

REGULAR MONTHLY MEETING AUGUST 25, 2020

The St. Bernard Parish School Board met in a Regular Monthly Meeting on Tuesday, August 25, 2020 at 6:00 p.m. in the St. Bernard Parish School Board Office. Following the Prayer and Pledge of Allegiance, the Secretary called the roll. Present were, Mrs. Diana B. Dysart, President, Mrs. Darleen P. Asevedo, Mr. William H. Egan, Ms. Carly C. Jackson, Mrs. Katherine K. Lemoine, Mr. Clifford M. Englande, Mr. Joseph V. Long, Sr., Mr. Sean K. Warner and Mrs. Rosiland R. White. Mr. Shelton P. Smith and Mr. Donald D. Campbell were absent.

On a point of privilege, Mr. Englande asked for a moment of silence for Mrs. Lenette King Ladner Zulli, a former Assistant Principal at Andrew Jackson High School and Gerald Ponsetti, a former bus driver, both of whom recently passed away. Condolences were offered for their friends and family.

On an additional point of privilege, Mrs. Dysart asked for a moment of silence for a former teacher and Administrator, Polly Renshaw. After the requested moment of silence, condolences were also offered for Ms. Renshaw's friends and family.

On motion of Mr. Warner, seconded by Mrs. Lemoine, the Board voted by a unanimous voice vote of the members present to incorporate the report of the August General Committee Meeting of 2020 into the minutes of the Regular Monthly Meeting of the Board for August 2020.

GENERAL COMMITTEE REPORT TUESDAY, AUGUST 11, 2020

The St. Bernard Parish School Board met as a Committee of the Whole on Tuesday, August 11, 2020 at 6:01 p.m. in the Board Room of the St. Bernard Parish School Board Office. Following the Prayer and Pledge of Allegiance, the Secretary called the roll. Members present were, Mrs. Diana B. Dysart, President, Mrs. Darleen P. Asevedo, Mr. Donald D. Campbell, Ms. Carly C. Jackson, Mrs. Katherine K. Lemoine, Mr. Clifford M. Englande, Mr. Shelton P. Smith, Mr. Sean K. Warner and Mrs. Rosiland R. White. Mr. William H. Egan and Mr. Joseph V. Long, Sr. were absent.

On a point of privilege, Mrs. Dysart first wished Mr. Long a Happy Birthday and then congratulated the students, parents, teachers and Administrators on a successful first day of the 2020 – 2021 school year. Mrs. Dysart next asked for a moment of silence to honor the former Assistant Principal of Andrew Jackson High School, Ms. Lenette Ladner Zulli, who recently passed away. Condolences were offered to Ms. Ladner Zulli's friends and family.

Mrs. Dysart began by addressing the next agenda item regarding a Request to Appear from the St. Bernard NAACP. Mrs. Dysart welcomed Ms. Keisa Rodney to speak on behalf of the NAACP Organization. Ms. Rodney began by introducing herself as a member of the NAACP of St. Bernard's Executive Committee and on their behalf she asked to make a request to remove the name of Andrew Jackson from the now Andrew Jackson Middle School which was the former Andrew Jackson High School and the former Andrew Jackson Fundamental High School. Ms. Rodney explained her reason for this request.

Ms. Rodney began by acknowledging some of Andrew Jackson's prominent history such as the fact that he was our 7th President of the United States and was the commander of troops at our very own Battle of New Orleans. However, she pointed out that he was involved in, the Trail of Tears and that he was the owner of over 100 slaves at his plantation in Tennessee. Ms. Rodney also mentioned that Andrew Jackson, an all-girl High School, was opened in 1965 on the heels of efforts to de-segregate schools. She feels this was done to segregate the sexes with females at Andrew Jackson and P.G.T. Beauregard High and males at Chalmette and St. Bernard High in an effort to avoid race mixing. Ms. Rodney noted that the current population of Andrew Jackson Middle School is approximately 40% students of color and she feels that the Board should consider re-naming the school for a prominent African-American from St. Bernard Parish.

Mrs. Dysart thanked Ms. Rodney for coming before the Committee tonight. Ms. Rodney asked for a timeframe as to when the NAACP could get a response to her request. Mrs. Dysart explained that NAACP was on the agenda only as a Request to Appear and not as an agenda item for a vote, that this discussion will be taken under consideration by the Committee members present, and that someone would get back to them.

Mrs. Dysart next welcomed Mrs. Alex Schneider to present Super News.

Mrs. Schneider first shared that many of the normal print publications that have been previously made available to the public have been moved to online/website content. This online format was chosen in an effort to reach a wide variety of families in the timeliest manner. Those online publications include the brochure titled "Returning to School – What You Need to Know" and the "Student & Parent Guide to Reopening".

Mrs. Schneider also noted that all of the beginning of year information can be found on the district website which is www.sbpsb.org/strongstart2020. Ms. Schneider said that on that page you will find information like links to the Guide to Reopening Schools, policies on dress code, school supply lists, virtual school options, etc. Mrs. Schneider also included in her presentation the social media analytics. She then encouraged everyone to visit school websites and facebook pages to find a delightful menagerie of info and amusements regarding the reopening of each school. In addition to the social media videos done for schools and the school system, Ms. Schneider acknowledged the many fine videos that Jack Jackson and Barry Lemoine have prepared to assist in keeping our families informed on YouTube, including a special message from Ms. Voitier as our virtual new school year Kick-Off. Mrs. Schneider stated that all of this social media and internet messaging was produced by the school system in an effort to effectively communicate with students, families and employees during this time of COVID-19.

At this time Mrs. Schneider asked the men from PEN to roll the Super News which included topics such as: Educators honored by the Reading Association; Tessie White-Stein, Brenda Montalbano and Mrs. Schneider; Cheramie Kerth-Special Education Supervisor was chosen as one of four leaders in the state to serve as a mentor to a cohort of 15 young educational leaders. Mrs. Kerth will provide specialized training and resources to this cohort while they serve students with disabilities. There was a montage that

highlighted the many interventions being put into place to keep safety and health in the forefront at our schools. The Superintendent took time to deliver checks to employees with perfect attendance for the previous school year. Informative and fun videos were included in back to school nights for many schools, samples from those videos were shown.

Mrs. Dysart thanked Ms. Schneider and the Men from PEN for their informative video.

