

# **POLICY MANUAL**

**Of**

## **ORLEANS PARISH SCHOOL DISTRICT NEW ORLEANS, LOUISIANA**

This manual consists of the policies of the Orleans Parish School Board.

Policy development in a modern, forward-looking school system is a dynamic, ongoing process. New problems, issues and needs give rise to the continuing need to develop new policies or to revise existing ones. This is why the School District employs the loose-leaf format for its policy manual. It is easy to keep up to date.

Each person holding a copy of this manual shall make a diligent effort to keep it up to date as new or revised policies are distributed by the central office.

### How To Use This Manual

The Orleans Parish School District operates according to policies established by the Orleans Parish School Board and the School District. The District, which represents both the state and parish community, develops the policies after careful deliberation and the school administration implements them through specific regulations and procedures. The District then appraises the effects of its policies and makes revisions as necessary. In the interest of harmony, efficiency, uniformity of interpretation, coordination of effort, and in fairness to all concerned, the District makes this policy manual available to all who are affected by its policies.

### How This Manual is Organized

The manual is organized according to the classification system originally developed by the Educational Policies Service of the National School Boards Association. This system

provides an efficient means for coding, filing, and finding Board or District policies, regulations, and procedures, and other documents.

There are 10 major classifications each bearing an alphabetical code:

- A SCHOOL DISTRICT ORGANIZATION
- B SCHOOL BOARD OPERATIONS
- C GENERAL SCHOOL ADMINISTRATION
- D FISCAL MANAGEMENT
- E BUSINESS MANAGEMENT
- F FACILITY EXPANSION PROGRAM
- G PERSONNEL
- I INSTRUCTIONAL PROGRAM
- J STUDENTS
- H NEGOTIATIONS
- K GENERAL PUBLIC RELATIONS

Each policy has the policy number and title in its heading. There is a table of contents for each respective section that lists all the policies that fall within the section and the corresponding page number.

#### How To Find A Policy

There are two ways to find a policy in the manual:

1. Consider where the policy would be filed among the 10 major classifications. Turn to the table of contents for that section and glance down the listing until you find the term that closely fits the topic you are seeking. Use the policy number given to locate the page on which it will appear in that particular section.

Or --

2. Turn to the Policy Index at the back of the manual. The Policy Index is an alphabetic index of all terms used in the manual. It also includes other terms commonly used in education. Look up your topic as in any index, find the policy number, and then locate the policy in the manual.

What if you cannot find the term you are seeking? The Policy Index lists more than 800 terms, but no index of useful size could include every possibility. If the term you are seeking is not included, look up a synonym or more general or specific term appropriate to the topic. It is

also possible that the school system has no written policy in the particular area. All terms used in the classification system appear in the sectional Tables of Contents and Policy Index to accommodate the coding and insertion in the manual.

#### Using the Signs and Symbols –v

Ref: Pertinent legal references are given to tell the reader where in the state law he/she may find specific statutes that relate to a policy. Court cases and Board minutes are also cited when applicable to certain policies.

Additional cross references are offered in notes throughout the manual to help the reader find all of the related information he/she seeks.

#### About School District Policies

The Orleans Parish School Board and the Superintendent have the authority to set policy in their respective areas of responsibility. Here is the basic distinction between policies, regulations, and procedures:

*Policies* – principles adopted by the School Board or Superintendent to chart a course of action. They tell what is wanted and may include also why and how much. They are broad enough to indicate a line of action to be taken by the administration in meeting a number of day to day problems; they need to be narrow enough to give the administration clear guidance.

*Rules and Regulations* – specific requirements generally established by the Superintendent and/or his/her staff, but may be specifically adopted by the Board in their areas of legal authority. They are specific directions to fully implement the intent of respective policy statements.

*Procedures* – step-by-step guides that assist all personnel to carry out the specific regulations. They state exactly what is to be done and give detailed steps of how to do it.

These definitions are serviceable most of the time. They reflect sound theory of governance and administration. But the real world of School District administration does not always conform. For example:

Often the state and federal governments confuse the distinction and require School Boards to make detailed rules; and many regulations are established by law or by the State Department of Education.

A School Board also signs many contracts which incorporate rules and regulations. Additionally, the public may demand that specific rules and procedures in certain sensitive areas be established.

Thus, the separation of School District policies and administrative regulations and procedures follows several rules of thumb in addition to “basic theory”:

1. All edicts of the state (even though regulations) are usually considered mandated District policy.
2. All agreements signed through contract (even though regulations) may be considered mandated District policy.
3. Where the District has written regulations in particularly sensitive areas and has incorporated them into policy, the entire statement may be included as policy; or the information may be separated into a Board or District policy and a Board or District regulation.
4. Where the Board has adopted rules and regulations concerning its own procedures (as how it conducts meetings), these statements concerning operations of the Board generally appear as policy statements.

In areas of the Board’s legal responsibilities, as long as the administration operates within the guidelines of general policy, it may change administrative regulations and procedures without prior approval of the Board – unless the Board has specifically asked that a particular regulation or procedure be given prior Board approval – or the change is to a previously adopted Board regulation or procedures. However, only the Board can adopt new Board policies or revise old Board policies.

#### Is The Manual Complete?

No. The manual contains all of the current written policies to date. But continually, the need for developing additional policies in writing, for adopting new ones, and revising old ones

becomes apparent. No matter how well conceived and well developed, a policy manual can never be 100% up-to-date. Policy statements will be developed and issued for insertion in the manual as the need arises.

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It is the hope of the Orleans Parish School Board that this collection of policies will make greater harmony and efficiency possible in all areas of school operations. It is hoped that this manual will enable the Board and District to devote more time to the efficient operation of the school system.

Orleans Parish School Board

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## **A100 – SCHOOL DISTRICT LEGAL STATUS**

School Boards, created by the Constitution of the State of Louisiana, have been empowered by state law to create school districts composed of the parish as a whole or any part thereof. New school districts may only be created in accordance with statutory provisions. The Orleans Parish School District was originally established by Act 14 of the 1914 Louisiana Legislature.

No public election shall be required in the creation of any school district. Every school district so created shall be a political subdivision of the state and may issue bonds and vote special taxes up to the full amounts permitted by the Constitution of Louisiana, regardless of whether such school district may lie within the boundaries of a consolidated school district or a school district comprising all of the territory of a parish, and regardless of whether such school district may contain within its boundaries one or more other school districts.

School districts shall be under the exclusive control and management of the respective School Boards, unless otherwise provided for by state law.

Ref: U.S. Const. Amend. X; U.S. Const. Amend XIV, Sec. 1; Constitution of Louisiana, Art. VIII, Sec. 9; La. Rev. Stat. Ann. §§17:51, 17:72, 17:1371, et seq., 17:1953, 17:1957; Wisconsin v. Yoder, 92 S.Ct. 1526 (1972); Milliken v. Bradley, 94 S.Ct. 3112 (1974); Dayton Board of Education v. Brinkman, 97 S.Ct. 2755 (1977); Hawthorne v. Jackson Parish School Board, 5 La. App. 508 (1927).



## **A101 – SCHOOL BOARD LEGAL STATUS**

The Orleans Parish School Board derives its legal status from the State Legislature, which is subject to the Constitutions of the State of Louisiana and the United States. The Legislature has been granted authority for creation of school boards by Article VIII, Section 9 of the Louisiana Constitution of 1974 which states: “...The legislature shall create parish school boards and provide for the election of their members...” In addition, Article VIII, Section 10 recognized parish and city school board systems in existence on the effective date of the state constitution, and Article VIII, Section 13 gives the Orleans Parish School District all of the authority, powers, and duties granted parish school boards.

The Orleans Parish School Board has been established as a body corporate charged with the establishment, maintenance, development and operation of an efficient public school program within the school district. State and federal courts have held that the Board is vested with a broad range of administrative and supervisory authority commensurate with the aforementioned prescribed educational responsibilities.

Members of the Orleans Parish School Board are officers of the state. The Board is the agency through which the school district acts in regard to school matters in accordance with statutory provisions. Board members have authority only when functioning as a body or group in a legally called regular or special meeting. The powers of the Board are delegated only to the Board as a body. No authority is granted to members acting as individuals.

The Board is cognizant that all actions must be taken in good faith, with reasonable prudence, and sincerity. Board action must be based on the belief that such actions are correct and in the best interests of the school district in accordance with the statutes and pertinent judicial precedents.

In suits against the Orleans Parish School Board, citation shall be served on the President of the Board, and in his/her absence, the Vice-President.

Ref: Constitution of Louisiana, Art. VI, Sec 44, Art. VIII, Sec. 9, Sec. 10, Sec, 13, Art. XII, Sec. 10; La. Rev. Stat. Ann. §§17:51, 17:121; Hawthorne v. Jackson Parish School Board, 5 La. App. 508 (1927).

## **A102 – AUTHORITY**

The Orleans Parish School Board is a legislative, evaluative and judicial body that is jointly responsible with the Superintendent for the operation and improvement of public education in the Orleans Parish School District. As a legislative body, the Board has the authority to determine and establish written policies and to evaluate their effectiveness in its legal areas of responsibility. It also evaluates and acts on recommendations concerning the progress and improvement of the schools. Knowledge of educational principles and policies by the Board is essential to making decisions and resolving issues. The function of the Board is not to operate the schools, but to see that they are operated for the best interest of the children and taxpayers within the provisions of Louisiana law.

The School Board may also make recommendations and regulations for its own governance not inconsistent with state or federal law or with the regulations of the Louisiana Board of Elementary and Secondary Education, as it may deem proper.

Members of the Board have authority only when acting as a Board when called legally into session. The Board shall not be bound in any way by any statement or action on the part of any individual Board member except when such statement or action is pursuant to specific instructions of the Board.

Ref: Constitution of Louisiana, Art. VI, Sec. 29, 30, 31, 32, 33, 35, 44, Art. VIII, Sec. 10; La. Rev. Stat. Ann. §§17:51, 17:81, 17:121; Board minutes, 5-27-74,2-10-82.

## A103 – POWERS AND RESPONSIBILITIES

The Orleans Parish School Board shall work with the administration for effective management of the schools in the School District. It is the desire of the School Board to assist the administration with the control, operation, maintenance and improvement of the school system in keeping with the needs of the Orleans Parish School District and applicable state laws. On certain occasions, the Board shall also serve as a judicial body to hear complaints and appeals of administrative decisions for employees, the public and/or patrons.

The School Board shall be responsible for carrying out all mandatory laws pertaining to its legal authority and shall consider, accept or reject provisions of permissive legislation where discretion is so authorized.

The specific duties of the School Board shall be limited to the following:

1. To contract or employ a Superintendent or terminate the contract or employment of a Superintendent, but only upon the affirmative vote of not less than *two-thirds (2/3) of the elected members of the Board*.
2. Incur debt, issue bonds, pay debt, and meet other financial obligations as required by a contract entered into prior to the effective date of Act 193 of 2004 (La. Rev. Stat. Ann. §17:10.6), or by approval of a proposition by the electorate.
3. Sue or be sued and provide for the interests of the system in response to any litigation.
4. Respond to the recommendations of the Superintendent for employee discipline or termination as to employees who are entitled to a hearing before the Board under the state law.
5. Approve or disapprove with recommendations the annual budget or any amendment thereto, for the expenses of and operation of the Orleans Parish School District submitted by the Superintendent. The Board may not amend such budget, but may reject it with recommendations.
6. Acquire property on behalf of the Orleans Parish School District by donation or otherwise and take action necessary to preserve such property.
7. Dispose of or contract with regard to immovable property owned or leased by the Orleans Parish School District.
8. Enter into a collectively bargained contract with employees. In any negotiation, the Superintendent, or his/her designee, shall be chief negotiator for the Board.
9. Reapportion themselves as provided by law.  
La. Rev. Stat. Ann. §§17:10.6, 17:51, 17:81, 17:84, 17:88, 17:95, 17:97, 17:101 et seq., 17:158, 17:221, 17:461 et seq., 17:521 et seq., 17:1171 et seq., 17:1373.

## A104 – BOARD MEMBERS LEGAL STATUS

The legal status of each duly appointed or elected member of the Orleans Parish School Board is that of a public official who cannot be removed from his/her office except as provided by state law. The legal obligations pursuant to each Board member shall not commence until he/she has been duly elected or appointed and officially taken office. His/her official capacity as a Board member shall continue until the expiration of his/her term in office, unless otherwise vacated.

Such status does not authorize said member to act for or bind the Board individually. The powers and duties vested in the School Board shall only be exercised by action of the Board as a whole at duly called and organized meetings. In this respect, no motion or resolution shall be declared adopted without the concurrence of a *simple majority of the Board present and voting*, unless otherwise stipulated by Board policy or state law.

While Board members may enjoy a degree of immunity from damage suits, individual Board members are not absolutely free from liability. The members may be personally liable if any actions taken by the members clearly violate established statutory or constitutional rights of which a reasonably competent public official should have knowledge. Moreover, liability may be equally applicable, not just from policies, ordinances, regulations, or decisions officially adopted by the Board, but also for a custom or standard practice or procedure, even though such a custom, practice or procedure has not received formal Board approval.

Ref: Constitution of Louisiana, Art. VIII, Sec. 9, La. Rev. Stat. Ann. §§17:51, 17:52, 17:81, 17:121; Wood v. Strickland, 95 S.Ct. 992 (1975); Monell v. Department of Social Services of New York, 98 S.Ct. 2018, 2035-36 (1978); Owen v. City of Independence, Mo., 98 S.Ct. 3318 (1978); Harlow v. Fitzgerald, 1102 S. Ct. 2727 (1982).

## **A105 – NUMBER OF BOARD MEMBERS**

The Orleans Parish School Board shall be composed of **seven (7) members**, each elected by qualified voters residing within each of the respective special election districts for Orleans Parish School District. Each district shall encompass the geographic and demographic areas fixed by the Orleans Parish School Board for school board member election purposes. An official map showing each election district shall be made available for viewing during normal business hours at the School Board office.

Every candidate for election must be a resident and qualified voter of the election district from which said candidate shall seek election at the time of qualifying for election to such position and, if elected, must remain a resident of the election district during the term of office.

Should any member of the School Board move his/her residence from the election district from which such member was elected, the seat held by said member shall be declared vacant, and such vacant seat shall be filled in accordance with applicable law of the State of Louisiana.

The Orleans Parish School Board shall reapportion itself every ten (10) years, using the federal census, so that each member shall represent as nearly as possible the same number of persons.

Ref: La. Rev. Stat. Ann. §§17:52, 17:64, 17:64.1, 17:71.1, 17:71.2, 17:71.3, 17:71.4, 17:71.5, 17:71.6, 17:71.7, 17:121, 18:1 et seq., 18:602.

## **A106 – QUALIFICATIONS FOR SCHOOL BOARD MEMBERS**

Persons eligible to serve as members of the Orleans Parish School Board shall have the following minimum qualifications:

1. A Board member shall have attained the age of eighteen (18).
2. A Board member shall be domiciled in the election district for the preceding year, except after a reapportionment.
3. A Board member shall have resided in the state for the preceding two (2) years.
4. A Board member shall be able to read and write.
5. A Board member shall not be serving on certain other boards specified in the Constitution of Louisiana.
6. A Board member shall have affirmed to the prescribed oath.

It is desirable that members of the Board have a genuine interest in and devotion to public education; a willingness to give time and effort to the work; a capacity for understanding people; and the ability to work cooperatively with others.

Each Board member should recognize that he/she is a public official charged with an important responsibility. In view of the fact that Board members are elected to their position, each member has a responsibility to the voters who have elected him/her; however, representation should serve the best interest of the school system as a whole rather than that of a single district.

Ref: Constitution of Louisiana, Art. VIII, Sec. 8(a); La. Rev. Stat. Ann. §§17:52, 17.71.2, 17:71.3, 42:141.

## **A107 – TERM OF OFFICE**

All members of the Orleans Parish School Board shall serve for four-year concurrent terms. School Board members shall be elected at the same time as members of the United States Congress are elected to office.

The term of each member shall begin on January 1, following his/her election and expire on December 31, four (4) years later.

Ref: La. Rev. Stat. Ann. §§17:52, 17:71.2, 17:71.3, 17:121.

