaves employment; otherwise, any accrued sick leave shall be paid only upon final retirement of the employee.

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