Next, Ms. Dysart asked Mr. Warner, Finance Committee Chair, to handle the next agenda item. Mr. Warner invited Mr. David Fernandez to appear for recognition of the School Board receiving both the GFOA (Government Finance Officers Association) and ASBO (Association of School Business Officials) Certificate of Achievement for excellence in financial reporting. Mr. Fernandez acknowledged that the school system has achieved this honor for over 25 years which Mr. Fernandez stated could not be done without his incredible staff in the business office. Mrs. Dysart, Ms. Voitier and the entire Committee commended the employees responsible for these awards which assure the public that the school system is being responsible with public funds. By joint acclamation the Committee gladly received these awards on behalf of the School Board Business Office.

Mrs. Lemoine, as education chair, invited Ms. Voitier, to provide an update regarding the opening of school. Ms. Voitier stated that today was the opening of school for 25% of kindergarten through 8th grade and 50% of high school students reported for class. The rest of the students will be phased in with the remaining 25% of k-8 coming to school in the remaining three days of this week and for high school, students will have a hybrid schedule where 50% of students attend every other day. This slow opening allows teachers and students to acclimate to new health and safety procedures inside and outside of the classroom. She also stated that Mr. Dewey of Maintenance has done a great job in providing sanitation stations and personal protective equipment within the schools. Teachers take temperatures in the morning, if students are symptomatic, they are sent to the room in each school that is dedicated as a place for assessing students and their symptoms by healthcare professionals. The partnerships with The Methodist Foundation and Ochsner for testing possible cases have also been a tremendous advantage in operating during this time. Ms. Voitier stated that the virtual school portion of student attendance is already being readied for an August 17th start date with students being verified and provided necessary hardware for internet capability and virtual lessons. She also stated that by Monday, August 17th all students should be engaged in their assigned learning environments.

Mrs. Lemoine thanked Ms. Voitier for the update. She thanked everyone for their efforts in preparing for the reopening of schools. Mr. Warner inquired about the number of students who have opted for the virtual learning to which Ms. Voitier stated that 28% of students had chosen the virtual option.

Ms. Voitier next presented the August 2020 personnel changes for the Committee's review.

Mr. Englande filled in for the absent Mr. Long as Executive Committee Chair for the next agenda item regarding policies to adopt for the School Board Policy Manual. Mr. Englande welcomed Mrs. Alex Schneider to present the policies.

Mrs. Schneider began by stating that the first change is to Policy II. She explained that these changes are in response to Bulletin 118- Statewide Assessment Standards and Practices of the Louisiana Department of Education. The changes included verbage changes due to revisions in the bulletin and slight changes to testing procedures and guidelines. All changes were displayed in the handouts to each Committee member.

At this time the Committee decided to discuss each policy individually and then vote to on them as a group instead of individually.

Mrs. Schneider then addressed policy EBBB regarding the emergency closing of schools. She explained that this policy change allows for additional provisions if the Superintendent needed to close schools in an emergency situation including the right to excuse employees during the designated emergency.

The next six policies are related to sexual harassment for students and/or employees. Ms. Schneider states that the following policies have been updated, revised or added following the United States Department of Education May publication of its final rule which recognizes that sexual harassment as unlawful sex discrimination under Title IX of the educational amendments of 1972. These new regulations fundamentally change student and employee sexual harassment policies. Previously, the St. Bernard School Board had two sexual harassment policies, one for employees and one for students. Following the new regulations, the Administration is proposing the adoption of six School Board policies, four for employees and two for students.

The two policies pertaining to students are JAAA-Title IX Sexual Harassment and JCEA - Sexually Related Student Misconduct. Policy JAAA requires policy notice that the School Board does not discriminate on the basis of sex in its educational programs or activities and that it is responsible and responsive to actual knowledge of sexual harassment promptly. It also states that we clearly present these new definitions as used in the new regulations and calls for the appointment of a Title IX Coordinator to lead School Board efforts to comply with regulations. It also outlines the response of teachers upon knowledge of sexual harassment. Mrs. Schneider noted that this is separate from policy JCEA which is for anything that is student related which does not rise to the definition of sexual harassment as defined by the new regulations in Title IX.

Regarding employees, as Title IX sexual harassment is now addressed separately, the employee sexual harassment policy has been revised to limit its scope to probation contained in Title VII of the civil rights act of 1964. These changes required revisions to employee policies including those about Equal Opportunity Employment (GAAA), Non-Title IX Complaints and Grievances (GAE), Investigations (GAMC) and Title VII Employee Sexual Harassment (GAEAA).

Mrs. Dysart moved to recommend to the full Board to approve the Administration's request to adopt the new and/or revisions to the Board Policies; II, EBBB, GAE, GAAA, JAAA, JCEA, GAMC and GAEAA. The motion was seconded by Mrs. Lemoine and was approved unanimously by a voice vote of the member present.

Mrs. Warner, as Finance Committee chair, next introduced Mr. Fernandez to present the next agenda item regarding the adoption of 2020 Ad Valorem Millages. Mr. Fernandez stated that Board is required to levy Ad Valorem properties on a yearly basis. He presented the resolution that outlines the specific millages for the current year.

Mr. Englande moved to approve the Administration’s recommendation to adopt the 2020 Ad Valorem Millages as presented. Seconded by Ms. Jackson, the motion passed unopposed by a voice vote of the members present.

Mr. Fernandez next presented the Louisiana Compliance Questionnaire for the Committee’s approval. He explained that the questionnaire is completed each year at this time in conjunction with the district’s annual financial audit. The questionnaire basically states that the district is in compliance with all state laws and must be approved by the Board prior to the audit so that it may be submitted to the auditors for inclusion in their opinion.

Mr. Smith moved to recommend to the Board to approve the Louisiana Compliance Questionnaire. Seconded by Ms. Jackson the motion passed unanimously by a roll call vote of the members present.

There were no Superintendent’s Recommendations.

There being no further business to discuss, on motion of Mrs. Asevedo, seconded by Ms. Jackson and passed by a unanimous voice vote, the meeting was adjourned.

Ms. Voitier appeared before the Board to present the Personnel changes for the month of August 2020.