## **A108 – UNEXPIRED TERM FULFILLMENT**

Vacancies in the membership of the Orleans Parish School Board caused by death, resignation, or otherwise, shall be filled within ten (10) days by the remaining members of the Board, by appointment of a qualified person for the unexpired term. If the Board does not fill the vacancy within the allotted time, the governor shall appoint a person to fill the vacancy. If the unexpired portion is more than one (1) year, however, a special election shall be called in accordance with and on a date stipulated by state law. If a special election is called, the appointed member shall serve until a successor is elected and has taken the prescribed oath of office.

In addition to the above, a vacancy shall be deemed to have occurred when a member becomes domiciled outside or changes his or her domicile from the district he/she represents.

Multiple vacancies shall be filled according to state statutory provisions.

Ref: Constitution of Louisiana, Art. VI, Sec. 13; La. Rev. Stat. Ann. §§18:402, 18:581(1), 18:602.



## **A109 – SCHOOL BOARD LIABILITY**

The Orleans Parish School Board, as a political subdivision, can sue and be sued as a corporate body for its actions. The Board should act prudently and responsibly in performing its responsibilities. However, for circumstances in which Board action may be challenged through lawsuits, the Board shall secure adequate liability insurance coverage for the Board, both individually and collectively, as well as for all teachers, employees, and volunteers of the school district. Proper legal representation shall also be obtained as the Board may determine.

Ref: Constitution of Louisiana, Art. VIII, Sec. 9, La. Rev. Stat. Ann. §§17:51, 17:52, 17:81, 17:416.1, 17:416.3, 17:416.4, 17:416.6; Wood v. Strickland, 95 S.Ct. 992 (1975); Monell v. Department of Social Services of New York, 98 S.Ct. 2018, 2035-36 (1978); Owen v. City of Independence, Mo., 98 S.Ct. 3318 (1978); Harlow v. Fitzgerald, 1102 S. Ct. 2727 (1982).

## A120 – SCHOOL SUPERINTENDENT LEGAL STATUS

The Superintendent of the Orleans Parish School District is a constitutional school officer as provided in the Constitution and laws of the State of Louisiana. As such, he/she has certain authorities and functions which are provided for by law.

The Superintendent shall be the chief executive officer and secretary and treasurer of the Orleans Parish School Board. He/she shall be responsible to the Board for the efficient administration of the school district according to the laws governing the school district and the policies which are adopted by the Louisiana Board of Elementary and Secondary Education and the Orleans Parish School District.

As secretary, he/she shall keep, or cause to be kept, an accurate copy of all minutes in an official minute book reflecting all business of the Board conducted at regular or special meetings. As Secretary of the Board, the Superintendent shall see that copies of all minutes are provided to all Board members and that the official Board minutes are made available for public examination in accordance with state law.

As treasurer, the Superintendent shall have the authority to co-sign and execute any and all documents associated with all transactions duly approved by the Board. He/she shall also be designated as the official custodian of all funds to which the Board is entitled by law and shall be responsible for the proper safeguarding and accounting for all such funds.

Upon being found incompetent, inefficient, or unworthy, and after due notice of charges against him/her, the Superintendent may be removed from office by a *two-thirds (2/3) vote of the membership of the Board* at any regular or special meeting.

The Superintendent shall sign each teacher contract issued.

Ref: Constitution of Louisiana, Art. VIII, Sec 9, La. Rev. Stat. Ann. §§17:10.6, 17:54, 17:81, et seq., 17:83, 17:91.

## **A121 – SCHOOL DISTRICT ORGANIZATION**

The schools within the Orleans Parish Public School District shall be organized into an arrangement that will provide all children in the district an opportunity to develop their educational potential to the maximum extent possible. The educational organization of the schools shall remain flexible so that new patterns of organization may be implemented as may become necessary to suit community needs and resources.

The School District shall be authorized to reorganize schools and to determine and fix the number of grades to be taught at each school, taking into consideration the dictates of the public and best interests of the students of the district, in accordance with applicable provisions of any court-ordered judgment.

Ref: La. Rev. Stat. Ann. §§17:81, 17:104, 17:151, 17:151.1; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## **A122 – SCHOOL CENSUS**

The Orleans Parish School District shall require an annual census of school-age children in the district in grades pre-kindergarten through twelfth grade be taken on October 1 of each year.

Census data shall be compiled from information submitted to the School Board administrative office from individual schools. Principals shall be responsible for assuring the data submitted on each student enrolled in school is accurate and up-to-date.

Ref: La. Rev. Stat Ann. §17:225; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

## A123 – SCHOOL YEAR

The Orleans Parish School Board shall annually adopt a school calendar calling for a minimum session of 182 days, of which at least 177 days shall be scheduled to provide the required instructional time. The School Board may authorize some or all of its schools to modify the number of instructional days per year provided the total number of instructional minutes per year is no less than the minimum number of instructional minutes per day multiplied by the minimum number of instructional days required by law, or a total of 63,720 instructional minutes. The Board may designate certain days for in-service training, reporting to parents, emergencies and other activities which the Board deems appropriate and necessary.

Should the number of days a school is closed result in less than the minimum number of days of school with student attendance required by the Louisiana Department of Education, the School Board reserves the right to make up the days missed or to request that the Board of Elementary and Secondary Education make an exception to the minimum number of days of school attendance required.

Ref: La. Rev. Stat. Ann. §§17:154, 17:154.1, 17:154.3; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## **A124 – SCHOOL CALENDAR**

The school calendar for the ensuing school year shall be prepared by the Superintendent and presented for Board approval in the early spring of each year.

The calendar shall set forth the days that schools shall be in session, holidays, and vacation periods, in-service days, and days marking the beginning and end of reporting periods at elementary and secondary levels.

Ref: La. Rev. Stat. Ann. §17:154; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

## A125 – SCHOOL DAY

The Orleans Parish School District shall require every school under its jurisdiction to conduct a minimum daily session of not less than 360 minutes of instructional time, exclusive of all recesses, provided that this shall not be construed as to prevent half-day sessions where the school accommodations are insufficient for all pupils of the system in a whole day session. Two (2) or more partial days may be combined to meet the minimum required instructional time. The class schedule shall be altered to assure all classes are conducted during partial days.

The school day shall include, by definition, the daily period of time established by the School District as the official operating hours of the school for administrative and instructional purposes, as well as co-curricular activities.

The School District shall require each elementary school to dedicate any instructional time beyond that offered during the 1997-98 school year to the study of those subjects for which content standards have been adopted by the Louisiana Board of Elementary and Secondary Education. Specific emphasis shall be placed in the lower grades on teaching mathematics and reading or language arts.

Ref: La. Rev. Stat. Ann. §§17:154, 17:154.1, 17:154.3; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## **A126 – SCHOOL BOARD CHARTERING AUTHORITY**

The Orleans Parish School Board is an authorized chartering authority as designated by the State Legislature, which is subject to the Constitutions of the State of Louisiana and the United States. The Orleans Parish School Board has been granted authority to approve or disapprove charter school proposals for Type 1, 3, and 4 charters; notwithstanding the provisions of La. R.S. 17:10.6, which states that school boards which govern a local system that has been declared to be in academic crisis, shall not consider, review or act upon charter applications for a Type 1 charter school.

The Orleans Parish School Board is committed to ensuring academic ascendancy and fiscal solvency while, honoring and serving a diverse population, mandating equity of access, fiscal efficiency and innovation in education curriculum. The Orleans Parish Board School has adopted the following criteria as a mandatory component of every charter school approved by the Board.

The successful evaluation of charter programs will be based in part on their demonstrated ability to meet these stated criteria:

- All charters must maintain academic excellence. Should any charter school be designated “Academically Unacceptable” under State standards (beginning with the 2006-07 school year), the Board shall convene to immediately reconsider the charter.
- Every charter governing board must submit to the Orleans Parish Board an annual financial audit. Should irregularities exist the Board has the option of immediately reconsidering the charter.
- Every charter school shall make a good faith effort to attract, enroll and maintain in their student population students qualified for free and reduced lunch status. Documentation of such effort shall be provided to the School Board upon request.
- Every charter school shall make a good faith effort to attract, enroll and maintain in their student population, students requiring special education services and shall maintain compliance with federal law and regulations, State law and regulations and the Charter School Operating Agreements. Documentation of such effort shall be provided to the School Board upon request.
- Every charter school shall adopt and implement explicit discipline policies consistent with State law and the Charter School Operating Agreements; and
- Every charter school shall make a good faith effort to attract students from the geographic area immediately surrounding the school location within their student population.



The Orleans Parish School Board recognizes that the above stated percentages are based on state averages (pre-Katrina), and therefore Charters may request temporary waivers from this Board for a period not to exceed two years from their chartering.

Ref: La. Rev. Stat. §§17:3998, 17:3983; 17:10.6; Act 35, OPSB, Resolution No. 56-05, as amended, and effective December 19, 2006. *Amended April, 2010*

## **A127 – CHARTER SCHOOL EVALUATION**

The Orleans Parish School Board (the “School Board”) is committed to being a quality charter authorizer by conducting operating agreement oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law. To that end, it is the policy of the School Board to implement an evaluation system that generates all the information needed to determine whether a charter school is meeting the goals and standards as set forth by the Louisiana State Board of Elementary and Secondary Education (“BESE”) accountability system and as articulated in each charter application and operating agreement.

Louisiana Charter School Law empowers charter authorizers to enter into a charter with a non-profit for an initial five year period and to make decisions regarding charter revocations, extensions and renewals. In May 2006, the BESE approved the “Framework for the Evaluation of Louisiana Charter Schools.” The purpose of the Framework is to provide clarity and transparency for all parties involved on how such decisions are made and upon what such decisions are based. In October 2006, the School Board adopted the elements of the Framework as the basis of School Board charter evaluations. Since that time, BESE has amended the “Framework for the Evaluation of Louisiana Charter Schools.” In order to remain consistent, the School Board adopts and amends the following charter school evaluation system.

### **Charter School Evaluation System**

According to the *"Principles and Standards for Quality Charter School Authorizing"* published by the National Association of Charter School Authorizers (NACSA), a quality charter school is characterized by "high student achievement, financial stewardship, and responsible governance." Student performance is the primary measure of school quality. The School Board shall use the State of Louisiana's assessment and accountability programs as objective and verifiable measures of student achievement and school performance. Additional measures of charter school quality include financial and legal performance.

In order to make fair and transparent decisions regarding contract revocations, extensions and renewals, the School Board has determined that it is in the best interests of the School Board, charter schools, students, parents and the public to articulate clear performance standards for charter schools and to evaluate each charter school's level of achievement with respect to those standards.

### **Evaluation Standards**

The performance of charter schools authorized by the School Board (Types 1, 3, and 4) will be evaluated in the following categories:

- Student Performance
- Financial Performance
- Legal and Contract Performance

Within these three categories, the School Board has defined a common set of performance standards.

**Student Performance**

The Louisiana Charter School Law requires charter schools to make demonstrable improvements in student performance over the term of its charter.

The School Board will annually evaluate charter schools against the following student performance indicators and standards:

<b>INDICATOR</b>	<b>STANDARD</b>
SPS Assessment Index Baseline	80.0 or above
SPS Assessment Index Growth	Meet growth target
AYP Subgroup	Meet for all subgroups
% Basic or Above [Not Applicable to schools meeting or exceeding a SPS score of 120]	10% or greater increase
Attendance	State Average or above
Dropout	State Average or below

Charter schools shall participate fully in the Louisiana standardized testing and accountability programs, including LEAP, iLEAP and GEE.

As student performance is the primary indicator of school quality, the School Board will heavily factor all annual evaluations and contract extension and renewal decisions on a school's achievement of the student performance standards. Table I provides further definition for how student performance data will be compiled, evaluated, and used.

**Financial Performance**

The Louisiana Charter School Law requires charter schools to meet generally accepted accounting standards for fiscal management. This requirement has two underlying purposes:

- To ensure the proper use of public funds, and
- To ensure the successful operation of the school in the future.

The School Board will annually evaluate charter schools against the following financial performance indicators and standards:

<b>INDICATOR</b>	<b>STANDARD</b>
Prior and Current Year Budgets	Both budgets balanced using realistic and responsible assumptions
Financial Audit	Unqualified opinion; No major findings
Financial Obligations	All in good standing
Financial Reporting	Timely submission of all required financial reports
Financial Reporting	Complete and accurate filing of all required financial reports

The School Board shall use budget and cash flow statements and financial audit reports submitted pursuant to the contract between a charter school and the School Board to determine if the school has met the financial standards set herein.

An audit finding shall be considered "Major" if it indicates a deliberate act of wrongdoing, reckless conduct or causes the loss of confidence in the abilities or integrity of the school or seriously jeopardizes the continued operation of the school.

"Financial Obligations" shall include, but not be limited to, pension payments, payroll taxes, insurance coverage and loan payments and terms.

**Legal and Contract Performance**

Louisiana Charter School Law requires charter schools to be in compliance with the material terms of its contract with the School Board and all applicable laws.

The School Board shall assess a school's performance in relation to the legal requirements that are applicable to charter schools and to the contract standards listed below using information from various sources. However, the School Board's evaluation is not limited to these indicators and the School Board may consider other indicators, as warranted.

<b>INDICATOR</b>	<b>STANDARD</b>
Special Education	R.S. 17:1941 et seq; Bulletin 1706 §§ 300 & 500; Charter Agreement, ¶30(M)(1);
ELL Program	Public Law 107-110, January 2002 of No Child Left Behind Act of 2001; State Bulletin 111; Title I, Section 3122
Student Enrollment	La. R.S. 17:3991(C)(1)(c)(iv)
Student Discipline	Board Policy A126 – <i>School Board Chartering Authority</i> ; LA R.S. 17:223 and 224; 34 CFR §300.519-29
Health and Safety	La. R.S. 17:416.16
Governance	La. R.S. 17:3991(A)(1)(a); 17:3973(5)(b); 17:3991(A)(1)(b); 17:3991(A)(1)(b)(i); 17:3991(A)(1)(c)(ii); 17:3991(E)(1); Charter Agreement, ¶30(N)
Facilities	School Board Policy E500-Facilities, Capital Maintenance Mgmt; Charter Agreement, ¶17(D-F)
Notifications	Charter Agreement ¶¶9-11; ¶16
NCLB Compliance	No Child Left Behind Act of 2001
Charter Contract Compliance	Charter Agreement ¶¶30(K); 18(A)(2); 18(A)(4); 18(A)(5); 23(A); 23(B); 25
Louisiana Charter Laws/Other Applicable Statues	La. R.S.15.587.1; 17:3991(E)(5)(b); 17:3991(E)(3); 17:3991(E)(4); 17:3991(B)(3); 17:3991(B)(9)
Federal Law	Family Medical Leave Act; Fair Labor Standards Act

In general, the School Board will consider the standard not met if a violation indicates a deliberate act of wrongdoing, reckless conduct or fraudulent activity or seriously jeopardizes the rights of students, safety of students or continued operation of the school.

**Upholding the Standards**

It is the responsibility of the School Board to hold the charter school accountable for achieving the student, financial and legal and contract performance standards by annually evaluating performance against these standards and by making decisions about contract extensions and renewals based on such evaluations.

### **Evaluation Actions and Timelines**

The School Board shall evaluate the performance of a charter school through an on-going series of reports and School Board actions. Possible School Board actions include Approval, Extension, Non-Extension, Probation, Renewal, Non-Renewal and Revocation.

### **Contract Approval (Year 1)**

The School Board may approve an application for a new charter school in conformance with its process, timelines and criteria. The charter shall be effective upon the execution of an agreement between the applicant and the School Board. An approved school charter shall be valid for an initial period of five years, contingent upon the results of the reporting requirements at the end of the third year as provided in R.S. 17:3998(A)(2), and may be renewed for additional periods of not less than three years nor more than ten years.

### **Annual Evaluation (Each Year Thereafter)**

No later than its December meeting of each year, the School Board will receive a Performance Report detailing each charter school's performance against the evaluation standards defined in this Framework. The Report may be used by the school, its students and families and the public to ascertain the effectiveness of the school and shall be used by the School Board as the basis for any action involving the charter school.

The School Board will then authorize the Superintendent to submit the results of the Evaluation to Louisiana Board of Elementary and Secondary Education no later than December 31<sup>st</sup> of each year, in compliance with BESE Charter Evaluation guidelines.

