

SUSPENSION

The St. Mary 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.

Prior to any out-of-school suspension or assignment to alternative placement, the school principal or his/her designee shall advise the student of the particular misconduct of which he/she is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his/her version of the facts. The principal/designee shall contact the parent or legal guardian of the student 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 student. *Notice* shall be given by contacting the parent or legal guardian by telephone at the telephone number shown on the student's registration card, or by electronic communication or by a certified letter sent to the address shown on the student's registration card. The principal shall promptly advise the Superintendent or designee of all such suspensions, stating the reasons for the suspensions.

A student who is suspended for longer than ten (10) days shall be provided with academic instruction at an alternative setting in accordance with La. Rev. Stat. Ann. §17:416.2.

No suspended student 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, 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, or legal guardian refuses to respond to the notice, the principal may determine whether readmitting the student is in the best interest of the student. On any subsequent occasions in the same school year, the student shall not be readmitted unless the parent, or legal guardian, court, or other appointed representative responds.

If a teacher, principal, or other school employee is authorized to require the parent, or legal guardian of a student to attend a conference or meeting regarding the student's behavior and after notice, the parent, 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 student is suspended for a second time within one school year, the principal may require a counseling session be held with the parent and student by the school counselor.

In the event there is no school counselor assigned to that school, the principal may require a conference between the parent, student and all the student 's teachers and the principal or other administrator.

After any second suspension of a student during the same school year, the principal or his/her designee and the employee designated by the principal to identify behavioral and mental health support services available shall consult on whether the student's behavior could be attributable to behavioral or emotional challenges. If it is determined that the behavior is attributable to behavioral or emotional challenges and rises to the level that supportive services could be beneficial, the principal or his/her designee and the employee designated for mental and behavioral health assistance shall schedule a conference with the student's parent or legal guardian to discuss the student's behavior and counseling as well as the referral of the student and family to support services or assessment and treatment.

Notwithstanding any public school state or local policies, a student in grades six through twelve who is suspended a third time within the same school year for any offense, excluding those related to dress codes or tardiness, shall be recommended for expulsion.

Any student in grades pre-kindergarten through five, *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 student '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.

APPEALS

Any parent, or legal guardian of a student 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 the out-

of-school suspension, shall be final, reserving to the Superintendent the right to remit any portion of the time of out-of-school suspension.

Notwithstanding the foregoing, the parent or legal guardian of a student who has been recommended for expulsion but suspended instead following a hearing conducted by the Superintendent or his/her designee shall have the right to request review by the School Board of the findings of the Superintendent or designee at a time set by the School Board. Such request must be made within five (5) days after the decision is rendered, or the decision of the Superintendent or designee shall be final. The School Board may affirm, modify, or reverse the action previously taken.

The parent or legal guardian of the student may, within ten (10) school days, appeal to the judicial district court an adverse ruling of the School Board in upholding the action of the Superintendent or 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.

SUSPENSION FOR DAMAGES TO PROPERTY

A student suspended for damages to any property belonging to the school system or to property contracted to the school system or any property on school grounds owned by a school employee or student shall not be readmitted until payment in full has been made for such damage, an alternative restitution arrangement has been executed, an alternative payment plan has been arranged, or until directed by the Superintendent. If the property damaged is a school bus owned by, contracted to, or jointly owned by any school board, a student suspended for such damage shall not be permitted to enter or ride any school bus until payment in full has been made for the damage, an alternative restitution arrangement has been executed, an alternative payment plan has been arranged, or until directed by the Superintendent.

MANDATORY SUSPENSION

Firearms, Knives, Other Dangerous Instrumentalities, Drugs

The principal or his/her designee shall be required to suspend a student who:

1. is found carrying or possessing a firearm or a knife with a blade two and one-half (2 ½) 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 or his/her designee shall immediately recommend the student's

expulsion to the Superintendent, for the above offenses for students in grades six through twelve. ~~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 and one half (2 ½) inches or longer, the principal may recommend the student's expulsion.~~

A student found carrying or possessing a knife with a blade less than two and one half (2 ½) inches in length may be suspended by the school principal, but, in appropriate cases, at a minimum, shall be placed in *in-school suspension*.

Assault or Battery of School Employees

Whenever a student 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 student from school immediately and the student shall be removed immediately from the school premises without the benefit of required out-of-school suspension procedures; however, the necessary notifications and other procedures shall be implemented 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 cocurricular 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 medical provider. However, the student shall carry evidence of the prescription or medical provider's order on his/her person at all times when in possession of any controlled dangerous substance which shall be subject to verification. Evidence of the prescription or medical provider's order includes possession of the controlled dangerous substance in its original packaging as received from the pharmacy.

In addition, school officials, in accordance with statutory provisions, shall have total discretion and shall exercise such discretion in imposing on a student any disciplinary actions authorized by state law for possession by a student 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 student'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 the same credit originally available 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.

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 OR EXCEPTIONALITIES

Suspension of students with disabilities or exceptionalities, or an Individualized Education Program, or Section 504 Individualized Accommodation Plan shall be to the extent allowed by applicable state or federal law and regulations or the provisions of the student's specific plan.

DEFINITIONS

Definitions of terms used herein shall have the meaning set forth in policy *JD, Discipline*.

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Ref: La. Rev. Stat. Ann. §§17:223, 17:416, 17:416.1, 17:416.2, 17:416.3, [17:416.23](#); 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, 5-11-95, 11-9-06, 9-13-07, 9-10-09, 12-13-12, 6-13-13, 9-10-15, 11-12-15, 1-14-21, 8-12-21.