**ST. BERNARD PARISH SCHOOL BOARD
MINUTES OF AUGUST 25, 2020**

CHANGES FOR BOARD MEMBERS INFORMATIONAL PURPOSE ONLY:
PERSONNEL CHANGES – TEACHERS
APPOINTMENTS

Schane Rillieux	Andrew Jackson Middle-Special Education Teacher (Temporary Assignment 2020-2021 School Year)
Elizabeth Brusseau	Rowley Alternative-High School Teacher (Temporary Assignment 2020-2021 School Year)
Meaghan Gaines	Chalmette High School-Special Education Teacher (Temporary Assignment 2020-2021 School Year)
Sean Beckwith	Andrew Jackson Middle-Elementary Teacher (Temporary Assignment 2020-2021 School Year)

PERSONNEL CHANGES – TEACHERS
(CONT'D)

MEDICAL LEAVES

Allyce Carbine	St. Bernard Middle-Elementary Teacher
Natasha Ballard	Andrew Jackson Middle-School Counselor
Destiny Stogner	Chalmette High School-High School Teacher
Brittani Field	Lacoste Elementary-Teacher Leader
Brittany Salomon	Smith Elementary-Elementary Teacher

RESIGNATIONS

Jill Dresser	Arabi Elementary-Elementary Teacher 8/1/2020
Katherine Kimberly	Smith Elementary-Special Ed Teacher 8/1/2020
Amy Bohlke	Andrew Jackson Middle-Elementary Teacher 8/1/2020
Garrett Deschamp	Rowley Alternative-Special Education Teacher 8/1/2020
Melissa Michiels	Trist Middle-Speech Therapist 8/10/2020
Henry Rivera Leal	Chalmette High School-High School Teacher 8/20/2020
Ronald Hebert, Jr.	Andrew Jackson Middle-Elementary Teacher/Coach 8/11/2020

SUPPORT PERSONNEL
APPOINTMENTS

Glenn Marrero	Chalmette Elementary-Custodian
Jorden Mangano	St. Bernard Middle-Custodian
Ethel Abram	Andrew Jackson Middle-Custodian
Mary Kieff	Andrew Jackson Middle-Custodian

MEDICALS

Stephanie LeBouef	Andrew Jackson Middle-Cafeteria Tech
Gwen Johnson	Transportation-Bus Driver

RESIGNATIONS

Gail Williams	Bus Driver-Transportation 8/1/2020
Meaghan Gaines	Chalmette High School-Paraeducator 8/10/2020
Shauna Johnson	Transportation-Bus Driver 8/18/2020

As recommended by the Committee, Mr. Englande moved to approve the following list of new and/or revised policies;

- II Testing Program
- EBBD Emergency Closing of Schools
- GAE Non Title IX Complaints/Grievances
- GAAA Equal Opportunity Employment
- JAAA Title IX Sexual Harassment
- JCEA Sexually Related Misconduct
- GAMC Investigations
- GAEAA Title VII Employee Sexual Harassment
- JD Discipline

Seconded by Ms. Jackson, the motion passed unanimously by a voice vote of the members present. Full text of each policy is shown below.

FILE: II

TESTING PROGRAM

The St. Bernard 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 the testing results in any way. 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 tests, answer documents, student log-in information, and supplementary materials shall be stored in a secured area under lock and key when not in use.

Employees shall be responsible for reporting irregularities or improprieties in the administration of standardized tests. 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 obstruct knowingly the procedures for receiving and investigating a report of irregularities or improprieties in the administration of tests.

No school administrator or member of the School Board shall retaliate against an employee who participates in an investigation of 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—materials that contain test items or student responses and to which access is restricted. Such materials include: test booklets; student answer documents; student log-in information; and any other materials that contain items or 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 similar devices with imaging or text-messaging capabilities that are the property of students, test administrators, and 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 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 device that indicates it was used during the test administration and/or test material was recorded and/or transmitted, the student's score shall be voided. Violation of this policy may result in disciplinary action.

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 inconsistent with LDE or School Board instructions;
2. Give examinees access to test questions prior to testing;
3. Examine any test item at any time, unless providing documented accommodations;
4. Copy, reproduce, record, store electronically, discuss, or use in a manner inconsistent with regulations all or part of any secure test item, test booklet, answer document, or supplementary secure materials at any time;
5. Coach examinees during testing or alter or interfere with responses in any manner;
6. Provide answers to students, including provision of cues, clues, hints, and/or actual answers in any form -- written, printed, verbal or nonverbal;
7. Fail to follow security regulations for distribution and return of any secure test materials, as well as overages, as directed;
8. Conduct testing in environments that differ from the usual classroom environment without prior written permission from the LDE except when providing accommodations;
9. Fail to report any testing irregularities immediately to the District Test Coordinator;
10. Participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in this section.

All procedures for the security, distribution, administration, collection, and verification of the return of all testing materials, including but not limited to all test booklets, answer documents, student log-in information, overage, and supplementary materials, shall be handled and secured in a manner consistent with current state guidelines and current parish testing guidelines and training

manuals. Any discrepancies or emergency situations arising during the testing period shall be reported to the state as required by state guidelines. Only personnel trained in test security and administration shall be allowed to have access to or administer any statewide assessments.

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 results are not accepted because of breach of security or action by the Department of Education, any programmatic, evaluative, or graduation criteria dependent upon that 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 test administration shall have breached test security. Any individual(s) or student who knowingly causes or allows such breach shall forfeit all scores but will be allowed to 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. Such instances shall be reported to the district test coordinator who will investigate according to state guidelines and file a report to the state regarding to outcome of that investigation.
4. Any teacher or other personnel who causes or allows breaches in test security shall be disciplined in accordance with the provisions of School Board policy, regulations adopted by the BESE, and any applicable state laws.
5. Should an employee participate in activities to provide answers or otherwise alter test scores, he/she will be recommended for dismissal.
6. Anonymous complaints received by either the superintendent or the district's test coordinator regarding violations of test security or breach of ethics shall be investigated. 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*.

Revised: August 25, 2020

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, Board minutes, 8-25-20.

FILE: EBBD
Cf: EBBB,EBBC,GBAA

EMERGENCY CLOSING OF SCHOOLS

The Superintendent shall announce the closing of schools if prevailing or potential hazards threaten the safety and well-being of pupils, staff, or school property. The decision to close schools shall be made by the Superintendent after conferring, when feasible, with community agencies responsible for the safety and well-being of the community. Public announcements and releases to news media shall be made or approved by the Superintendent or designee. Each Board member shall also be notified of any school closing.

The Superintendent's office shall notify news media and other such persons and organizations as necessary of the decision to dismiss students early, or the closure of any schools, School Board offices or facilities. Each School Board member shall also be notified of any school closing. Public announcements and releases to news media shall be made or approved by the Superintendent or his/her designee.

If students have reported to school and an emergency arises during the school day, students may be dismissed early. Such dismissal shall be only by direction of the Superintendent. In the event of dismissal during the school day, all educational and building employees are to continue their work, unless otherwise notified by the Superintendent. In cases where students are dismissed early, teachers shall be expected to supervise all students under their jurisdiction until they have departed from the school campus.

When the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) or the Governor of Louisiana orders the evacuation of any area, or closures of schools or any other School Board facilities, the Superintendent or his/her designee shall immediately coordinate the dismissal of students residing in the affected zones.