### ***Third Year Review\****

*The Charter Operator shall provide a comprehensive report to the School Board at the end of the third year of operation in compliance with guidelines and timelines established by the School Board in this Policy.*

*Each Charter Operator's comprehensive report and its third year evaluation shall be used to determine if the school will receive a two-year extension, as follows:*

## **1. Contract Extension.**

- A.** *A charter school meeting the following standards in January of its third year of operation will receive a two year extension, contingent upon the submission of its comprehensive third year report at the conclusion of its third year:*
  - a.** *all financial performance standards;*
  - b.** *all legal and contractual standards; and*
  - c.** *one of the following student performance standards:*
    - i.** *SPS Year Two is 80.0 or above; or*
    - ii.** *Assessment Index Year Two is 80.0 or above.*
  
- B.** *A charter school meeting the following standards in June of its third year of operation will receive a two-year extension:*
  - a.** *all financial performance standards;*
  - b.** *all legal and contractual standards; and*
  - c.** *one of the following student performance standards:*
    - i.** *Assessment Index Year Three is 80.0 or above; or*
    - ii.** *Assessment Index increase of 10 Points over two years of has been met; or*
    - iii.** *Required Growth of 10 points has been met.*

## **2. Contract Probation.**

- A.** *A charter school not meeting all of the standards required for a two-year extension, but meeting the following standards, may receive a one year probationary extension in June of its third year, subject to any conditions and/or monitoring required by the School Board:*
  - a.** *submission of its comprehensive third year report;*
  - b.** *all financial performance standards;*
  - c.** *all legal and contractual standards; and*
  - d.** *Required Growth of 10 points not met, but 5 point increase made.*
  
- B.** *A charter school not meeting all of the standards required for a two-year extension, but meeting the following standard, may receive a one-year extension and be placed on contract probation in June of its third year, subject to any conditions and/or monitoring required by School Board:*
  - a.** *submission of its comprehensive third year report;*
  - b.** *at least one student performance measure necessary to receive an extension has been met; and*
  - c.** *three or fewer financial standards or legal and contractual standards or a combination thereof have not been met.*

## **Fourth Year Review**

*A charter school granted a one-year extension and placed on probation after its third year of operation shall comply with all conditions of probation established by School Board.*

- I.** *A charter school on probation after its third year of operation that meets the following standards in January of its fourth year of operation may receive a one-year extension, at the conclusion of its fourth year:*

- A. *all financial performance standards;*
  - B. *all legal and contractual standards; and*
  - C. *one of following student performance measures:*
    - a. *Baseline SPS Year Three is 80.0 or above; or*
    - b. *Growth SPS met;*
2. *A charter school meeting the following standards in June of its fourth year of operation shall receive a one-year extension:*
- A. *all financial performance standards;*
  - B. *all legal and contractual standards; and*
  - C. *one of the following student performance standards:*
    - a. *Assessment Index Year Four is 80.0 or above; or*
    - b. *Required Growth of 10 points has been met.*

***Charter Revocation***

1. *The School Board has the authority to revoke a school's operating agreement at any time during the charter term if it is determined that the charter school, one of its officers, or employees has:*
- a. *Committed a material violation of any of the conditions, standards, or procedures provided for in the approved operating agreement*
  - b. *Failed to meet or pursue within the agreed timelines any of the academic or other educational results specified in the operating agreement*
  - c. *Failed to meet generally accepted accounting standards of fiscal management*
  - d. *Violated of any provision of law or policy applicable to a charter school, its officers, or employees*
2. *In all circumstances, the School Board shall follow the requirements of the Louisiana Charter School Law, any Charter Contract between the OPSB and BESE and/or each operating agreement it has with each charter school, including all due process requirements, regarding the processes required for revocation.*
3. *A charter school not meeting the standards for extension will be recommended for revocation.*

***\*Italicized provisions will become effective with 2009-10 Charter Evaluations conducted in FY 2010.***

## **A128 – CHARTER RENEWAL**

1. At the conclusion of the Charter Operator's fifth year of operation and the expiration of its initial operating agreement, a Charter Operator no longer has a continuing right to operate a charter school.
2. A charter school may apply for a renewal of its charter in compliance with processes and timelines established by the Orleans Parish School Board.
3. The School Board Administration shall make a recommendation to the School Board Legal Committee as to whether a charter renewal application should be approved.
4. A charter school may be renewed if all requirements set forth in law and policy for the renewal of a charter have been met.
5. Final approval of a charter renewal will be contingent upon the Charter Operator and the School Board reaching an acceptable charter operating agreement.
6. No charter shall be renewed unless the Charter Operator seeking renewal can demonstrate, at a minimum, using standardized test scores, improvement in the academic performance of pupils over the term of the charter school's existence.
7. A charter may be renewed for a term consistent with law and policy effective when a renewal decision is made.



**School Board Operations  
Section B**

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## **B200 – OFFICERS OF THE BOARD**

The Orleans Parish School Board shall elect at its regular meeting in January each year, one of its members to serve as President and one to serve as Vice-President, in separate ballots. The President and Vice-President shall receive the votes of a majority of the full membership of the Board, four (4) votes before being declared elected. Each officer may hold office for no longer than two consecutive terms.

The President shall call all meetings and preside at all meetings of the Board. He/she shall sign with the Superintendent, the minutes and other official documents that require the signature of the President. He/she shall perform other duties as prescribed by law or Board policy. In the absence of the President or in the event of his or her death, or his or her inability to act, the Vice-President shall perform the duties of the President and, when so acting, shall have all the powers of the President. If the President and Vice-President are absent from a meeting at which a quorum is present, the Superintendent shall preside until the members elect one of their members by majority vote to serve as President for that meeting.

The Superintendent shall serve as the secretary and treasurer of the Board. As secretary, he/she shall conduct all correspondence of the Board, keep and preserve all its records, receive all reports required by the Board, and see that such reports are in proper form, complete and accurate. He/she shall announce all meetings, prepare the agenda of all meetings, and attend all meetings of the Board and of its committees. In case the Secretary is absent, the Board may appoint another member of the Board, or other school personnel under the jurisdiction of said Board to act as secretary.

As treasurer, the Superintendent shall have the authority to sign and execute any and all documents associated with all transactions duly approved by the Board. He/she shall also be designated as the official custodian of all funds to which the Board is entitled by law and shall be responsible for the proper safeguarding and accounting for all such funds.

The treasurer shall issue a receipt for any monies coming into his or her hands and deposit such monies in accordance with the laws governing the deposit of public funds. He/she shall issue such warrants in payment of expenses lawfully incurred on behalf of the School Board.

For each school year, the treasurer shall give a bond for the faithful performance of duties; said bond to be written by an insurance company licensed to do business in the State of Louisiana and in an amount to be determined by the Board. The treasurer shall be responsible under such bond for the faithful performance of duties as treasurer. The Board shall pay the premium of the bond.

### **Filling of Vacancies**

When the duly elected President of the Board has vacated his/her office, the Vice President shall serve as President on an interim basis, until the Board elects a successor to serve during the remainder of the term of the office. In the event of a vacancy in the office of Vice president, the Board shall immediately elect a successor to fill that vacancy for the remaining term of the office.

The President shall have the authority to appoint a parliamentarian to serve at Board meetings who shall assist in maintaining the orderly conduct of meetings.

OATH OF OFFICE

All members of the Board shall take the following oath of office at the time of their election or as soon thereafter as possible to be administered by an officer of the court:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will abide by the Bylaws, rules and regulations of this Board and shall faithfully discharge the duties of my office as \_\_\_\_\_ to the best of my knowledge and ability.”

Ref: La. Rev. Stat. Ann. §§17:54, 17:55, 17:56, 17:83, 17:91, 17:95, 17:123, Board minutes, 5-27-74, 3-12-90, 7-8-02.

## **B201 – DUTIES OF BOARD MEMBERS**

The members of the Board shall have authority only when acting as a Board legally in session.

No Board member, by virtue of his or her office, shall exercise any administrative responsibility with respect to the schools or as an individual command the services of any school employee.

The general duties and obligations of the School Board and of School Board members are:

- To observe the laws of Louisiana and Board policies regarding all undertakings and decisions of the School Board.
- To assure the successful academic and financial operation of the school district.
- To define and oversee the duties of the Superintendent.
- To legally defend the school system and acquire legal representation as needed.
- To assure the safety of all students and employees of the school system.
- To assure that adequate educational facilities are provided.
- To uphold the mandates of the State Board of Elementary and Secondary Education and to work cooperatively with the Superintendent of Education and his/her administration.
- To act ethically in all matters thereby representing the school district to the best of his/her ability.
- To be knowledgeable about issues that affect education. Each Orleans Parish School Board member shall be required to receive a minimum of six (6) hours of training and instruction in the school laws of this state, in the laws governing the powers, duties and responsibilities of school boards, and in educational trends, research, and policy.
- Attend all regular and special board meetings. Absence shall be verified by authenticated documentation.
- Maintain all official records of Board activities and decisions.
- Provide that all Board and School Administration activities are public and that the public has access to all records.
- To advise the Superintendent of services needed for the conduct of Board business.
- No board member or officer shall have the power to make a commitment in the name of the Board unless granted by the Board at a duly constituted meeting.
- To notify the Board and Superintendent of any problematic issues or situations affecting the well-being of the school district.
- To adopt a balanced budget in a timely manner.
- To timely levy local taxes.

## **B202 – BONDED MEMBERS**

The Board President, or any member or employee who is authorized to sign checks shall be bonded in accordance with industry standards or community business standards.

Ref: La. Rev. Stat. Ann. §§17:95, 17:97, 17:123

## **B203 – BOARD MEMBER COMPENSATION AND EXPENSES**

The Orleans Parish School Board members shall receive an expense allowance in the amount of \$800 per month for members and \$1,000 per month for the President or reimbursement for expenses in accordance with state law. Such an amount must be approved by a two-thirds vote of the total membership at a publicly advertised official Board meeting. If the Board elects to be compensated on an expense allowance basis, a member who is absent from a monthly regular, special, or committee meeting without reasonable excuse shall be required to forfeit one-third of said expense allowance for each absence. The Board may authorize members to attend education related meetings or conventions. Reimbursement for authorized travel or other Board related expenses require original receipts.

Ref: Constitution of Louisiana, Art. VIII, Sec. 8; La. Rev. Stat. Ann. §§17:56, 17:121; Board minutes 5-27-74, 9-29-74, 7-10-89, 7-8-02, 6-17-08.

## **B204 – GIFTS AND DONATIONS**

### General Policy

The Board encourages the solicitation and acceptance of gifts that will assist in the furtherance of the Board's mission. The purpose of this policy is to define the practices and policies to be followed by the Board in accepting gifts, and to provide guidance to prospective donors when making gifts to the Board.

The Board shall have the exclusive right to accept and administer gifts for specific programs and purposes, provided that such gifts are consistent with its stated mission and do not violate this policy, or federal or state laws. Gifts received by the Board may not inhibit it from seeking or accepting similar or different gifts from other donors. Also, in determining the acceptability of a proposed donation, no agreement may be entered into by the Board that would knowingly jeopardize the interests of the Board.

### Types of Acceptable Gifts

In general, the following types of gifts may be accepted by the Board, provided they conform to the guidelines set forth in this policy:

- Cash
- Tangible personal property
- Securities
- Real estate
- Remainder interests in property
- Oil, gas and mineral interests
- Bargain sales
- Life insurance policies
- Charitable gift annuities
- Charitable remainder trusts
- Charitable lead trusts
- Retirement plan beneficiary designations
- Bequests
- Life insurance beneficiary designations

### Gifts of Tangible Property

The following general criteria will be used to determine the acceptability of gifts of tangible property:

- Does the gift further the mission and purposes of the Board?
- Is the gift marketable, or can it be used by the Board in furtherance of its mission?
- Are there any restrictions on the use, display or sale of the gift?



Are there any carrying costs, possible adverse legal consequences or potential liabilities associated with ownership of the gift?

Is the value of the gift higher than any potential costs or risks associated with its ownership?

### Real Estate Gifts

Prior to accepting gifts of real estate, the Board shall require, at the donor's expense, an independent appraisal of the property's fair market value, as well as an environmental study to ensure that the property has no environmental damage or other environmental issues that would expose the Board to liability. The existence of any mortgage or other encumbrance (e.g. lien, home equity loan or delinquent property tax) must be disclosed and satisfied by the donor before the Board can accept a gift of real estate. Any carrying costs (e.g. maintenance, insurance or condo fees) must also be disclosed by the donor prior to acceptance of a real estate gift.

### Other Issues and Considerations

The donor is responsible for determining a gift's cost basis and value. It is also the responsibility of the donor to secure an appraisal, when appropriate, and to engage the advice of independent legal and financial counsel concerning donations made to the Board.

In general, when the potential costs associated with acceptance of a gift exceed the value of the gift or are otherwise excessive, the Board, in its discretion, may decline to accept the gift. The Board may also decline to accept a gift that may be overly cumbersome to manage or that is so restricted in use that it becomes burdensome to retain or useless to the Board in furthering its mission and purpose.

### Procedure

Gifts shall be presented to the Board for acceptance at any properly noticed meeting prior to the acceptance of any gift. Prior to a board meeting, potential donors may present the proposed gift to the Superintendent and administration for a cost benefit analysis in accordance with the above policy. In such case, the Superintendent shall provide a recommendation to the Board as to whether the gift complies with the Board's policy regarding the acceptance of gifts. The gift will be deemed accepted by majority vote of the Board. No employee shall accept a gift without board approval. Such action would make the employee liable for any damages resulting as a result of the unauthorized transaction and would make the employee subject to personnel actions.

Ref: La. R. S. §§17:81.

## **B205 – BOARD COMMUNICATIONS**

Orleans Parish School Board members shall be provided with specific communications tools which are necessary to fulfill the Board members' duties. Each Board member shall be provided internet connectivity for the duration of his/her term. Such provision shall be subject to the provisions of all applicable state rules and statutes. In addition, members may be provided a cellular phone or similar technology to facilitate immediate access to both district staff and the community. All costs associated with this technology shall be borne by the School District. Each member shall bear the responsibility for accurately reporting said expenses according to approved existing Board policy and applicable state rules and statutes.

Ref: La. Rev. Stat. Ann. §§17:81

## **B206 – BOARD COMMITTEES**

The President is authorized to create standing Board committees to be charged with deliberations of certain issues as deemed necessary. The President shall appoint members with the approval of a majority of the Board present and voting. Such committees shall be composed of members of the Board whose chairperson shall be appointed by the President, and whose membership terms shall coincide with the President's term. Committees shall meet regularly and report their findings and recommendations to the Board for approval. The President of the Board shall be an ex-officio voting member and the Superintendent shall be ex-officio non voting member of all committees.

Other special committees may from time to time be appointed by the Board to study specific issues. The membership of any special committees need not be restricted to members of the Board, but shall include such persons who may have knowledge or interest in the subject studied.

The agenda, time, date, and location of committee meetings shall be set by the committee chairperson. All committee meetings shall be properly noticed and open to the public, except in those instances allowed as provided by state law. A majority of the committee membership shall constitute a quorum for purposes of making recommendations or taking any action that has been previously authorized. Only appointed members of the Committee shall be allowed to vote on action items submitted to the Committee.

The following are several standing committees and the scope of their duties:

### **Accountability and Charters Committee**

The scope of the duties of the Accountability and Charters Committee shall include, but not be limited to:

1. Develop district academic goals
2. Oversee development of the student policy handbook
3. Coordinate district's accountability in compliance with policies of the Board of Elementary & Secondary Education
4. Assure a progressive curriculum that meets state guidelines and Board goals
5. Oversee teacher certification and supply
6. Assure district compliance with academic and legal standards
7. Oversee district academic performance
8. Assure charter agreements compliance
9. Assure charter mandate compliance
10. Assure charter fiscal accountability

### **Budget and Finance Committee**

The scope of the duties of the Budget and Finance Committee shall include, but not be limited to:

1. Ensure that the fiscal operations of the district are in accordance with generally accepted accounting principles and pursuant to the best practices for fiscal integrity and accountability for public school districts, and more particularly as relates to:
  - a. Payment of debt
  - b. Capital funds

- c. Investments
- d. Receipt of revenues due
- 2. Evaluate district financial and operational functions and performance, including but not limited to:
  - a. Employee salaries and benefits
  - b. Safety and risk management
  - c. Insurance
  - d. Opportunities to increase financial assets
  - e. Legal settlements and obligations
  - f. Purchasing
  - g. Audit advisory

### **Legal Committee**

The scope and duties of the Legal Committee shall include, but not be limited to:

1. Ensure that the legal operations of the district are in accordance with current legal standards and pursuant to best practices for legal representation of public school districts as relates to:
  - a. Litigation
  - b. Federal and State compliance
  - c. Collective bargaining
2. Evaluate and act upon the recommendations of the Office of the General Counsel relative to legal agreements, including but not limited to:
  - a. Contracts
  - b. Cooperative Endeavor Agreements
  - c. Memoranda of Understanding
  - d. Charter Agreements
3. Evaluate and act upon the recommendations of the administrative staff relative to board policies, procurement procedures and other board matters of a legal nature.
4. Monitor and assess the Office of General Counsel, and jointly with the Superintendent, evaluate the goals and objectives established by the Office of the General Counsel.
5. The Legal Committee shall have oversight of legal matters relative to Charter schools, to include:
  - a. Evaluate and act upon the recommendations of the administrative staff relative to the interpretation, enforcement, renewal and extension of Charter Operating Agreements;
  - b. Evaluate and act upon the recommendations of the administrative staff relative to the review, negotiation, and enforcement of contracts for services with charter schools, such as transportation, information technology, food service, and administrative fees;
  - c. Evaluate and act upon the recommendations of the administrative staff relative to federal and/or state legislation and regulations relative to charter schools; and
  - d. Review and recommend to the full Board matters relative to charter school disputes and negotiations.