If an emergency situation arises, closure of schools shall be considered on an individual basis. *Crisis Management Plans* for each school or facility shall be followed.

During severe weather or other emergency situations, the Superintendent, after conferring with the School Board President, shall have the authority to excuse employees of the St. Bernard Parish School Board from reporting to work. *Emergency Situation* shall mean any circumstances that may expose School Board employees to harmful or unsafe conditions, as determined by the Superintendent.

The Superintendent shall be authorized to determine which essential employees may be needed to work during any emergency.

Revised: August 25, 2020

Ref: La. Rev. Stat. Ann. §17:81; Board minutes, 8-25-20.

FILE: GAE
Cf: JAAA, JCEA

NON-TITLE IX COMPLAINTS AND GRIEVANCES

Any employee of the St. Bernard Parish School Board shall have the right to appeal the application of policies and administrative decisions affecting him/her. The person filing the grievance shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his/her appeal with respect to a grievance.

This policy shall not apply to sexual harassment complaints made pursuant to Title IX of the Education Amendments of 1972 (Title IX) and Part 106 of Title 34 of the United States Code of Federal Regulations. Any such Title IX complaints shall be subject to the Grievance Procedure developed and maintained by the Superintendent or his/her designee under the provisions of policy *JAAA, Title IX Sexual Harassment*.

A grievance is a claim by an employee (grievant) or group thereof that he/she/they has/have suffered harm or injury by the interpretation, application or violation of a contract, a School Board policy, administrative regulation or procedure, a law, or constitutionally guaranteed rights. The term "grievance" does not include matters for which the method of review is prescribed by law or where the School Board is without authority to act (e.g., employee lack of certification, terminations, rebuttal to observation, etc.). A person of interest is the grievant and any person or persons who might be required to take action or against whom action might be taken in order to resolve the claim.

PROCEDURE FOR NON-BARGAINING UNIT EMPLOYEES

Grievances shall be processed as rapidly as possible. The number of days indicated at each level is a maximum, and every effort shall be made to expedite processing the grievance. All proceedings of a grievance shall be kept confidential.

Step 1. After informally and thoroughly discussing any grievance with the employee's immediate supervisor or principal, upon reaching no satisfactory resolution of the grievance, the employee shall promptly present the grievance in writing to the immediate supervisor or principal. Such notice shall be presented no later than ten (10) working days from the date of discussion. The written grievance submitted shall state the nature of the grievance and the harm or injury caused that initiated the grievance. The employee and the immediate supervisor or principal shall attempt to resolve the grievance. The immediate supervisor or principal shall make a proper disposition of the grievance and shall reply in writing to the grievant within ten (10) working days following the date of submission. If the grievance is not submitted within the time prescribed, the grievant shall be deemed not to have further right with respect to said grievance.

Step 2. In the event the grievant wishes to appeal the decision at Step 1, or if no decision has been rendered in the time specified, the appeal must be presented to the Supervisor of Personnel in writing within ten (10) working days of the receipt of the Step 1 decision. Such appeal shall contain a statement of the grievance and specified references to the action taken causing

the grievance. Upon receipt of such a written appeal, the Supervisor of Personnel shall place the grievance on the agenda for the next scheduled grievance meeting. If the Supervisor of Personnel receives a written grievance less than three (3) working days prior to a scheduled grievance meeting, unless the parties mutually agree otherwise, the grievance shall not be discussed at the grievance meeting but shall be held over to the next following grievance meeting provided that said grievance is not of the nature that such a delay of the grievance meeting would cause irreparable harm to the School Board or to the grievant(s). Grievance meetings shall be held at the School Board office commencing at 5:00 o'clock p.m. on the second Monday of each month.

The purpose of the meeting shall be to review the complaint, whether there has been a violation of policy, and whether a remedy can be agreed upon. Attending the meeting shall be the grievant, the administrator whose action or inaction is being grieved, any additional person of interest, the Supervisor of Personnel, the Superintendent or his designee, and two members of the School Board who will serve on a rotating basis. The meeting shall not be conducted as a trial but as an attempt at resolution.

Within ten (10) working days after the conclusion of the meeting, the grievant shall be provided with a written decision affirming or denying the grievance issued by the Superintendent and School Board members. If the Superintendent is the individual being grieved, then the decision shall be provided by the School Board members.

MISCELLANEOUS

1. A grievance may be withdrawn at any level without prejudice or record, and there shall be no recrimination against a person because a grievance has been filed.
2. All documents and communication dealing with a grievance shall be a part of the grievant's personnel file and shall be destroyed only in accordance with School Board policy. Copies of all written decisions shall be sent to all parties.
4. Appeals of grievance decisions will be limited to the specific issues raised in the original grievance. The parties may not expand issues during the procedure, except to respond to administrative decisions made along the way.
5. Failure by the grievant to meet the timelines/requirements shall result in dismissal of the grievance. Failure by the administrator to meet timelines/requirements shall allow the grievant, at his/her option, to proceed to the next level of appeal.
6. If an employee leaves the employment of the School Board during the procedure, at any level, then the employee loses the right to continue the complaint process.
7. Disciplinary action against an employee may not form the basis of a grievance.
8. The person bringing the grievance shall have the right to present his/her

own grievance and the right to have non-attorney representation at Step 2. A grievant choosing to have representation shall provide advance notice of such in writing to the immediate supervisor at the respective procedural level at least two (2) days prior to the meeting on the grievance.

Revised: August 25, 2020

Ref: La. Rev. Stat. Ann. §17:100.4; Pickering v. Board of Education, 88 S. Ct. 1731 (1968); Board minutes, 8-25-20.

FILE: GAAA
Cf: GAAB, GAE, GAEAA
Cf: GAMC,GBC

EQUAL OPPORTUNITY EMPLOYMENT

It shall be the policy of the St. Bernard Parish School Board that all applicants for admission and employment, students, parents, employees, unions or professional organizations holding collective bargaining or professional agreement with the School Board, sources of referral of applicants and employment, and any and all entities having business with the district are hereby notified that this School Board does not discriminate on the basis of race, creed, color, national origin, sex, marital status, sexual orientation, age, disability, religion, social position, professional assignment, or veteran status in admission or access to, or treatment or employment in, its programs and activities, including any notices required by Title IX of the Education Amendments of 1972 or Part 106 of Title 34 of the United States Code of Federal Regulations. The School Board pledges to protect qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment. The School Board shall also provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

The Superintendent and/or his/her designee shall investigate any and all complaints that may be brought against the School Board or any individual school in the school district in regard to any alleged discriminatory action for appropriate treatment by the Superintendent and/or the School Board.

All employees shall be responsible for complying with this policy. Inquiries, concerns, or complaints related to any form of harassment or discrimination should be immediately reported to the immediate supervisor who, in turn, shall report the incident to the Superintendent and/or his/her designee. If the supervisor is the alleged harasser or discriminator, or the employee does not wish to report the matter to his/her supervisor, the employee may submit the complaint directly to the Superintendent or his/her designee for appropriate inquiry including, when appropriate, investigation. Except for complaints of sexual harassment of students, employees, and applicants, the investigation shall proceed in accordance with policy *GAMC, Investigations*. Further, the School Board prohibits retaliation against any individual for making a complaint under this policy or participating in the investigation of any such complaint.

PERSONS WITH DISABILITIES

In accordance with federal and state statutes addressing nondiscrimination of disabled persons, namely Section 504 of the Vocational Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the St. Bernard Parish School Board attests that no qualified person with a disability shall, solely by reason of a disability, be denied the benefits of, be excluded from participation in, or be otherwise subjected to discrimination under any program or activity; nor shall a qualified person with a disability be subjected to discrimination in employment.

Revised: August 25, 2020

Ref: U.S. Constitution, Amend. XIV, Sec. 1; 20 USC 1681 et seq. (*Title IX of the Education Amendments of 1972*); 29 USC 621 et seq. (*Age Discrimination in Employment*); 29 USC 623 (*Age Discrimination Act of 1967*); [29 USC 631](#) (*Age limits*); [29 USC 705](#) (*Rehabilitation Act of 1972*); [42 USC 2000d](#) (*1964 Civil Rights Act*); [42 USC 12101](#) (*Title I, Americans with Disabilities Act of 1990*); Constitution of Louisiana, Art. 1, Sec. 3, Art. 10, Sec. 10; La. Rev. Stat. Ann. §§23:301, 23:302, 23:303, 23:311, 23:312, 23:314, 23:323, 23:332, 23:334, 23:342, 23:352, 23:368; Griggs v. Duke Power Company, 91 S. Ct. 849 (1979); Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211 (5th Cir. 1979); Board minutes, 8-25-20.

FILE: JAAA
Cf: GAEAA, JCDAF
Cf: JCEA, JGCE

TITLE IX SEXUAL HARASSMENT

The St. Bernard Parish School Board desires to provide a safe school environment that allows all students equal access and opportunities in the School District's academic, extracurricular, and other educational support programs, services, and activities. The School Board does not discriminate on the basis of sex in the education program or activity that it operates. The School Board is required by Title IX of the Education Amendments of 1972 (Title IX) and Part 106 of Title 34 of the United States Code of Federal Regulations not to discriminate on the basis of sex in the education program or activity that it operates, including admission and employment. The School Board recognizes that sexual harassment is a form of discrimination on the basis of sex and the School Board prohibits sexual harassment as defined by Title IX and Part 106 of Title 34 of the United States Code of Federal Regulations.

Any person may report discrimination based on sex, including sexual harassment, in person, by mail, by telephone, or by electronic mail to the School Board's Title IX Coordinator at any time, including during non-business hours. Any School Board employee who has actual knowledge of sexual harassment must report the conduct to the Title IX Coordinator. The St. Bernard Parish School Board's Title IX Coordinator's name and contact information is provided to applicants for admission and employment, students, parents or legal guardians, school students, employees, and published in the *Student Code of Conduct*, and on the School Board's website. Reports of and inquiries regarding unlawful sex discrimination may also be

made to the Assistant Secretary for Civil Rights of the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202-1100, Email: ocr@ed.gov, 1-800-421-3481. The School Board's Title IX Coordinator shall be authorized to coordinate the School Board's Title IX obligations.

DEFINITIONS

As used in this policy:

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the any employee of the School Board. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the School Board with actual knowledge is the respondent.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the School Board investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the St. Bernard Parish School Board with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under and by any additional method designated by the School Board. As used in this paragraph, the phrase *document filed by a complainant* means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the School Board) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator shall not be a complainant or otherwise a party to any grievance procedure, and shall at all times comply with Title IX and Part 106 of Title 34 of the United States Code of Federal Regulations.

Notice means whenever any employee: witnesses sexual harassment; hears about sexual harassment or sexual harassment allegations from a complainant (i.e., a person alleged to be the victim) or a third party (e.g., the complainant's parent, friend, or peer); receives a written or verbal complaint about sexual harassment or sexual harassment allegations; or by any other means.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the St. Bernard Parish School Board conditioning the provision of an aid, benefit, or service of the St. Bernard Parish School Board on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the St. Bernard Parish School Board's education program or activity; or
3. *Sexual assault* as defined in 20 USC 1092, *dating violence* as defined in 34 USC 12291, *domestic violence* as defined in 34 USC 12291, or "stalking" as defined in 34 USC 12291.

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School Board's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School Board's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The School Board shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the School Board to provide the supportive measures. The Title IX Coordinator shall be responsible for coordinating the effective implementation of supportive measures.

COVERAGE

This policy applies to all students, employees and non-employee volunteers, to the elected members of the School Board, and to all students of the St. Bernard Parish School District. It applies at school, and locations, events, or circumstances over which the School Board has exercised substantial control over both the respondent and the context in which sexual harassment occurs.

TITLE IX COORDINATOR

The Superintendent shall designate and authorize a "Title IX Coordinator" to coordinate the St. Bernard Parish School Board's efforts to comply with Title IX and Part 106 of Title 34 of the United States Code of Federal Regulations. The Title IX Coordinator shall undergo and receive all training required by Part 106 of Title 34 of the United States Code of Federal Regulations. The name, office address, electronic mail address, and telephone number of the Title IX Coordinator shall be published as required by Part 106 of Title 34 of the United States Code of Federal Regulations.

RESPONSE TO SEXUAL HARASSMENT

If the St. Bernard Parish School Board has actual knowledge of sexual harassment in an education program or activity, then the Title IX Coordinator shall be informed and the Title IX Coordinator shall offer supportive measures and follow the grievance procedures adopted pursuant to this policy.

The Superintendent and/or the Title IX Coordinator shall develop and

maintain a Title IX Grievance Procedure that complies with 34 CFR §106.45, including investigation of any incident of which it has actual knowledge. The Title IX Grievance Procedure shall include the procedures to appeal any determination regarding sexual harassment under Title IX.

Nothing shall preclude the School Board from removing a respondent from the School Board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines an immediate threat to the physical health or safety of a complainant, student, or other individual arising from the allegations of sexual harassment justifies immediate removal. Neither shall the School Board be precluded from placing a non-student employee respondent on administrative leave during the pendency of the grievance process developed according to this policy. In both such instances the respondent shall be provided with notice and an opportunity to challenge the decision contemporaneously with or immediately following the removal. This provision shall not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act or regulations promulgated thereunder.