### **Policy Committee**

The scope of the duties of the Policy Committee shall include, but not be limited to:

1. Develop and review policies of the District to ensure compliance with all legal and operational requirements
2. Facilitate the process to fill all Board vacancies
3. Initiate and direct the process to apportion School Board districts
4. Initiate and conduct the Superintendent's evaluation

**Property Committee**

The scope of the duties of the Property Committee shall include, but not be limited to:

1. Review construction contracts proposed by staff
2. Assure legal execution of construction agreements
3. Initiate and review disposal and/or acquisition of property and real estate
4. Initiate and/or review plans for capital improvements, inclusive of the School Facilities Master Plan for Orleans Parish
5. Review contracts and assure property and facility maintenance meets Board goals

Ref: La. Rev. Stat. Ann. §§17:55

## **B207 – DUTIES AND RESPONSIBILITIES OF THE GENERAL COUNSEL**

Legal affairs of the school district shall be handled by a vote of the majority and Superintendent with the aid and assistance of a qualified attorney appointed by a majority vote of the Board. The role of the School Board General Counsel shall be to propose, check, review and approve all legal documents pertaining to the School Board and/or school district. The attorney shall also be available for consultation with the Board and/or Superintendent on all matters of a legal nature.

General Counsel performs at a professional level of competence the services, duties, and obligations required by the laws of the State of Louisiana, and by the rules, regulations, and policies of Orleans Parish School Board (“OPSB”), which are now existing or that may be hereinafter enacted by the Board.

General Counsel devotes his/her full professional time to the Office of General Counsel. General Counsel may undertake consulting or other professional engagements with resulting compensation, provided however, that such activity is conducted at times which do not conflict with nor impair his/her service as General Counsel.

General Counsel reports directly to and receives all general assignments directly from the OPSB and the Superintendent of the New Orleans Public Schools. Under the supervision of the OPSB and the Superintendent of the New Orleans Public Schools, General Counsel is obligated to perform the following specific duties and services:

1. Select, direct the duties of, and supervise the staff of the Office of the General Counsel;
2. Coordinate external legal services;
3. Oversee the processes for grievances and investigations and represent administrative personnel in administrative hearings;
4. Monitor and assist outside counsel representing the District and Board on state and federal litigation and on other legal matters as they may arise;
5. Review board policies for compliance with state and federal laws and for efficiency, recommending revisions, as necessary;
6. Review the policies, procedures and processes of the District for compliance with state and federal laws and for efficiency, recommending revisions, as necessary;
7. Assist with writing and revising Board and District policies and procedures;
8. Assist the Superintendent and the Board in conducting legal analyses of specific matters;

9. Coordinate legal responses to the United States Department of Justice, Equal Employment Opportunity Commission, the State Attorney General's Office, the Louisiana Commission on Human Rights and other state and federal agencies as directed by the Superintendent and as the need may arise;
10. Provide in-service training, seminars, workshops pertaining to relevant state and federal laws for District administrators and employees, as needed and/or requested by the Superintendent and the members of OPSB;
11. Act as an advisor and counselor to the Superintendent and to the members of OPSB, and to principals, department heads, administrators and other members of management;
12. Prepare and render legal opinions regarding state and federal legislation that affect and/or impact the District and its employees;
13. Prepare reports advising the Superintendent and the members of OPSB at the Superintendent's request, on a monthly basis, of the filing of new administrative claims or lawsuits, resolution of pending administrative claims and lawsuits; and the status of pending administrative claims and litigation;
14. Assist in the drafting of legal documents, rules and regulations, resolutions, contracts and all other legal and/or quasi-legal documents;
15. Advise the Superintendent and members of OPSB on all issues relating to procurement procedures, procurement laws, and all other public bid matters as it relates to Request for Proposals and Contracts;
16. Coordinate all activities pertaining to Request for Proposals, as directed by the Superintendent and the members of OPSB;
17. Assist the Superintendent in responding to informational inquiries from members of OPSB;
18. In conjunction with the public relations personnel, coordinate all statements to the media that relate to legal matters and review all press releases;
19. Provide notarial services as needed; and
20. Engage in all other duties as they may arise and as they are needed by the Superintendent or by the members of OPSB.

Ref: La. Rev. Stat. Ann. §§16:2, 42:261.1; Board minutes, 3-3-75, 5-25-81.

## **B208 – ADVISORY COMMITTEES**

The Orleans Parish School Board is genuinely interested in the educational development of every child enrolled in the public schools under its jurisdiction. To assist the development of program, support, and understanding, the Orleans Parish School Board encourages the advice, opinion and constructive criticism of the staffs, students, and other citizens, at all times, on all issues, and through all means possible.

To facilitate this communicative process, to utilize the expertise and counsel available among the citizens of the community, and to assist in understanding the viewpoints of all constituents, the Orleans Parish School Board may establish and/or confirm, as needs dictate, ad hoc advisory committees.

The Board and its administrative staff shall determine the committee structure and organization appropriate to the assignment at hand; however, at the local school level, the composition of such committees shall include a number of parents and community representatives comparable to the number of professional staff and shall also include, when appropriate, student representatives with equal participative rights.

It shall be the duty of the advisory committee to work in a constructive relationship with the Board and the administration in the development and improvement of the programs and services of the Orleans Parish Schools. Membership of all advisory committees shall be determined by the Orleans Parish School Board. Members are expected to serve until the committee assignment is completed and the committee dissolved upon achievement of their objectives. Each committee shall elect a chairman, vice-chairman, and secretary from among its members, and shall determine its time and place of meeting. Each committee may establish sub-committees as necessary and appropriate for the fulfillment of its purpose.

When vacancies occur on a committee, the Board will request nominations from committee members, but will ask that more names be submitted than are required to fill the vacancies. A resume shall accompany each name. All appointments will be made at a regular meeting of the Orleans Parish School Board, from nominations received from the committee. Any member of a committee who misses three (3) consecutive meetings without informing the chairman in advance shall be considered as to have resigned.

The staff and administration of the Orleans Parish School District shall be available to the committee for assistance in any way possible. The Orleans Parish School Board shall be available to consult with committees as the need arises and upon request of the committee. Upon dissolution of the committee the minutes of each committee meeting and all the pertinent data shall be transmitted to the Orleans Parish School Board and central administration. Reports from the advisory committee shall be submitted to the School Board. Such reports shall be made public after administrative analysis and establishing a procedure for Board discussion.

Ref: La. Rev. Stat. Ann. §17:81; Board minutes, 5-11-81.



## **B209 – CONSULTANTS**

The Orleans Parish School District may employ consultants as needed to provide technical or other specialized assistance. A contract or agreement for consulting services shall be required. Each contract for consulting services shall contain as a minimum a description of the work to be performed and objectives to be met, amount and time of payments to be made, description of reports or other deliveries to be received, and circumstances under which the contract can be terminated. All consultants contracts \$25,000 and over shall be approved by the board prior to their engagement.

Each person responsible for engaging the services of consultants shall have the responsibility of negotiating the most reasonable honorarium or daily fee appropriate for the services to be performed.

Expenses of consultants shall be reimbursed by the District, based on receipts submitted, in accordance with the applicable agreement approved by the Superintendent or his/her designee. It shall be the responsibility of the engaging administrator to see that the contract guidelines are followed. If any of the required receipts are missing, the request for payment shall not be honored by the School District.

Ref: La. Rev. Stat. Ann. §§17:81

## **B210 – BOARD MEETING PROCEDURES**

School Board meetings shall be orderly and shall be governed by Robert's Rules of Order.

The Board President shall have the authority and responsibility to call meetings as needed to successfully conduct the business of the Board, but no less than one (1) regular meeting per month. The date, time and location of the meeting shall be decided by the President and the Superintendent in consultation with Board members.

All meetings shall be open to the public except meetings that meet the criteria described in Louisiana law for being closed meetings.

Official actions or decisions shall be made only in official meetings of the Board. No member of the Board, nor any committee of the Board, shall have the power to act in the name of the Board outside of official Board meetings unless so designated by a majority of the Board duly convened.

All meetings of the Board and Committees shall be open to the public and be advertised no later than 24 hours from the start of the meeting. Advertising of meetings consists of: notification to all regional print and electronic media; placement on the State Department of Education and School Board web sites; electronic notification to principals of all district schools; signage posted at the entrance of the School Board administrative headquarters; and at the entrance of the meeting location. Individuals and groups may request electronic notification, as well.

Such public notice shall consist of the time, place and date of the meeting and a complete listing of all subject matters to be discussed and voted upon. The notice shall include the contact phone number to be called for information purposes.

Orleans Parish School Board members shall be provided with specific communications tools which are necessary to fulfill the Board members' duties. Each Board member shall be provided Internet connectivity for the duration of his/her term. Such provision shall be subject to the provisions of all applicable state rules and statutes. In addition members may be provided a cellular phone or similar technology to facilitate immediate access to both district staff and the community. All costs associated with this technology shall be borne by the School District. Each member shall bare the responsibility for accurately reporting said expenses according to approved existing Board policy and applicable state rules and statutes.

Special meetings may be called by the President or in his/her absence, by the Vice President, when in his/her opinion such special meetings are necessary. The President shall also call a special meeting when so requested in writing, by three members of the Board, but no business shall be transacted except that for which the meeting was called and which shall be stated in the call.

In the event of a need for an emergency meeting, the one week (7-day) public meeting notice may be waived. A majority vote at the commencement of the emergency meeting shall ratify the emergency meeting.

## RULES OF PROCEDURE

The following rules of procedure shall guide the Board in its execution of business.

1. The agenda should include all subjects to be discussed at the public meeting, including matters to be discussed in executive session. The agenda should also include:
  - A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.
  - A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.
2. A simple majority of the total membership of the Board or at least four (4) members constitutes a quorum and must be present in order to officially convene the Board meeting.
3. Except as may be provided by state law or by Board policy, any motion, resolution or other action of the Board shall be deemed valid only upon a favorable vote of a simple majority of the members present and voting taken at a properly called regular or special meeting of the Board.
4. Voting may be taken by a show of hands or by roll call of the members present at the discretion of the President or Parliamentarian. There shall be no proxy votes.
5. A Board member shall abstain from voting on any matter in which his/her personal or professional gain is in conflict with the interest of the Board or on any question involving conduct to the Board member.
6. The board will discuss only those items listed on the properly advertised agenda. Inclusion of an additional agenda item shall require a unanimous vote of members present. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on a motion to take up a matter not on the agenda, there shall be an opportunity for public comment. The President shall have the prerogative to move an agenda item when he/she feels the change would be in the best interest of the meeting. An item may be removed during the meeting from the agenda by the President, with a majority concurrence from the Board. An item appearing on the agenda that has been requested by a Board member may be withdrawn at any time during the meeting at the request of the Board member.
7. The Board can decide who shall sit at the board-meeting table.

8. The President shall have the authority to appoint a Parliamentarian to serve at Board meetings who shall assist in maintaining the orderly conduct of meetings. He/she will have the authority to terminate the remarks and order the removal of any individual(s) who does/do not adhere to the above rules. Assigned security personnel and New Orleans Police Department personnel shall execute the parliamentarian request for removal.

#### Rules on Public Comment

1. Public comment shall be permitted at all public Board meetings at a time designated by the President, Parliamentarian or Chairperson of a committee. Each person shall be permitted to speak no more than three minutes one time during each meeting, unless requested by the President, Parliamentarian or Chairperson.
2. Speakers shall address items on the Board Agenda unless otherwise authorized by the Board President, Parliamentarian, or Committee Chairperson. At all times, speakers and attendees at Board meetings shall observe orderly meeting decorum. Written comment may be submitted to the Board for inclusion in the record.

Ref: La. Rev. Stat. Ann. §§17:81, 42:4.1 et seq.; Board minutes 7-10-89, 2-12-90, 1-14-01, 3-10-03, 3-24-03, 10-21-08.

## **B211 – AGENDA PREPARATION AND DISSEMINATION**

The President shall direct the Superintendent to prepare, or cause to be prepared, an agenda for all meetings of the Board. Items of business may be requested in writing by Committee Chairpersons or other Board members, and the Superintendent or administrative staff and employees of the school district, or members of the public for inclusion on the agenda. Agenda items may be submitted no later than 48 hours preceding the distribution of the public notice. The agenda must be published no later than 24 hours prior to the start of the Board Meeting.

Any issues requested for Board meeting discussion not previously advertised on the published agenda shall require a two-thirds vote of the members present for inclusion on the agenda.

Generally, the order of business shall be as follows:

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Consideration of Minutes of previous meetings
5. Presentations/Acknowledgements
6. Superintendent's Agenda
  - a. Academic Reports
  - b. CFO's Report
  - c. Reports for Information and other Superintendent agenda items
7. Committee Reports/Recommendations and Action Items
8. Board Action Items and Resolutions
9. Executive Session
10. Report on Legal Matters / Student Hearings
11. Announcements
12. Adjournment

Ref: La. Rev. Stat. Ann. §§17:81, 42:4, 42:7, 42:8; Board minutes 2-12-90, 3-10-03.

## **B212 – VOTING METHOD AT BOARD MEETINGS**

Voting on an issue occurs when the President recognizes a Board member who introduces a motion on which to be voted and another Board member offers a second. An affirmative vote of a simple majority of the members present and voting shall be necessary for the passage of any motion, except in such instances as the law or other policies of the School Board may require a larger vote. Every member present, including the President, shall be entitled to one vote.

A member of the Board may abstain from voting on an issue before the Board, whereby his/her vote shall be counted neither for nor against the issue voted upon. In such cases the Board member shall state that he/she abstains from voting and the minutes shall reflect the member's abstention.

All voting shall be by voice or by show of hands; a roll call vote may be requested by any member and/or ordered by the President, with the vote of each member recorded in the minutes. On voice votes, the name of each voting "nay" shall be recorded in the minutes upon his/her request. Roll call votes are required on voting on Board Resolutions, with the vote of each Board member officially recorded in the minutes and on the certified resolution.

All matters related to voting not addressed above shall be according to Robert's Rules of Order.

No action shall be taken by the Board except as taken above at a properly called regular or special meeting.

Ref: La. Rev. Stat. Ann. §§17:81, 18:602 et seq., 42:1120.

## **B213 – MINUTES OF BOARD MEETINGS**

The Orleans Parish School Board shall require written minutes of all of its open meetings be kept. Such minutes shall include:

- (1) The date, time, and place of the meeting.
- (2) The members of the public body recorded as either present or absent.
- (3) The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken.
- (4) Any other information that any School Board member requests be included or reflected in the minutes.

The Superintendent shall be responsible for keeping all minutes of the Board and making them available at the next regular Board meeting for approval. All official meetings of the Board shall be recorded electronically and maintained by the Board Secretary, who shall certify the authenticity of the recorded minutes. Once approved, they are to be signed by the Board President and Board Secretary. They are then to be placed in an official journal of the Board and also posted on the official Board web page. Upon being presented with a proper, legal request, the Board records are to be made available to the public at a charge that covers the cost of reproduction of the documents.

## B214 – EXECUTIVE SESSIONS

The Orleans Parish School Board shall be authorized to hold executive sessions upon an affirmative vote, taken at an open meeting for which notice has been given in accordance with state law, of *two-thirds (2/3) of the members present*. The vote of each member on the question of holding an executive session and the reason for holding such an executive session shall be recorded and entered into the minutes of the meeting.