TITLE IX RECORDKEEPING

The St. Bernard Parish School Board shall retain for a period of seven (7) years records of each sexual harassment investigation including any determination regarding responsibility, any appeal and the result therefrom, any informal resolution and the result therefrom, and all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

For any response to actual knowledge of sexual harassment, the Title IX Coordinator shall create and maintain for a period of seven (7) years, records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance the Title IX Coordinator shall document the basis for a conclusion that its response was not deliberately indifferent and document the measures designed to restore or preserve equal access to the School Board's education program or activity. If no supportive measures were provided to a complainant, then the Title IX Coordinator shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

NONRETALIATION

Neither the St. Bernard Parish School Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or Part 106 of Title 34 of the United States Code of Federal Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for other policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or Part 106 of Title 34 of the United States Code of Federal Regulations, constitutes retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited by this policy. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

CONFIDENTIALITY

The St. Bernard Parish School Board shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 USC 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination as set forth in this policy.

SUSPECTED CHILD ABUSE

If the victim of the alleged sexual harassment is a minor student and if the alleged harassment falls within the definition of *abuse* as found in School Board policy *JGCE*, *Child Abuse*, then all school employees with knowledge shall be considered *mandatory reporters* and the allegations must be reported to child protection or law enforcement as provided by state law and School Board policy. Such reporting shall be made in addition to any procedures for handling sexual harassment complaints.

New policy: August 25, 2020

Ref: 42 USC 2000e (*Civil Rights-Definitions*); 29 CFR 1604.11 (*Guidelines on Discrimination Because of Sex-Sexual Harassment*); La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 17:81; Board minutes, 8-25-20.

FILE: JCEA
Cf: GAEAA, JAAA
Cf: JCDAF, JGCE

SEXUALLY RELATED STUDENT MISCONDUCT

The St. Bernard Parish School Board does not tolerate sexual misconduct by employees to students, by students to employees, or by one student to another student. No student, either male or female, should be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual misconduct does not refer to occasional compliments of a socially acceptable nature. Instead, it refers to behavior that is not welcome, that is personally

offensive, and, therefore, interferes with the purposes of the student in the academic, extracurricular, and co-curricular atmosphere, but that does not rise to the level of sexual misconduct as defined by Title IX and Part 106 of Title 34 of the United States Code of Federal Regulations. Sexual misconduct includes any type of sexually coercive conduct, including, but not limited to, threats, comments, jokes or overtures, verbal or physical, of a sexual nature.

COVERAGE

This policy applies to all employees and volunteers, to the elected members of the School Board, and to all students of the St. Bernard Parish School District. It applies at school, school sponsored events on or off school grounds, and in situations which are related to operations of the school.

COMPLAINT PROCEDURE

Complaints of sexual misconduct which take place at school or at a school related function or arising out of the school setting should be made to the principal of the school or other designated administrative personnel. Should the claim of sexual misconduct be brought against the principal of the school, the complaint should be brought directly to the Supervisor of Child Welfare and Attendance or his/her designee or the Title IX Coordinator. The complaint need not be in writing, but students are encouraged to do so. Such reports should include the nature of the complaint, recording the specific act or acts which constitute the misconduct complained of, the person or persons who the complainant alleges committed the misconduct, witnesses to the acts complained of, and the date and time of the alleged act or acts.

After notification of the complaint, a confidential investigation, conducted by the principal or his/her designee, shall immediately be initiated to gather all facts about the complaint. In no case shall the investigation begin later than one business day after receipt of the complaint. The investigation may use some or all of the investigation procedures outlined policy *JCDAF, Bullying and Hazing*.

After the investigation has been completed, no later than ten (10) business days after receipt of the complaint, a determination shall be made regarding the resolution of the complaint. The principal or designee conducting the investigation shall inform the students and their parents/legal guardians of the results of the investigation. If warranted, disciplinary action shall be taken, up to and including removal of the alleged offender from the regular education setting. Any disciplinary action regarding an employee shall be placed in the employee's personnel file which shall reflect the action taken and the grounds therefor. Any disciplinary action taken in regard to a student shall be maintained confidentially as is warranted in any other student disciplinary violation.

NONRETALIATION

Retaliation against any employee or student who brings sexual misconduct charges or who assists in investigating such charges shall be prohibited. Any employee or student bringing a sexual misconduct complaint or assisting in the investigation of such a complaint shall not be adversely affected, discriminated against or punished because of the complaint

SUSPECTED CHILD ABUSE

If the victim of the alleged sexual harassment is a minor student and if the alleged harassment falls within the definition of abuse as found in Board policy *JGCE, Child Abuse*, then school employees with first-hand knowledge shall be considered mandatory reporters and the allegations must be reported to child protection or law enforcement as provided by state law and School Board policy. Such reporting must be made in addition to any procedures for handling sexual harassment complaints.

Revised: August 25, 2020

Ref: 42 USC 2000e (*Civil Rights-Definitions*); 29 CFR 1604.11 (*Guidelines on Discrimination Because of Sex-Sexual Misconduct*); La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 17:81; Board minutes, 8-25-20.

FILE: GAMC
Cf: GAK, GBRA, JAAA
Cf: JCEA, JDA, JGCE

INVESTIGATIONS

GENERAL INVESTIGATIONS

Concerns about serious situations, including irregularities or improprieties in the administration of standardized tests, or other conditions within the school system should be reported to the Superintendent or his/her designee. Should the Superintendent determine that the situation/condition warrants investigation, he/she shall have the matter investigated by appointing appropriate staff personnel to make the necessary inquiries.

No School Board member shall participate in any investigation undertaken in the school system.

In any investigation into incidents involving accidents or injuries to students or employees, or involving student misconduct, or the competence, honesty or performance of duties of employees, employees shall, upon reasonable request by the Superintendent or designee, give a statement of the facts and circumstances within the employee's knowledge, or an accounting of the employee's conduct concerning the circumstances which are the subject of the investigation or are related to the matter being investigated.

IMPERMISSIBLE CORPORAL PUNISHMENT OR MORAL OFFENSES

If an employee is accused of impermissible corporal punishment or of a moral offense involving a student, a prompt, thorough investigation shall be conducted by the Superintendent or designee. The Superintendent may promulgate such administrative regulations as he/she deems necessary to implement this policy. Any employee found to have violated the provisions of School Board policy shall be disciplined by such means as appropriate to the incident, including reprimand, suspension, termination, and/or referral to the local child protection agency/law enforcement.