Such executive sessions shall be restricted only to matters allowed to be exempted by law from discussion at open meetings. No final or binding action shall be taken at such a closed meeting; nor shall such closed meetings be used as a subterfuge to defeat the statutory intent for conducting executive sessions.

Executive sessions shall be attended only by members of the Board, the Superintendent, and any other persons designated by the Board. All matters discussed in any closed meeting shall be regarded as confidential by all persons in attendance and shall not be divulged to the public.

Attached to the written public notice of the meeting shall be whether or not such matters will be discussed in an executive session. The notice shall indicate the following:

A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting; and

A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

Executive sessions may be held for the following reasons:

1. Discussion of the character, the professional competence, physical or mental health of a person, provided that such person is notified in writing at least twenty-four (24) hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that an executive session shall not be used for discussion of the appointment of a person to the Board. In cases of extraordinary emergency, written notice to such person shall not be required; however, the Board shall give such notice as it deems appropriate and circumstances permit.
2. Strategy sessions or negotiations with respect to collective bargaining or litigation, when an open meeting would have a detrimental effect on the bargaining or litigating position of the Board.
3. Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.
4. Investigative proceedings regarding allegations of misconduct.



5. Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, or the repelling of invasions, or other matters of similar magnitude.
6. Discussions between the Board and individual students or the parents or tutors of such students, or both, who are within the jurisdiction of the respective school system, regarding problems of such students, their parents, or tutors. Such a discussion may be held in open meetings at the request of the student, parent or tutor.
7. Any other matters now provided for or as may be provided for by the Legislature.

Ref: La. R. S. §§17:81, 42:4.1, et seq., 42.6 and 6.1, as amended by La. Act 665 of 1976 and La. Act 389 of 1989.

## **B215 – POLICY DEVELOPMENT**

The Orleans Parish School Board shall formulate policies to guide its actions and the actions of those to whom it delegates authority. These policies shall govern the operation of the school district. They shall be recorded in writing and made a part of the official *School District Policy Manual*.

Any changes in Board policy(s) shall be reviewed by the Superintendent and designated members of the district administration, and shall also be made available for public comment for thirty days. At the conclusion of thirty days and after consideration of public and administrative comment, the Board shall approve the policy(s) and make it/them part of the *School District Policy Manual*. The Board shall approve all policies by a two-thirds vote. Copies shall be made available for the public in the district office and published on the state and district's website.

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

### DISTRICT DISCIPLINE POLICY

State law requires the administrators, teachers and parents of each public school to meet annually and develop or review the discipline regulations for their school and assure compliance with Board policy and state law. The Superintendent shall appoint a *discipline policy review committee*, whose selection of members shall be neither discriminatory nor arbitrary in nature. The purpose of the discipline policy review committee shall be to annually review discipline policies to assure consistency with state law, receive input into the effectiveness of established policy, and make recommendations to improve policy provisions. A public hearing shall be held annually on the recommendations. The policy shall be approved by the Board.

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

### POLICY DISSEMINATION

The Superintendent shall establish and maintain an orderly plan for disseminating School District policies and administrative rules and regulations.

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

A public hearing shall be held on the recommendations before the Board approves any of the discipline policies. State law also requires the administrators, teachers and parents of each public school to meet annually and develop or review the discipline regulations for their school and assure compliance with Board policy and state law.

Ref: Constitution of Louisiana, Art. VI, Sec. 10; La. Rev. Stat. Ann. §§17:416.8

## **B216 – ADMINISTRATIVE REGULATIONS AND PROCEDURES**

The Superintendent shall be vested with the function of specifying required actions and designing the detailed arrangements under which schools will be operated. These detailed arrangements shall constitute the administrative regulations and procedures governing the schools and shall be designed to effectively implement the policies of the Board. They shall be defined in written form.

### **INDIVIDUAL SCHOOL REGULATIONS**

Each principal is authorized and instructed to prepare and promulgate such regulations as he/she may deem necessary for the proper administration of his/her school and to require compliance by all students enrolled or teachers and other school employees assigned to his/her school, all in supplementation of, but not inconsistent with, the policies and regulations of the School Board, the Superintendent, or the Louisiana Department of Education. The Superintendent shall approve all school regulations prior to implementation by the principal.

### **ADMINISTRATION IN ABSENCE OF POLICY**

In cases where action must be taken within the school system where the District has no formalized policy statement, the Superintendent shall have the power to act.

## **B217 – SCHOOL BOARD ETHICS**

The ethical conduct of Board members, as well as other employees of the Board, shall be in accordance with state law. Actions which may present a conflict of interest; acceptance of gifts, or solicitations, or gratuities; abuse of authority of office or position; and decisions regarding the employment of a family member of an official are all subject to statutory restrictions. Prior to the beginning of each school year the Board and all employees shall sign a form acknowledging receipt and approval of these policies.

### **GIFTS**

Acceptance of personal gifts, or free or reduced travel, by any Board member or employee of the Orleans Parish School District from persons or firms doing business with any Orleans Parish School District entity is prohibited. This policy provision does not preclude acceptance of food or drinks of a social nature or participation in a social event. It also shall not preclude the acceptance of campaign contributions for use in meeting campaign expenses by any employee or Board member who is or becomes a candidate for election to any public office.

### **NEPOTISM**

No member of the immediate family of an agency head or Board member shall be employed in his/her agency. No member of the immediate family of a member of a governing authority or the chief executive of a governmental entity shall be employed by the governmental entity, except that the School Board may employ any member of the immediate family of any Board member or the Superintendent as a classroom teacher provided that such family member is certified to teach. A School Board member or the Superintendent shall recuse himself/herself from any decision involving the promotion or assignment of teaching location of the employee.

The provisions above shall not prohibit the continued employment of any public employee nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee where a member of a public employee's immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.

### **PROHIBITED TRANSACTIONS**

Any School Board member, Superintendent, or employee is prohibited by state law, with limited exception as provided in La. Rev. Stat. Ann. '42:1120, from participating in a transaction in which he/she has a personal substantial economic interest of which he/she may be reasonably expected to know involving the governmental entity. Also, any School Board member, Superintendent, or employee is prohibited by state law, except as provided in La. Rev. Stat. Ann. '42:1120, from participating in a transaction involving the governmental entity in which, to his/her actual knowledge, any of the following persons has a substantial economic interest:

- (1) Any member of his/her immediate family.
- (2) Any person in which he/she has a substantial economic interest of which he/she may reasonably be expected to know.
- (3) Any person of which he/she is an officer, director, trustee, partner or employee.
- (4) Any person with whom he/she is negotiating or has an arrangement concerning prospective employment.
- (5) Any person who is a party to an existing contract with such public servant, or with any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, or who owes any thing of economic value to such public servant, or to any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, and who by reason thereof is in a position to affect directly the economic interests of such public servant.

Every public employee shall disqualify himself/herself from participating in a transaction involving the governmental entity when a violation of state law would result.

Ref: La. R. S. §§17:81, 17:428, 42:1101, 42:1102, 42:1116, 42:1119, 42:1121.

**General School Administration  
Section C**

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## **C300 – SCHOOL SUPERINTENDENT**

The Orleans Parish School Board shall delegate to the Superintendent the authority and responsibility for the efficient administration of the school system. The Superintendent shall perform his/her administrative functions in accordance with the policies adopted by the School Board. The execution of all decisions made by the Board concerning the internal operation of the school system shall be delegated to the Superintendent.

The Superintendent shall be the chief executive officer and educational advisor of the School Board and shall discharge his/her duties as prescribed by the Constitution and statutes of the State of Louisiana, as well as Board policies.

While retaining ultimate responsibility, the Superintendent shall be authorized to delegate certain duties to other members of his/her administrative staff. This shall include, as appropriate, any administrative or supervisory employee.

The School Board shall appoint the Superintendent for a period not to exceed four (4) years. The salary, vacation, and other benefits of the Superintendent shall be determined by the Board upon his/her appointment. The Superintendent shall reside in the Parish School District.

## C301 – SUPERINTENDENT QUALIFICATIONS

The Orleans Parish School Board shall elect a Superintendent for the school system who has met or has been certified as meeting the requirements for superintendency certification as set by the Louisiana Board of Elementary and Secondary Education (BESE). Additional qualifications may be stipulated by the Board.

### MINIMUM QUALIFICATIONS

Applicants for the position of Superintendent shall be required to provide assurance that certification for the position is current and valid.

The minimum criteria required for superintendency certification are the following:

- A. Hold a valid Louisiana Level 2 Educational Leader Certificate or Type A School Superintendent Certification.
- B. Have had five (5) years of successful administrative or management experience in education at the level of principal or above, or experience certified as equivalent to any of these by BESE.
- C. Hold an earned master's degree from a regionally accredited institution of higher education.
- D. Have completed forty-eight (48) semester hours of graduate credit, to include the following:
  - 1. Thirty (30) semester hours in educational administration and supervision of instruction;
  - 2. Twelve (12) semester hours in professional education; and
  - 3. Six (6) semester hours of electives from cognate fields outside professional education related to educational administration and supervision in business, political science, psychology, sociology, or speech.
- E. After August 15, 2003, for *initial certification* as a Superintendent, shall have satisfactorily passed the *School Superintendent Assessment (SSA)* as approved by BESE in keeping with state requirements.

Ref: La. Rev. Stat. Ann. §§17:7.1, 17:54; Louisiana Standards for State Certification of School Personnel, Bulletin 746, Louisiana Department of Education.



## **C302 – SUPERINTENDENT POWERS AND RESPONSIBILITIES**

The Superintendent of the Orleans Parish School Board is a constitutional school officer as provided in the Constitution and laws of the State of Louisiana. As such, he/she has certain authorities and functions which are provided for by law.

The Superintendent shall be the chief executive officer of the Orleans Parish School Board. He/she shall be responsible to the Board for the efficient administration of the school district according to the laws governing the school district and the policies which are adopted by the Louisiana Board of Elementary and Secondary Education, the Orleans Parish School Board, and the School District. His/her discharge of duties shall be of such a caliber as to assure that the quality of the school district's educational program is consistent with legislative intent and needs of students, employees and the local citizenry.

Ref: Constitution of Louisiana, Art. VIII, Sec. 9; La. Rev. Stat. Ann. §§17:10.6, 17:54, 17:83, 17:91, 17:92, 17:93, 17:95, 17:96, 17:97.

### **C303 – RECRUITMENT OF SUPERINTENDENT**

When an opening in the Superintendency occurs, the Orleans Parish School Board shall aggressively recruit in an effort to fill the position with the most capable person available. The Board shall consider only those candidates who meet both state and local qualifications and who display the ability to successfully carry out the duties of the Superintendent.

The School Board shall advertise and solicit applications from qualified members of the staff and may list the vacancy with placement offices at selected educational institutions in Louisiana and in neighboring states with other educational placement agencies at its discretion. Prior to filling a vacancy, the School Board, at a minimum, shall publish a notice of the vacancy together with a request for the submission of applications to fill the position of Superintendent in accordance with all of the following:

- (a) On two (2) separate days at least one week apart in the official journal of the School Board; and
- (b) Once in a daily newspaper published in the metropolitan area in the state having a population in excess of one hundred thousand persons that is nearest to the School Board offices, if such newspaper is not the official journal of the School Board.

All publication requirements stated above shall be completed at least thirty (30) days prior to action by the School Board to fill the position of Superintendent.

## **C304 – EMPLOYMENT OF SUPERINTENDENT**

The Orleans School Board shall employ the Superintendent pursuant to a written contract for a period not to exceed four (4) years but not less than two (2), which period, however, may extend no longer than two (2) years after the expiration of the term of office of the members of the Board electing the Superintendent. Such contract shall contain but need not be limited to specific performance objectives. Not less than one hundred twenty (120) days prior to the termination of such a contract, the School Board shall notify the Superintendent of termination of employment under such contract, or in lieu thereof the Board and the Superintendent may negotiate and enter into a contract for subsequent employment.

The Superintendent shall be retained during the term of a contract unless the Superintendent is found incompetent, unworthy, or inefficient or is found to have failed to fulfill the terms and performance objectives of his/her contract or to comply with School Board policy. However, before the Superintendent can be removed during the contract period, he/she shall have the right to written charges and a fair hearing before the Board after reasonable written notice.

The Board shall negotiate and offer the Superintendent a new contract at the expiration of each existing contract unless a *majority of the Board membership* votes at least one hundred twenty (120) days prior to the termination of the existing contract against offering a new contract.

Ref: La. Rev. Stat. Ann. §17:54.

## **C305 – EVALUATION OF THE SUPERINTENDENT**

The Orleans Parish School Board shall evaluate the Superintendent by standard criteria addressed in the job description, as well as other pre-enumerated criteria. Generally, the Superintendent shall be evaluated on a yearly basis based on observations of Board members and accomplishments of agreed upon criteria. A post-evaluation conference with the Superintendent may be held in executive session, at his/her option. A copy of the evaluation results shall be given the Superintendent upon completion of the evaluation.

Ref: La. Rev. Stat. Ann. §§17:81, 17:3881 et seq.

## **C306 – SCHOOL PRINCIPALS/BUILDING ADMINISTRATORS**

The principal, as agent for the Orleans Parish School Board in overseeing the affairs of the school of which he/she has been placed in charge, shall be responsible for the organization, administration, and the supervision of the school, and in turn he/she shall be responsible to the Superintendent or designee.

The principal is the instructional, educational and operational leader of the school. He/she should be alert to opportunities to improve the instructional program, to foster the professional growth among teachers and employees, to work for the best interest of the students and faculty, and to maintain good relations with the school's community. The Board considers supervision one of the most important duties of the principal. The principal shall be responsible for evaluating the efficiency of all school personnel, and making recommendations to the Superintendent for tenure, transfers, promotions, or dismissals.

The principal shall be responsible for the disciplining of students in accordance with statutory provisions and District guidelines. In discipline cases where discretion is authorized, the principal shall exercise his/her best judgment so as to protect the educational integrity of the school and educational environment. In addition, principals, and teachers, shall be expected to take reasonable precautions and care to promote the safety and well-being of all students and employees, and the security of all facilities.

The principal, at the request of a teacher, shall be required to investigate and resolve situations in which the teacher reasonably believes that an imminent danger exists of hazards that cause or may likely cause serious injury or death of the teacher or teachers.

The principal shall be required to attend principals' meetings called by the Superintendent or designee.

Ref: La. Rev. Stat. Ann. §§17:81, 17:416, 17:416.9.

## **C307 – ADMINISTRATIVE RECORDS**

School District records are public records and are available for inspection by any person, eighteen years or older, at reasonable times during official office hours. However, certain school documents, including but not limited to pupil school health records, pupil report cards, and supervisory reports on teachers, budget worksheets, and personnel folders are in the category of privileged information and are not public records. Access to or release of privileged information, shall be governed by applicable State and Federal laws.

Original records of the School District shall not leave the school or District premises except for official school business. Copies of school district records may be requested at any time. The School Board shall require any person requesting copies to reimburse the School Board for the actual fees and costs incurred prior to providing any document, record, or item, unless the person is exempted from providing reimbursement. Duplication of records classified as privileged information shall not be permitted, unless authorized by State or Federal law.

Any person may request in writing, a time to see such public records at a mutual, agreeable time with the custodian of the records, as defined in Board Procedure C307, and such time and place will be mutually stipulated during official office hours. Any request to view records shall clearly state the specific records desired.

Notwithstanding any other provision of law or rule or regulation to the contrary, a School Board member and any other person authorized pursuant to written policy of the School Board shall have the right to examine any or all records of the school system except school employee records relative to evaluations, observations, formal complaints, and grievances. However, in accordance with statutory provisions, the School Board, upon *a majority vote of the total Board membership*, shall have the right to examine any or all records of the school system.

Ref: La. Rev. Stat. Ann. §§13:5112.1, 17:81, 17:93, 17:196, 17:230, 17:232, 17:415, 17:440, 44:1, 44:4, 44:31, 44:32, 44:36.

Policy amended 08/18/09

## **C308 –RECORDS RETENTION**

All persons having custody or control of any public record of the School District, other than permanent records required by existing law to be kept for all time, shall exercise diligence and care in preserving the public record for the period or periods of time specified for such public records in formal records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State. In all instances in which a formal retention schedule has not been executed, such public records shall be preserved and maintained for a period of at least five (5) years from the date on which the public record was made.

All existing records or records hereafter accumulated by the School District, which participates in federal programs or receives federal grants, may be destroyed after three (3) years five (5) years from the date on which the records were made in those cases where this provision is not superseded by guidelines for the operative federal program or grant requiring longer retention periods for the records in question, provided that these records shall not be destroyed in any case where litigation with reference thereto is pending, or until the appropriate state or federal audits have been conducted.

## C309 – LITIGATION HOLDS

### PURPOSE

There are circumstances where the normal and routine retention, disposal, and/or destruction of records must be suspended according to federal and State requirements and Orleans Parish School Board policy. Present and future records that are involved in litigation, or reasonably anticipated in foreseeable legal action, must be preserved until the Superintendent releases the litigation hold.

The purpose of this Policy is to set forth the School Board's litigation hold policy and to authorize the Superintendent, or his designee(s), to develop and implement procedures for initiating, implementing, and monitoring litigation holds.

### SCOPE

This Policy applies to all School Board records owned or otherwise controlled by the School Board and all faculty, staff, administrators, board members, contractors or anyone else having access to School Board technology resources.

### DEFINITIONS

Records – The term “records” includes all records, whether in electronic or paper form, created, received, or maintained in the transaction of School Board business. Such records may include, but are not limited to, paper records and electronic records transferred and/or stored by or on behalf of the School Board using the School Board's technology resources. Electronic records can exist in a wide variety of formats, including, without limitation, text documents, spreadsheets, presentations, HTML documents, digital images, email messages, databases, voicemails and other digital recordings.

Digital Technology Resources – The term “technology resources” means telecommunications equipment, transmission devices, electronic video and audio equipment, computers, data processing or storage systems, storage media, computer systems, servers, networks, programs, and/or computer-driven or web accessible software that is owned or operated by the School Board.

Litigation Hold – The term “litigation hold” means an order or notice to cease destruction or disposal and to preserve all records pertaining to the nature or subject of the litigation hold.

### LITIGATION HOLD POLICY

Notwithstanding School Board policies or procedures to the contrary, School Board records, whether in paper or electronic form, pertaining to any pending or anticipated legal claim against



the School Board shall be preserved and maintained until the legal claim, whether litigation or other legal proceeding, is finally concluded. It shall be the responsibility of the Superintendent, or his designee(s), to establish and implement procedures to ensure that appropriate litigation holds are timely implemented and monitored and that affected School Board personnel are given timely notice of their responsibility to preserve School Board records pertaining to any pending or anticipated legal claim until the legal proceeding is finally concluded. The procedures shall also provide for the preservation and maintenance of such records.

Generally, the preservation obligations do not extend to back-up tapes or other media which are maintained solely for disaster recovery. In the event that the Superintendent determines that relevant electronic records can only be obtained via backup tapes or other media maintained for disaster recovery, the School Board may undertake, if reasonable to do so, efforts to extract the pertinent records and separately maintain them until conclusion of the legal proceeding.

The Superintendent will determine and communicate to affected School Board personnel when a litigation hold may be lifted and records are no longer preserved pursuant to the litigation hold.

#### VIOLATIONS

Violations of this Policy and School Board procedures implemented pursuant to this Policy are subject to disciplinary action up to and including dismissal in accordance with applicable federal and State law and School Board policy.

**Fiscal Management  
Section D**

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## **D401 – ANNUAL OPERATING BUDGET**

The Orleans Parish School Board shall approve an annual budget for the general fund and each special revenue fund for the fiscal year July 1 to June 30, no later than September fifteenth of each year. The School Board shall submit a copy of its adopted budget to the State Superintendent no later than September thirtieth of each year, as well as a general summary of the adopted budget. The summary shall include projected revenues, expenditures, and beginning and ending fund balances.

It shall be the responsibility of the Superintendent and designated members of his/her staff to prepare the operating budgets for submission to the Board. The budgets shall be prepared on forms in accordance with such rules and regulations as may be prescribed by statutes and by the State Superintendent of Education. Said budgets shall be submitted to the Board for the purposes of revision and approval prior to submission to the State Superintendent.

### **GENERAL FUND BALANCE RESERVE**

The Orleans Parish School Board shall maintain a “general fund” fund balance reserve adequate to provide protection for emergencies and other unanticipated needs that could impact OPSB’s ability to provide current and future service to public school students served by OPSB.

At a minimum, the reserve balance should be the equivalent of the following:

1. Nine (9) months of general fund unrestricted revenues.
2. One (1) year reserve to cover retiree health insurance and workers compensation.
3. Fifteen percent (15%) of annual federal and state grant allocations, excluding allocations to charters.
4. Twelve (12) months reserve against long term debt requirement not covered by dedicated or pledged revenues.

The Board shall cause to be published a notice in the official journal stating that the proposed budget is available for public inspection no later than fifteen (15) days prior to the date for budget adoption. The notice shall also state that a public hearing on the proposed budget shall be held specifying the date, time and place of the hearing. The proposed budget shall not be considered for adoption or otherwise finalized until at least one public hearing has been conducted on the proposal. The notice shall be published at least ten (10) days prior to the date of the first public hearing and may be published in the same advertisement as the notice of availability of the proposed budget and the public hearing.

The Board shall certify completion of all action required by publishing a notice in the same manner as provided above.

No budget shall be approved where expenditures exceed the expected means of financing. The budget shall be reviewed periodically and such financial reports as the Board directs shall be prepared and presented to the Board by the Superintendent.

Ref: La. Rev. Stat. Ann. §§17:88, 17:89, 39:1301-1314.

## **D402 – BUDGET PLANNING AND PREPARATION**

The Orleans Parish School Board shall cause to be prepared a comprehensive budget presenting a complete financial plan for the ensuing fiscal year. The revenues shall be those normally expected from constitutional, statutory, and regular sources and shall not include probable revenues that may arise from doubtful or contingent sources.

The revenues and expenditures in the budget shall be listed and classified in such manner and substance as shall be prescribed by the State Superintendent of Education, and shall detail as nearly as possible the several items of expected revenues and expenditures, the total of which shall not exceed the expected means of financing, composed of the beginning fund balance, cash balances, and revenues. If during the course of the fiscal year it becomes evident that revenues or expenditures will vary substantially from those budgeted, then the Superintendent shall prepare and the Board shall adopt an amended budget.

A budget proposed for consideration by the School Board shall be accompanied by a proposed budget adoption instrument which shall be necessary to adopt and implement the budget document. The adoption instrument shall define the authority of the Superintendent and administrative officers of the School Board to make changes within various budget classifications without approval by the School Board as well as those powers reserved solely to the Board.

When the budget for a school year has been duly, regularly, and properly prepared, considered and adopted, as prescribed by law, the School Board shall have the authority to borrow money to meet its budget or expenditures which shall not aggregate more than one-half of its expected revenue receipts for current operation. As evidence of these loans, the School Board may execute or cause to be executed notes or other evidences of indebtedness payable before the close of the school year, and pledge as security therefore their revenues for that current year, calendar or fiscal, as the case may be, and no longer.

All notes or other instruments evidencing money borrowed by the School Board to be valid shall be authorized by appropriate resolution and shall be signed and executed by the President and the Superintendent, as treasurer, thereof but the said officials are prohibited from signing or executing the same in excess of one-half the amounts contained in the budget for current operation.

The President and Superintendent, as treasurer, or any member of the School Board, or any person who signs, executes, causes, authorizes, or contributes in any manner to the borrowing of money in excess of the amount properly budgeted, for current operation, or beyond the limits and conditions herein prescribed, shall be fined not less than two hundred fifty dollars, nor more than one thousand dollars, and shall be removed from office in the manner prescribed by the constitution and the laws of the state.

Ref: La. Rev. Stat. Ann. §§17:88, 17:89, 39:1304.

## **D403 – BUDGETARY ITEMS TRANSFER AUTHORITY**

The Orleans Parish School Board, Superintendent and his/her staff shall continually evaluate the school district's budget and maintain required records which support entitlement and disposition of public funds.

### AMENDING THE BUDGET

Line items in the budget may be changed, with Board approval, at any time during the fiscal year, provided such change is consistent with existing laws and regulations of the State of Louisiana. Any request for modification of a budgetary line item shall be approved by appropriate supervisory personnel and submitted to the Superintendent for consideration.

The Superintendent, as secretary-treasurer of the School Board, shall be authorized and in his/her sole discretion, to make such changes within the various budget classifications as he/she may deem necessary provided that any reallocation of funds affecting in excess of five percent (5%) of the projected revenue collections shall be approved in advance by action of the School Board. The Superintendent shall be directed to advise the School Board in writing when:

1. Revenue collections plus projected revenue collections for the remainder of the year, within a fund, are failing to meet estimated annual budgeted revenues by five percent (5%) or more;
2. Actual expenditures plus projected expenditures for the remainder of the year, within a fund, are exceeding the estimated budgeted expenditures by five percent (5%) or more; or
3. The actual beginning fund balance, within a fund, fails to meet the estimated beginning fund balance by five percent (5%) or more, and the fund balance is being used to fund current year expenditures.

Ref: La. Rev. Stat. Ann. §§39:1301-1304, 39:1310.



## **D404 – DEBT LIMITATION**

The Orleans Parish School Board or District may, as authorized by the Constitution and laws of the State, borrow money, incur debt, issue bonds, levy taxes, or pledge uncollected taxes or revenues, with the approval of the electorate and the consent of the State Bond Commission. Before incurring any form of debt whatsoever, the Board is required by law to obtain the consent and approval of the State Bond Commission. The Board may incur debt and issue bonds for the purposes of acquiring and/or improving lands, purchasing, erecting and/or improving school buildings, and/or for other purposes allowed by state law which, including the existing bonded debt of the School Board for all bonded purposes, may not exceed fifty per centum (50%) of the assessed valuation of all property as ascertained by the last assessment for the district.

Notification to the State Bond Commission shall be required by the Board whenever the transfer of funds authorizing indebtedness or payment on outstanding indebtedness has not been made in a timely manner.

Ref: La. Rev. Stat. Ann. §§17:89, 17:1371, 39:471, 39:554, 39:562, 39:1410.60 et seq.

## **D405 – SHORT TERM NOTES**

The Orleans Parish School Board, in accordance with state law, shall have the authority during any fiscal year, upon recommendation of the Superintendent, to borrow money in anticipation of current revenues for that fiscal year and to pledge the current revenues for said fiscal year for the payment of such loan or loans if funds on hand are not sufficient to meet current expenses. The amount of borrowed funds shall not exceed one-half of the anticipated revenue and such loans shall be due and payable not later than the close of the current fiscal year. All such loans shall be approved by the Board prior to negotiation and execution of the loan.

### **CERTIFICATE OF INDEBTEDNESS**

The School Board may issue certificates of indebtedness covering that portion of the cost of public improvements, or the payment of other obligations, benefits, and/or services, which are to be borne or to be paid by the Board under contracts payable out of the revenues of subsequent years. Such certificates shall mature over a period not exceeding ten years from the date of such certificates, with limited exceptions permitted by state statutes, with an interest rate not to exceed eight percent (8%), unless a higher rate is approved by the State Bond Commission. Before any certificate of indebtedness can be issued, the School Board must certify to the State Bond Commission the purpose and need for any such certificates.

All notes or other evidence of indebtedness of the Board, unless specified otherwise by law, shall be signed by the President and the Superintendent and shall be limited as prescribed by law.

Ref: La. Rev. Stat. Ann. §§17:88, 17:89, 17:98, 33:2923, 33:2923.1, 39:1410.60, 39:1425.

## **D406 – LOCAL TAX REVENUES**

The Orleans Parish School Board shall annually adopt a resolution by June 1, unless an extension is granted in writing by the assessor, levying such ad valorem school taxes as may be authorized by the Constitution, the laws of the State of Louisiana, and the voters of the parish, including such taxes necessary to meet the principal and interest on outstanding bonds, and shall forward such resolution to the assessor for the school district.

Special tax elections may be called as provided by state law for the electors of the district to vote on renewal of existing taxes and/or for additional tax millage.

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

Ref: La. Const. Art. VI, Sec. 29, Sec. 32; Art. VIII, Sec. 13(c); La. Rev. Stat. Ann. §§17:98, 17:1373, 33:2737, 47:1705.

## **D407 – STATE REVENUES**

The Orleans Parish School Board receives state funds as an appropriation by the state legislature in accordance with the latest *Minimum Foundation Program* formula approved by the Louisiana Board of Elementary and Secondary Education. The Louisiana Department of Education shall transmit to the School Board no later than the 25th of each month one-twelfth of the amount payable under the formula, unless the Louisiana Department of Education notifies the School Board of a change in the schedule.

Ref: Constitution of Louisiana, Art. VIII, Sec. 13; La. Rev. Stat. Ann. §§17:25, 17:25.1, 17:89.1.

## **D408 – TAX AND BOND ELECTIONS AND SALES**

### TAX AND BOND ELECTIONS

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

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

### SALE OF BONDS

If approved by the electorate, the Board shall adopt a resolution providing for the issuance of school bonds within a particular bonding district. Said issuance of bonds shall prescribe the form and fix the maturities thereof, and provide for the payment of said bonds in principal and interest.

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

The School Board may reject any and all bids. If the bonds are not sold pursuant to the advertisement, they may be sold by the School Board by private sale, within sixty (60) days after the date advertised for the reception of sealed bids, but no private sale shall be made at a price less than the highest bid which shall have been received. If not sold, the bonds shall be re-advertised in the manner prescribed above.

Ref: Constitution of Louisiana, Art. VI, Sec. 30, Sec. 33; La. Rev. Stat. Ann. §§18:1281 et seq., 39:570, 39:1421-1429.

## **D409 – INVESTMENTS**

The Orleans Parish School Board, in accordance with statutory provisions, may invest any funds which are available for investment and are above the immediate cash requirements of the Board, from whatever source derived, in statutorily sanctioned investments. Types of investments include Direct U.S. Treasury obligations, bonds, debentures, notes issued by or guaranteed by federal agencies, or certificates, or time certificates of deposit in any bank domiciled or having a branch office in Louisiana or any other federally insured investment. The interest earned on any such investment shall be credited to the General Fund with the exception of the Expendable Trust Fund. Interest earned on Expendable Trust Fund investments shall be credited to the specific funds within the Expendable Trust Fund from which the investment was made.

The Board shall authorize its President and Superintendent, as treasurer, to invest any surplus funds in whatever type deposit that will offer the Board the most favorable rates of interest.

Investments of the Board shall be guided by the following:

1. Cash management and investment activities shall be conducted in a manner consistent with prudent business practices applied by governmental entities and shall be in compliance with applicable statutes.
2. Funds as determined by the chief financial officer to be in excess of immediate cash requirement shall be invested only in statutorily permitted obligations.
3. Appropriate emphasis in making any investment shall be as follows:
  - a) To ensure safety of the principal amount.
  - b) To ensure liquidity of funds to meet all obligations of the Board.
  - c) The yield of the investments.

In no event shall monies be considered available for investment unless and until such funds are determined by the Superintendent or Chief Financial Officer, in the exercise of prudent judgment, to be in excess of the immediate cash requirements of the fund to which the monies are credited. As a criteria in making such a determination, any amount of money exceeding ten thousand dollars which is on demand deposit to the credit of the School Board, or to the credit of any fund and which is not required to meet an obligation for at least forty-five (45) days, or any amount of money exceeding one hundred thousand dollars which is on demand to the credit of the School Board or to the credit of any fund and which is not required to meet an obligation for at least fifteen (15) days shall be construed available for investment.

Ref: La. Rev. Stat. Ann. §§17:99, 33:2955, 39:1271.

## **D410 – GRANTS**

The Orleans Parish School District encourages the development of proposals to federal, state, and private granting agencies and other sources of financial aid for subsidizing such activities as innovative projects, feasibility studies, long-range planning, and research and development. All such activities are to meet the following criteria:

1. They are based on a specific set of internal objectives that relate to the established goals and objectives of the district.
2. They are to provide measures for evaluating whether or not project objectives are being or have been achieved.
3. The execution of all projects is to conform to state and federal laws and to the policies of the Board.

The Board shall be notified of all grants. The Board President and/or the Superintendent shall be authorized to sign all grant proposals, subject to the Board's right to recall or rescind the application. When the grant award letter or written notification is received, grant funds may be expended by the Superintendent or designee/recipient. Grant awards and grant budgets shall be submitted to the Board as soon as possible after the grant award letter or written notification is received. The Board shall be informed of any recurring costs related to grants and reserves the right to terminate a grant at any time and return any unexpended funds to the grantor.