If the allegation falls within the definition of *abuse* as defined in state law,

then all school employees with knowledge of such incidents become *mandatory reporters* and the allegations must be reported to child protection or law enforcement as provided by state law and School Board policy (see policy *JGCE, Child Abuse*). Such reporting shall be made and applied in conjunction with the procedures outlined in this policy.

TITLE IX SEXUAL HARASSMENT INVESTIGATIONS

Any investigation of sexual harassment under Title IX of the Education Amendments of 1972 (Title IX) and Part 106 of Title 34 of the United States Code of Federal Regulations shall be conducted in accordance with the procedures developed and maintained by the Superintendent or his/her designee under the provisions of policy *JAAA, Title IX Sexual Harassment*.

INVESTIGATION PROCEDURES

Notwithstanding any statute or other School Board policy, any complaint relative to employee conduct shall be handled as follows:

1. The Superintendent or his/her designee may order an investigation to be conducted in each instance as is warranted by the circumstances. Such investigations will be conducted within a timely manner, beginning no later than the day after the complaint is received. Investigations, unless exigent circumstances warrant, shall be concluded within ten (10) days.
2. The investigation shall be conducted by the Superintendent or his/her designee. These rules contemplate informal but thorough investigations, affording all interested persons an opportunity to submit evidence relevant to the complaint. The employee, any alleged victim if applicable, and any witnesses identified by the party(ies) will be interviewed, and any audio/visual evidence will be previewed if available.
3. The investigator shall confer also with the employee's immediate supervisor concerning the complaint to determine the surrounding circumstances, the nature of the employee's action, relationships between any parties involved, and the context in which the alleged incident occurred.
4. If a complaint is substantiated, the Superintendent shall consider appropriate disciplinary action which may be taken in accordance with School Board policy, which may include termination. Any disciplinary action shall be placed in the offender's personnel file which will reflect the action taken and the grounds thereof.
5. No employee shall make a report or complaint about another employee's actions knowing that the information in the report or complaint is false. Any person who does so shall be guilty of a misdemeanor offense.

CONFIDENTIALITY

The School Board shall attempt to protect the privacy of the complainant and the respondent, but confidentiality is not guaranteed. Information regarding

the complaint and identities of complainants, respondents, and witnesses may be revealed as permitted or required by law, and as is necessary to conduct the investigation and enforce the consequences of the investigation.

Revised: August 25, 2020

Ref: 34 CFR 106 et seq. (*Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*); La. Rev. Stat. Ann. §§14:403, 17:81, 17:81.6, 17:81.8, 17:223; Board minutes, 8-25-20.

FILE: GAEEA
Cf: GAAA, GAE, GAMC
Cf: GBK, JAAA, JCEA

TITLE VII EMPLOYEE SEXUAL HARASSMENT

Harassment on the basis of sex is a violation of state and federal law. The St. Bernard Parish School Board will not tolerate any sexual harassment on the part of any employee towards another employee or a student, even if the same sex, within the workplace. Conduct in violation of this prohibition may subject the offending party to disciplinary action, up to and including dismissal, and/or criminal prosecution.

Romantic or sexual advances toward students by employees, or sexual relationships between employees and students are never appropriate, whether or not they are consensual or otherwise outside the definition of sexual harassment. Employees engaging in inappropriate relationships with students will be subject to disciplinary action.

All managerial and supervisory personnel shall be responsible for enforcing the School Board's sexual harassment policy. Failure to enforce this policy in a prompt and strict manner may subject such personnel to disciplinary action.

DEFINITION

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of sex, race, color, national origin, and religion.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or advancement; or
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Conduct which might constitute sexual harassment includes but is not limited to, verbal harassment such as derogatory comments, jokes, 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. Harassment may depend not only upon the perpetrator's intention but also upon how the person who is the target perceives the behavior or is affected by it.

REPORTING PROCEDURE

If an individual has concerns or a complaint about the nature of any conduct or physical contact by another employee or other individual, the individual should immediately report such concern to his/her immediate supervisor. Administrators and supervisors who become aware of any allegation of possible harassment shall report such allegations to the Superintendent and supervisor in charge of investigating sexual harassment. All reports shall be adequately investigated in a timely manner and done in a discreet manner yet on a thorough basis. The victim who is reporting the concern, the person against whom the complaint is filed, and any witnesses provided to the investigator by those individuals shall be interviewed. Appropriate disciplinary action shall be taken when violations of this policy have been determined. If criminal activity is involved, the action shall also be reported to local law enforcement.

INVESTIGATION AND RECOMMENDATION

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

Upon receipt of a complaint, it shall be immediately investigated by personnel designated by the Superintendent and shall include 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. A review of related charges, if any, personnel files, work records, and other pertinent information may also occur.

In determining whether alleged conduct constitutes sexual harassment, the Superintendent or designee should consider the surrounding circumstances, the nature of the sexual advances, the 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. Such report may include a finding that the complaint was unfounded, informally resolved, or recommended to the Superintendent for disciplinary action. No record of an unfounded or unsubstantiated complaint shall be filed in an employee's personnel file.

RESULTS OF INVESTIGATION

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.

Any employee shall have the right to pursue a claim of sexual harassment under state or federal law, regardless of the outcome of the School Board's investigation.

RETALIATION PROHIBITED

It is strictly forbidden for any employee having authority over another to use any form of retaliation against any person who reports, testifies, assists, or participates in an investigation, proceeding, or hearing relating to a sexual harassment complaint. 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 not be limited to, any form of intimidation, reprisal, harassment, unjust assignments, or ridiculing at any time.

NON-HARASSMENT

Not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. Deliberate false accusations of sexual harassment can have a serious detrimental effect on innocent parties and subject the accuser to disciplinary actions.

SEXUAL HARASSMENT AS SEXUAL ABUSE

Under certain circumstances, sexual harassment of a student may constitute sexual abuse under the Louisiana Children's Code. In such situations, school personnel become mandatory reporters and shall comply with Article 609 (A) of the Louisiana Children's Code and directly report the sexual abuse to the Child Protection Unit of the Louisiana Department of Social Services. Also, activity of a criminal nature should be reported by the victim to local law enforcement.

NOTIFICATION/TRAINING

Copies of this policy shall be circulated to all schools and departments of the St. Bernard Parish School Board and placed on the School Board's website. Training sessions on the provisions of 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. Supervisors and other persons designated to accept or investigate complaints of sexual harassment in the workplace shall receive additional education and training.

Employees shall be apprised of applicable federal and state law on sexual harassment, including the right of the complainant to pursue a claim under

state or federal law, regardless of the outcome of the investigation.