Grants written at the schools shall be accounted for as school funds and shall follow all applicable Board policies related to school based accounting and recordkeeping. However, any grants written at the schools that exceed \$10,000 shall be handled through the central office accounting system and shall be assigned to an instructional supervisor as project administrator.

Ref: La. Rev. Stat. Ann. §17:81.

## **D411 – BEQUESTS AND GIFTS**

No public employee shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public employee knows or reasonably should know that such person:

- 1) Conducts operations or activities which are regulated by the public employee's agency.
- 2) Has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

### DONATIONS

The Board may accept and administer any donation that may be made to it for educational or literary purposes. The Board as recipient of the donation shall administer the property entrusted to them in conformity with the directives contained in the act of donation and for that purpose the Board is vested with all the necessary powers of administration.

### EXPENDITURES OF SCHOOL FUNDS FOR GIFTS

School funds shall not be used to provide any form of gift to an employee, and no employee shall accept such gift; except that which is dedicated for that specific purpose.

Ref: La. Rev. Stat. Ann. §§17:381, 17:382, 17:383, 42:1115.



## **D412 – ADMISSIONS AND GATE RECEIPTS**

The Orleans Parish School District shall establish and maintain a uniform procedure for the handling and accounting of admission fees charged for all school events, such as athletics or entertainment, whether such is assessed in advance or upon entering. All such fees shall be controlled through the use of pre-numbered tickets. The price of tickets shall be determined and set by each school.

Uniform procedures developed by staff and contained in the District's *School Activity Funds Manual* shall be used for selling and collecting tickets to athletic and all other school functions when admission is charged.

Ref: La. Rev. Stat. Ann. §17:81.

## **D413 – LEASE OF SCHOOL LANDS**

The Orleans Parish School Board may execute a lease of any of its school land in accordance with the requirements of state law. Leases for the production and removal of minerals granted by or on behalf of the Board shall provide for a minimum of royalties of one-sixth on all oil and gas, sulphur, potash, and other minerals produced and saved and five percent (5%) on lignite and salt. All mineral leases shall be advertised, received, opened and accepted/rejected by the Board. The Board may reject any and all bids that may be submitted or may lease a lesser quantity of property than advertised and withdraw the rest.

Leases for the purposes of trapping, grazing, hunting, agriculture/farming or any other legitimate purposes other than for removal of oil, gas, or other minerals, may be executed on such terms and conditions as are in the best interest of the Board and in compliance with state law. Such leases shall be awarded only after formal advertisement for and receipt of bids as set forth by state law.

The Board shall require all appropriate leases, as determined by the Board's legal adviser, to include the purchase of appropriate liability insurance by the individual or organization leasing the property, which shall hold the Board free from any liability that may result directly or indirectly from the leased property's usage.

### **GEOPHYSICAL OR SEISMIC SURVEY PERMITS**

The School Board may grant permission for geophysical or seismic surveys to be conducted on School Board property. For the privilege of conducting seismograph exploration over and across lands owned by the School Board, application must be submitted to the Board seeking permission to conduct surveys. If said application is approved by the Board, the applicant shall be permitted to conduct its seismographic operations in accordance with terms and conditions set forth in the permit agreement for a minimum fee as set by the Board. All applications shall contain pertinent information to adequately evaluate the proposed survey.

### **RIGHTS-OF-WAY**

The School Board may grant rights-of-way on school lands upon formal written request. No application for a right-of-way shall be considered unless certificate of publication of due notice is on file in the office of the School Board, showing advertisement of the pending application has been made two times within ten (10) days in the official journal of the system wherein the school lands are situated. A fee may be charged for such privilege.

### **SIXTEENTH SECTION LANDS**

Leasing of Sixteenth Section lands shall be handled as follows:

- (1) The Board, upon determining to lease any Sixteenth Section lands, shall publish an advertisement in the official journal of the district where the land is located setting forth a description of the land to be leased, the time when bids will be received, and a short summary of the terms, conditions, and purposes of the lease to be executed.

If the lands are situated in two (2) or more parishes, the advertisement shall appear in the official journals of all parishes in which the lands are located. The advertisement shall be published for a period of not less than fifteen (15) days and at least once a week during three (3) consecutive weeks. The Board may also send notices to those whom it may think would be interested in submitting bids for the leases.

- (2) Bids must be enclosed and sealed in the self-addressed return envelope furnished by the Orleans Parish School Board for that purpose, or a facsimile thereof, and forwarded through the United States mail.
- (3) Bids shall be accompanied by a minimum deposit in an amount equal to 10% of the bid but not less than \$100.00 or such larger amounts as may be required by state law, and this deposit shall be in the form of cash or a certified check made payable to the Orleans Parish School Board.
- (4) *Acceptance or Rejection of Bids Handled Through the State Mineral Board*

When through adoption of the appropriate resolution whereby the Board authorizes and directs the State Mineral Board to handle the leasing of Section 16 lands, the President of the Board and the Superintendent, or in their absence, their designee, shall have the authority to accept or reject all bids on Section 16 Lands handled through the State Mineral Board.

Ref: La. Const., Art. VII, Sec. 4(c); Art IX, Sec. 4(b); La. Rev. Stat. Ann. §§17:87, 17:87.1, 17:87.2, 17:87.3, 17:87.8, 30:121 et seq., 30:151 et seq., 41:1211-1224.

## **D414 – SALE OF SURPLUS EQUIPMENT AND SUPPLIES**

Merchandise and equipment no longer usable for the purpose for which it was acquired or built shall be declared surplus by the Superintendent upon notification by the department to which the merchandise or equipment has been assigned. The equipment and appliances will then be inspected to determine if they are usable or should be declared surplus. If the items are declared surplus, the Orleans Parish School Board shall then call for sealed bids and/or public auction for the sale of such merchandise or equipment. Said bids will be opened publicly and disposed of in a prudent, businesslike manner. The School Board shall reserve the right to accept or reject any and all bids.

The sale of surplus merchandise or equipment shall be final, on an “as is” or “where is” basis and will carry no warranties whatsoever. If not sold after three (3) sales, these items will be sold as junk, or if no salvage value can be realized, destroyed in the most economical manner possible.

Ref: La. Rev. Stat. Ann. §§17:87.6, 41:891 et. seq., 49:125.

## **D415 – SALE OF BUILDINGS AND LAND**

The Orleans Parish School Board may sell, or otherwise dispose of, at public or private sale, for cash or on terms of credit, any school site, building, facility, or other immovable property which is not used and, in the judgment of the School Board, is not needed in the operation of any school or schools within the district. Any such sale or disposal of such school property shall be on such terms and conditions and for such consideration as the School Board shall prescribe and shall be in accordance with applicable state law.

### PROCEDURES

Real estate that has been declared surplus and is no longer needed for public school purposes shall be disposed of as outlined below:

1. At least one (1) real estate appraisal shall be obtained reflecting the fair market value.
2. Advertisement for public auction or competitive sealed bids shall be published in the Board's official journal in accordance with state law.
3. Public auction – If sold at public auction, the property will be sold to the highest bidder in accordance with applicable state law and according to such terms and conditions as the School Board shall prescribe. Any bids not equal to the appraised value of the property shall be considered only in accordance with applicable state law. The Board shall reserve the right to reject any and all bids.
4. Competitive sealed bid – If sold pursuant to the sealed bid process, upon receipt and opening of bids at the time designated, all bids shall be considered by the Board and the property sold to the highest bidder in accordance with such terms and conditions as the School Board shall prescribe. Any bids not equal to the appraised value of the property shall be considered only in accordance with applicable state law. The Board shall reserve the right to reject any and all bids.

Revenues derived from the sale of any school site, building, facility, or other immovable property shall be deposited in a specially designated Capital Improvements Fund for the acquisition, design, renovation, repair, construction, furnishing, or equipping of school board property.

## **D416 – DEPOSITORY OF FUNDS**

The Orleans Parish School Board shall contract with a depository to provide the most efficient and otherwise desirable services for the Board. Selection of the official depository shall be in accordance with statutory provisions. All funds of the Board shall be deposited to the account(s) of the Board in the official depository.

All monies retained in school buildings shall be safeguarded in secure areas at all times. However, the Board shall not assume responsibility for funds lost in a school. The Board shall require that school funds be deposited on a daily basis, whenever possible.

Ref: La. Rev. Stat. Ann. §§17:95, 39:1211, et seq.

## **D417 – BONDED EMPLOYEES**

The Orleans Parish School Board shall furnish all persons authorized to sign checks or warrants drawn against the school funds a surety bond in an amount to be determined by the School Board, but which shall be not less than fifteen thousand dollars, for the faithful performance of their duties.

The Board treasurer (Superintendent) shall have an indemnity bond in such sum as may be determined by the Board made in favor of the governor or his/her successors in office, and the Board shall pay the premium of said bond.

All bonds purchased by the School Board made in favor of the Board shall include coverage for faithful performance of duties as well as coverage against loss sustained by the Board through any fraudulent or dishonest act committed by any of the bonded employees. All bonds purchased by the Board shall be from an insurance company admitted and licensed to do business in Louisiana.

Ref: La. Rev. Stat. Ann. §§17:95, 17:97.

## **D418 – ACCOUNTING SYSTEM**

The Orleans Parish School Board delegates to the Superintendent or his/her Chief Financial Officer, the responsibility for accounting for all Board and school funds, and for maintaining complete, accurate, and detailed records of all financial transactions in the school district. These records shall be in accordance with generally accepted accounting principles, as prescribed and approved regulations of the Louisiana Board of Elementary and Secondary Education (BESE).

Said accounts and fiscal records shall be available during normal business hours for inspection by the public.

### **SCHOOL BOARD FUNDS**

The School Board shall require the Superintendent and/or his/her designee to provide the necessary guidance and direction for the administrative implementation, review, analysis, reporting, and modification of all budgeted activities as approved by the School Board. All regulations developed and maintained governing the fiscal responsibility of the Board and its personnel and resources shall be designed to promote efficient management and sound fiscal accountability at every level of the school system.

All School Board employees charged with receipt, handling, and/or disbursement of any Board funds shall abide strictly by state and federal law, policies of the School Board, and regulations and procedures developed by the Superintendent or his/her designee.

### **SCHOOL FUNDS**

The School Board shall require that uniform procedures be applied throughout the school system to assure the proper accounting for, and expenditure of, all funds under the control of each individual school. Such funds shall be subject to regular audit by the internal audit department or as may otherwise be provided.

Adherence to and implementation of all regulations and procedures, as may be established by the Superintendent and staff in the *School Activity Funds Manual*, shall be the responsibility of each school principal or his/her designee. These shall include, but not be limited to the following:

1. Each fund in each school shall maintain accounting records in such a way as to conform with written procedures prescribed by the Superintendent and/or his/her designee.
2. The school principal will be responsible for submitting to the Superintendent and/or his/her designee a monthly financial statement on all accounts receiving school funds or under the school's control.
3. School funds shall be under the same legal requirements as other School Board funds.



4. Each principal shall make available to School Board personnel the records from which to conduct an audit.

The Board shall receive periodic reports from the Superintendent and/or his/her designee of all income, expenditures, balances in the schools' various accounts, and such other data as the Board may prescribe, in addition to regular financial reports. In every way possible, the Board shall provide financial assistance relative to student activity programs within each school.

Ref: La. Rev. Stat. Ann. §§17:59, 17:196, 17:414.3, 24:515, 39:1301 et seq.; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

## **D420 – INVENTORIES**

### **FIXED ASSETS INVENTORY**

In order to provide assurance that assets are safeguarded against loss from unauthorized use or disposition, the Orleans Parish School Board directs the Superintendent to maintain a current itemized list of all land, buildings, improvements other than buildings, equipment, and any other general fixed assets which were purchased or otherwise acquired, for which the Board is accountable.

The property control system shall include an annual inventory and evaluation of all fixed assets with a value of \$5,000 or more in the district to the central office, except items purchased with 8(g) funds, valued at \$250. The list shall include information as to the date of purchase, the initial cost, and the disposition, if any, and the purpose of such disposition and the recipient of the property or equipment disposed of. Where ascertaining the cost, exact selling price or any other relevant information on property or equipment is not available, estimates may be provided. Procedures for tagging, identifying, locating and reporting of fixed assets and maintaining the fixed assets inventory shall be supervised by the Superintendent and/or his/her designee, and all control aspects shall be handled as outlined in the *OPSB Procedure Manual*.

### **ANNUAL PHYSICAL INVENTORY**

In order to maintain an accurate account of Orleans Parish School Board possessions, an annual physical inventory of all possessions shall be taken at the building level. Principals are the designated custodians of all possessions at the school level and shall be ultimately responsible for the safeguarding and record maintenance of all possessions in their schools. However, any employee who has physical custody of School Board assets shall be personally responsible for safeguarding the assets, i.e., each teacher shall be responsible for his/her classroom, the librarian for the assets in the library, the band director for the assets in the band department, etc. Building level administrators shall be responsible for ensuring that annual inventories are taken and that the property control officer is notified of any changes that need to be made to their respective inventory records or reported as required.

### **TEXTBOOK INVENTORIES**

A running, up-to-date inventory of textbooks shall be kept by each school. This inventory shall include books lost, destroyed, or paid for by students.

All lost or damaged books must be paid for by the student to which the books have been assigned. Money received by a principal for lost or damaged books must be recorded and deposited into the school account.

Ref: La. Rev. Stat. Ann. §24:515; *Louisiana Accounting and Uniform Governmental Handbook* (LAUGH), Bulletin 1929, Louisiana Department of Education.

## **D421 – AUDITS**

The Orleans Parish School Board shall require all financial records and accounts, including business transactions, of the school system and each school to be audited periodically in conformance with prescribed standards and legal requirements. The audit of selected school board accounts shall be conducted by the office of the Legislative Auditor of the State of Louisiana or an independent certified public accounting firm. Said audits, upon completion, shall be presented to the Superintendent and Board for examination.

Other financial audits shall also be made of appropriate accounts upon the transfer, resignation, or dismissal of personnel responsible for receiving and disbursing school funds, or whenever, in the opinion of the Board, a financial audit is deemed advisable. Internal auditors, or a certified public accounting firm selected by the Board shall conduct such audits as necessary.

All audits shall be conducted and filed in accordance with statutory provisions. Should any error or discrepancies be found as a result of any audit, those personnel found responsible for such error may be subject to disciplinary action, up to and including termination.

Ref: La. Rev. Stat. Ann. §§17:81, 17:196, 24:513.

## **D422 – RECORDS RETENTION**

It is the policy of the Orleans Parish School Board that each Department will have a Record Retention Schedule for all documents governed by federal law and by the Louisiana Public Records Act. The Board shall approve annually a Records Retention Schedule, for the maintenance and retention of financial records, supporting documents, statistical records and all other records pertinent to accounting and reporting for sources and uses of funds. Most records shall be maintained for a period at least three (3) years, with the following qualifications:

- a. If any litigation, claim or audit is started before the expiration of the three (3) year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved.
- b. Records for nonexpendable property, including building additions and renovations, shall be retained for three (3) years after its final disposition.
- c. Payroll records shall be retained in accordance with applicable federal requirements.
- d. Cancelled bonds and interest coupons shall be retained for a period of three (3) years from the date on which they matured or were called.
- e. All documents involved in any procurement in which collusion is suspected shall be retained for a minimum of six (6) years or until the attorney general shall give written notice they may be destroyed, whichever is longer.

Other time restrictions may apply to certain records. A micro photographic process or other legal form of archival recordkeeping may be utilized and the resulting microform retained for storage in lieu of the original itself unless specifically prohibited by law.

Records shall not be destroyed when there is pending litigation or until the appropriate state or federal audits have been conducted. The disposal of public records in any school shall be supervised by the principal and a record made of the disposal, including the disposal date and names of those observing the disposal.

Any off-site storage of records or official documentation shall be properly labeled for easy reference, and protected for security.

## **D423 – EXPENDITURE OF FUNDS**

In accordance with statutory provisions, the Orleans Parish School Board shall direct the Superintendent to serve as treasurer for the School Board, who shall receive, hold in custody, and expend all funds as directed by the Board and in conformance with statutory accounting and budgetary requirements. The Superintendent shall also maintain pertinent regulations and procedures to assure the proper expending of Board funds.

No expenditure of funds shall be made where the expenditure would be more than funds available, unless approved by the Board.