Revised: November, 2019

Revised: August, 2020

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.

FILE: JD

Cf: BD, IDDF, IHAD

Cf: JBE, JCD, JDD, JDE

DISCIPLINE

It is the purpose of the St. Bernard School Board to operate 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 an individual comes in conflict with rights of others, corrective actions may be necessary both for the benefit of the individual and the whole school.

Every teacher and other employees in the system shall hold each student accountable for any disorderly conduct in school, on the playgrounds, 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. To assist the teacher, the Board shall establish regulations for the use of disciplinary measures and continually monitor and appraise their usefulness. Discipline shall be administered uniformly, consistently, and in a nondiscriminatory manner.

Principals shall have the authority and the duty to take disciplinary action whenever the behavior of any student(s) interferes with or substantially disrupts learning within the classroom or other parts of the school. However, no student shall be disciplined in any manner 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 preventing a forcible offense against himself/herself. 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, who is willfully disobedient, who directs abusive or foul language to another person, who violates school rules, or who interferes with an orderly education process. The disciplinary action taken by the teacher shall be in accordance with 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 or poses an immediate threat to the safety of students or the teacher. 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. The student should not be kept out of school past the suspension period imposed by the principal.

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.

Once a student is removed from class and sent to the principal's office, the principal or designee shall conference with the student to discuss the particular misconduct and to allow him/her the opportunity to explain his/her behaviors. Once removed, the student shall not be readmitted to the classroom until the principal has implemented one of the following disciplinary measures: counseling session(s); parent conference; in-school suspension; detention; suspension; assignment to an alternative school; requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension; and/or any other disciplinary measure authorized by the principal with the concurrence of the teacher or that is in agreement with the student's IEP/behavior plan.

PARENTAL NOTIFICATION

The principal or his/her designee shall provide oral or written notification to the parent/ 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/legal guardian of the student to have a conference with him/her 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 before the principal implements such measures. In addition, a conference between the teacher or other appropriate employee and the student's parent/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.

STUDENT MISCONDUCT AT END OF YEAR

Any non-graduating student who commits offenses during the last ten (10) days of the school year, which carry recommendations for suspension or removal beyond the end of the school year, shall have such recommendation extended into the next school year.

Any graduating senior who commits a serious major or criminal infraction after the last regular class period, as held up by the Superintendent or his/her designee, shall be excluded from year-end activities, including graduation exercises.

PARENT CONFERENCES

In any case where a teacher or administrator is authorized to require the parent/legal guardian of a student to attend a conference or meeting regarding the student's behavior, and, after notice, the parent/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/legal guardian by telephone at the number shown on the student's registration card or by sending a certified letter to the address 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 employee. The principal shall review and act upon such information provided 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/legal guardian reporting the violation. However, confidentiality of student information must be in place at all times.

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 assignment to an appropriate alternative educational placement, or transfer to adult education if the student is seventeen (17) years of age or older with less than five (5) units of credit toward graduation; eighteen (18) years of age or older with less than ten (10) units of credit toward graduation; or 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 designee is involved in any manner. In case of recusal, the action to be taken shall be done so by the Superintendent or an impartial designee. 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 laws and regulations. The Superintendent or his/her designee shall develop and implement procedures for the discipline of students with disabilities, accordingly.

Revised: August 25, 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, 8-25-20.

As recommended by the Committee, Mr. Long moved to adopt the 2020 Ad Valorem millages. The motion, seconded by Mr. Warner, passed by the following roll call vote:

ROLL CALL VOTE:

Yeas: Mrs. Asevedo, Mr. Egan, Ms. Jackson, Mrs. Lemoine, Mrs. Dysart, Mr. Englande, Mr. Long, Mr. Warner and Mrs. White

Nays: None

Absent: Mr. Campbell, Mr. Smith

RESOLUTION

BE IT RESOLVED, that the following millage(s) are hereby levied on the 2020 tax roll on all property subject to taxation by the St. Bernard Parish School Board:

MILLAGE

School District – Constitutional Millage	3.91 mills
School District – Operational	9.64 mills
School District – Operational	3.13 mills
School District – Operational	19.81 mills
School District – Maintenance	5.62 mills

BE IT FURTHER RESOLVED that the proper administrative officials of the Parish of St. Bernard, State of Louisiana, be and they are hereby empowered, authorized, and directed to spread said taxes, as hereinabove set forth, upon the assessment roll of said Parish for the year 2020, and to make the collection of the taxes imposed for and on behalf of the taxing authority, according to law, and that the taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and

collection thereof shall be enforceable in the manner provided by law.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

YEAS:

NAYS:

ABSTAINED:

ABSENT:

CERTIFICATE

I hereby certify that the foregoing is a true and exact copy of the resolution adopted at the board meeting held on August 25, 2019, at which meeting a quorum was present and voting.

St. Bernard Parish School Board, Parish of St. Bernard, Louisiana, this 25th day of August, 2020.

With a recommendation from the committee, and as moved by Mr. Warner, seconded by Mrs. White, the Board voted by a unanimous roll call vote of the members present to approve the Louisiana Compliance Questionnaire for submission to the auditors for inclusion in their opinion of the district's annual financial audit.

There were no items to be placed on the upcoming September General Committee Meeting.

Under Superintendent's recommendations Ms. Voitier notified everyone that the overhang at Chalmette High 9th Grade Academy is complete and the roof replacement project on the roof of the Trist Middle School gym is fundamentally complete with a few finishing touches taking place. She also stated that the property adjacent to Lacoste Elementary which is being outfitted with several student activity items is also almost complete. Ms. Voitier noted that the beginning of school has been successful even with the recent disruption by Hurricane Marco and she continues to be alert to the activities associated with Hurricane Laura which is still in the Gulf of Mexico. She acknowledged that it will be an emotional week with this being the week of the 15th anniversary of Hurricane Katrina. Although social distancing has caused the yearly Day of Reflection breakfast to be cancelled, this anniversary will be celebrated in a few 15 minute segments that will be broadcast via social media and YouTube. At this time Ms. Voitier explained the protocol for identifying students and/or staff who display or are suspected of COVID-19 symptoms or in close contact to an active COVID-19 case and the reporting procedures used for the Louisiana Department of Health and Hospitals and to the students and/or staff of the school that is affected. She assured everyone that the school system is doing everything possible to continue to move forward in the safest manner possible.

There being no further business to discuss, and on motion of Ms. Asevedo, seconded by Ms. Jackson and passed by a unanimous voice vote, the meeting was adjourned.

DIANA B. DYSART
PRESIDENT

DORIS VOITIER
SECRETARY