### SCHOOL FUNDS

The principal of a school shall receive, hold in custody, and expend all funds, in accordance with proper procedures outlined in the Board's *School Activity Funds Manual*, of all activities of the school for which the principal is responsible. All purchases by the schools shall be made or approved by the principal or by a person authorized in writing by the principal.

Ref: La. Rev. Stat. Ann. §§17:97; 39:1301-39:1314.

## **D424 – AUTHORIZED SIGNATURES**

The Orleans Parish School Board, in accordance with state law, shall require the President, Vice-President, and Superintendent, as secretary-treasurer, or any two (2) officers or persons designated by the Board, to sign any and all checks issued in payment of expenditures. The Board authorizes the use of a facsimile signature device for those persons designated to sign checks. The Superintendent shall establish and maintain appropriate procedures assuring the proper issuance of all checks.

The Board authorizes principals to open bank accounts for their schools and related clubs and organizations. The Business Director is authorized to open accounts and manage the investments of the Orleans Parish School Board.

### **GENERAL CONTRACTS**

Contracts obligating the Board or school district shall be countersigned by the President of the Board, the Superintendent, and/or appropriate personnel.

All documents requiring the signature of the President will first be examined and approved by the Superintendent or designee, who will attach a note or memo indicating that the document has been examined and approved for signature. After the President signs the document, it shall be returned to the Superintendent or designee for proper recording, disposition, and filing. No staff member may be authorized to sign for the Board President.

Incidental right-of-way agreements may be approved and signed by the Superintendent or designee.

### **BILLS, INVOICES, STATEMENTS**

The Board directs that only authorized school employees shall sign bills, invoices, or statements in accordance with pertinent accounting procedures.

### **TEACHER CONTRACTS**

The Superintendent shall sign each teacher contract.

### **SCHOOL CHECKING ACCOUNTS**

The Superintendent shall be given authority to make changes on school checking accounts as each school principal or school administrator changes without the necessity of any additional resolution being adopted by the Board.

Ref: La. Rev. Stat. Ann. §§17:81, 17:83, 17:97.

## **D425 – SALARY DEDUCTIONS**

The Orleans Parish School Board maintains that salary deductions which are considered statutory, including federal income tax, state income tax, retirement, etc., shall be deducted in accordance with applicable laws and regulations.

Any voluntary deductions desired by employees may be authorized by the Board when such action is determined to be in the best interest of the school system. Said request shall be submitted in writing by the employee. Any employee making such request must demonstrate that not less than twenty-five percent (25%) of all Board employees desire such deduction. If Board approval is granted, any employee desiring such deduction shall sign a form authorizing said salary deduction and verifying knowledge of all regulations governing salary deductions. The Board does not assume any liability for compliance with governing requirements and regulations.

Notwithstanding the above, the following voluntary deductions are approved by the Board:

1. Membership dues in recognized professional associations. Dues shall be deducted only upon receipt of an authorization signed by the individual employee.
2. Deductions for employee contributions to the school system's hospitalization and life insurance program and any other insurance or tax-sheltered annuity programs which are or may be approved by the Board.
3. U.S. Savings Bonds.
4. United Way Deduction Plan.
5. For deferred payment plan for school-year employees.

The Board shall only be responsible for making approved salary deductions as requested in writing by any employee of the Board. Under no circumstances shall special arrangements be made as to the commencement or transaction of salary deductions.

Ref: La. Rev. Stat. Ann. §§17:438, 17:1184, 17:1202, 17:1315.

## **D426 – PAYMENT FOR INDEPENDENT SERVICES**

### SCHOOL BASED PAYMENTS TO INDIVIDUALS FOR SERVICES

The Orleans Parish School Board recognizes the need to hire employees and other individuals to assist with school functions and events during and after school, such as athletic contests, craft shows, nighttime pageants, etc. Any school that agrees to pay teachers or any other school system employee for any school event or school-related activity, the payment for services rendered shall be handled through the system's regular payroll. No payment for services or works performed shall be made through school activity funds, whether by cash or check.

To comply with federal and state earned income reporting requirements, all individuals who render independent services to the school system shall be required to complete and submit appropriate reporting documents and forms. It shall be the principal's responsibility to ensure that all individuals to whom his/her school pays funds properly completes all required forms.

Ref: La. Rev. Stat. Ann. §17:81.



## **D427 – EXPENSE REIMBURSEMENT**

The Orleans Parish School Board shall reimburse employees and School Board members for expenses incurred while on official Board business, within budgetary limitations. Travel expenses shall be limited to those expenses necessarily incurred by employees or Board members in the performance of official responsibilities as may be authorized by the School Board. Reimbursement of expenses shall be based on submission of a properly completed and approved voucher and such supporting receipts as required and in accordance with approved procedures and reimbursement rates. Such expenses may be approved and incurred in line with budgetary allocations for the specific type of expense and approved procedures and rates.

All out-of-state travel by Board members must be approved by the Board prior to the travel commencing.

All employees who use their private vehicles for official Board business shall be required to carry liability insurance in an amount set by the Board to be eligible for reimbursement. When a private vehicle is used for official School Board duties, mileage shall be reimbursed based on the rate approved by the School Board. In no case shall an employee be allowed mileage or transportation reimbursement when the employee has been gratuitously transported by another person.

Reports on travel expense shall be submitted for payment on or before the last day of the month following the month for which expenses were incurred. Failure to submit the necessary paperwork and/or documentation in a timely manner may result in non-payment of expenses for that month. In the event any employee is unable to report his/her travel before the end of the reporting period, the Superintendent and/or his/her designee shall approve any extension of the reporting date on a monthly basis.

Any employee or Board member who submits a false or fraudulent travel claim shall be subject to disciplinary action and the Board shall be entitled to restitution in full compliance with statutory provisions.

Ref: La. Rev. Stat. Ann. §17:56, 32:861 et seq., 32:900.

## **D428 – PURCHASING**

All purchasing for the school system to be paid from public funds shall be made by the Superintendent or his/her designee in conformance with existing regulations and procedures of the District as outlined in the Orleans Parish School Board's *Purchasing Handbook*, and the laws pertinent to state and federal agencies. Budget allocations for specific purposes shall constitute advance Board approval for all purchases except in such cases as state law or District policy may require. No debt shall be contracted in the name of the Orleans Parish School Board without action by the Board, except those items which are provided for in the regular budget. Purchases shall be made at the lowest possible cost to the school system consistent with the system specifications of quality and service.

Each principal shall assure that purchases by the individual school shall be made in accordance with regulations and procedures developed by the Superintendent and staff, as contained in the District's *School Activity Fund Manual* and the laws pertinent to state and federal agencies.

No employee, officer or agent of the Orleans Parish School Board shall participate in the selection, award, or administration of a contract or purchase of supplies, materials and equipment if a conflict of interest, real or apparent, would be involved. The Orleans Parish School Board's employees shall neither solicit nor accept gratuities, favors or anything of monetary value from vendors, contractors, potential contractors, or parties to sub agreements.

### VENDORS

Vendors may set up an appointment to see the principal with written prior approval from the Superintendent. The principal may present the information to the appropriate staff member. If the staff member wishes to set up an appointment with the vendor to discuss products offered, he or she may do so.

### FINANCING PURCHASES

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

## **D429 – BIDS AND QUOTATIONS**

### **PUBLIC WORKS**

The Orleans Parish School Board shall advertise and let by contract, except in cases of emergencies as provided below, all public work exceeding \$150,000 or such sum as allowed by law, including labor, materials, equipment, and administrative overhead not to exceed fifteen percent (15%). The contract shall be awarded to the lowest responsible bidder who has bid according to the contract, plans, and specifications advertised. Public works which are estimated to cost less than the contract limit may be undertaken by the Board with its own employees.

As an evidence of good faith of the bidder, the Board shall require bidders for construction, improvement, repair, or other work to attach to the bid submitted, a bid bond, certified check, or cashier's check for not more than five percent (5%) of the contract work to be done. The Board may require a bid bond or certified or cashier's check of not more than five percent (5%) of the estimated price on bids taken for supplies and materials.

When any bid is accepted for construction or doing any public works, a written contract shall be entered into by the successful bidder and the School Board, and the successful bidder shall furnish a bond in an amount not less than one-half of the amount of the contract, for the faithful performance of his or her duties.

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

### **MATERIALS AND SUPPLIES**

All purchases of materials or supplies exceeding the sum of \$30,000 to be paid out of public funds shall be advertised and let by contract to the lowest responsible bidder who has bid according to the specifications as advertised. In addition, purchases of materials or supplies of at least \$10,000, but not more than \$30,000, shall be made by obtaining not less than three (3) telephone or facsimile quotations. A written confirmation of the accepted offer shall be obtained and made a part of the purchase file. The Board may require a written contract or bond when purchasing the materials or supplies. If quotations are received that are lower than the quote accepted, a notation shall be entered into the file as to the reasons for rejection of the lower quotes.

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

### **SERVICES**

### **NON-COMPETITIVE BID CONTRACTS**

Contracts may be awarded without the necessity of competitive bidding or competitive negotiation. (Cost for the full duration of the project/initiative must be considered).

1. Consulting Services and Professional Services under \$50,000;
2. Personal Services;
3. Exempt Professional Services for lawyers, doctors, architects, dentists, veterinarians, engineers, landscape architects and accountants, which are more than \$50,000;
4. Cooperative Endeavor Agreements.

### **COMPETITIVE BID CONTRACTS**

Contracts subject to competitive negotiation via a Request for Proposal (RFP) as required by Division of Administration, OCR "Regulations for the Procurement of Personal, Professional, Consulting and Social Services":

1. Consulting and Non-Exempt Professional Services of \$50,000 or more;

### **EMERGENCIES**

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

### **USE OF STATE CONTRACT**

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

### **BID ADVERTISEMENTS**

All advertisements for bids for public works shall appear in the newspaper selected as the official journal for the School Board, except in extreme emergencies as may be declared by the Board. Any advertisement for any contract for public works, when published, shall appear once a week for three (3) different weeks in a newspaper in the locality and the first advertisement shall appear at least twenty-five (25) days before the opening of bids.

Any advertisement for any contract or purchase of materials or supplies shall be published two (2) times in a newspaper in the locality, the first advertisement appearing at least fifteen (15) days prior to the opening of bids.

In addition to newspaper advertisements, the School Board may also publish advertisements by electronic media available to the general public. In any advertisement, the first publication shall not occur on a Saturday, Sunday, or legal holiday.

If the School Board issues or causes to be issued on a public work exceeding the contract limit set by state law, any addendum modifying plans and specifications within a period of seven (7) days prior to the advertised time for opening of bids, excluding Saturdays, Sundays, and any other legal holidays, the School Board shall transmit a copy of the addendum to all prime bidders who have requested bid documents. The transmission shall be completed within twenty-four (24) hours of the issuance of the addendum, and may be delivered by either facsimile transmission (fax), e-mail, other electronic means, or by hand provided the prime bidder has supplied the fax number or e-mail address to the Board. In addition, a copy of the addendum shall be sent by regular mail. If the addendum cannot be transmitted by fax, e-mail, other electronic means, or hand delivered, the Board shall be required to postpone the bid opening by at least seven (7) days.

The School Board shall not issue or cause to be issued any addendum modifying plans and specifications within a period of seventy-two (72) hours prior to the advertised time for the opening of bids, excluding Saturdays, Sundays, and any other legal holidays; however, if the necessity arises to issue an addendum modifying plans and specifications within the seventy-two hour period prior to the advertised time for the opening of bids, then the opening of bids shall be extended at least seven (7), but not more than twenty-one (21) working days, without the requirement of readvertising. The addendum shall state the revised time and date for the opening of bids.

#### OPENING OF BIDS

All bids shall be opened in public in the presence of one or more witnesses, at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and open to public inspection. However, the School Board shall not accept or take any bids including receiving any hand delivered bids, on days which are recognized as holidays by the United States Postal Service. The Superintendent and/or other appropriate administrators shall review, summarize and report bids to the Board with recommendations for final action.

If the School Board proposes to disqualify any bidder, the School Board shall:

- (1) Give written notice of the proposed disqualification to such bidder, and include in the written notice all reasons for the proposed disqualification; and
- (2) Give such bidder, who is proposed to be disqualified, the opportunity to be heard at an informal hearing, at which such bidder is afforded the opportunity to refute the reasons for the disqualification.

## **D430 – PURCHASE ORDERS AND CONTRACTS**

The Orleans Parish School Board shall require, in accordance with sound principles of financial accounting, purchase orders to be prepared on items purchased in the name of the Board. Separate purchase orders shall be prepared for each vendor involved. All purchase orders which amount to \$500.00 or more must be signed by the Superintendent or his/her designee prior to submission to the vendor.

Telephone orders may *only* be permitted in cases of emergency and a confirming purchase order shall be created.

### **SCHOOL PURCHASES**

All purchases made by any school and paid for by any school must have a school purchase order signed by the principal. Any debts over thirty (30) days past shall be listed on the monthly financial report to the Superintendent's office.

When applicable, accounts shall be signed by the principal and the custodian of the fund.

Ref: La. Rev. Stat. Ann. §§17:81, 17:97, 39:1301 et seq.

## **D431 – SCHOOL ACTIVITIES FUNDS MANAGEMENT**

*Student activity funds* are those funds raised or collected for school-approved student groups, gate receipts, and student activity card fees. The Orleans Parish School Board shall require all student activity funds to be collected and expended for the purpose of supporting the school's extracurricular activities program. Student body representation should be encouraged whenever possible.

The principal of each school shall be responsible for all school/student accounts. The principal may assign one or more school staff member(s) to share the responsibility for assuring that accounting records are maintained in accordance with the district's *School Activity Funds Manual*. The system of accounting for school monies shall be in conformity with the district accounting procedures. The principal, however, shall have the ultimate responsibility for supervising the accounting functions to be performed at the building level.

### **SCHOOL CLUBS AND ORGANIZATIONS**

The School Board shall require all activity funds generated by a club, organization, association, class, athletic team, or any other organization within the school to be deposited into a school fund bank account. Separate records of all financial transactions of the school fund account shall be maintained by the principal for each group. No monies shall be drawn on the school fund account without a request for withdrawal which carries two (2) signatures, one of which shall always be the principal's. No withdrawal shall occur unless the check carries the signature of the principal, or the administrator who assumes his/her duties during his/her absence.

The records of the school account shall be reconciled monthly, and a written report shall be prepared by the principal and submitted to the Superintendent or his/her designee, who shall review and consider the report for approval and notify the principal accordingly. These reports shall also be reviewed monthly by the School Board. The School Board may require and provide for an audit of the school fund of any school within its jurisdiction at any time.

All club or organization related fundraising activities shall be approved by the principal and may be subject to audits from the central office.

### **BOOSTER CLUBS/OUTSIDE ORGANIZATIONS**

Funds generated by an entity outside the school, such as a parents' club, community, business, civic or other similar type of organization, are considered to be independent funds under the exclusive control and supervision of the club or organization. The Board, however, shall require all such funds, when expended for any school function, activity, or purpose, to adhere fully to all state and federal statutory and regulatory provisions.

In addition, the Board may place restrictions on the donation and usage of any monies by an outside source, i.e. club, organization, or entity, to a school or Board-related entity. Specifically prohibited shall be the donation to an individual employee of the School Board anything of economic value in

the form of money, personalized articles, automobiles and/or their use, travel, entertainment or vacations. The Board reserves the right to examine the provisions of any and all prospective donations to a school or Board-related entity to ascertain the propriety of the donation.

#### OTHER FUNDS

Schools may have other fund accounts as part of their school activity funds. Sources of money for these funds may include vending machines, coffee fees, and teacher dues. These funds may only be used to benefit the faculty or school as a whole. Any purchases made from these funds should be done with caution, as restrictions apply to the expenditure of such funds. Any questions about purchases should be directed to the Superintendent or designee for clarification before the purchase is made.

Ref: La. Rev. Stat. Ann. §§ 17:81, 17:414.3; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.



## **D432 – CASH IN SCHOOL BUILDINGS**

No money shall be left overnight in an unlocked safe, nor shall any principal or teacher keep cash in his or her office or classroom overnight. Sound business procedure requires principals, teachers, bookkeepers, and any other person in any school handling funds to forward money to the principal's office on the day of collection, to be deposited on the same day of collection, whenever possible, except for small sums needed for petty cash.

Ref: La. Rev. Stat. Ann. §17:95.

## D433 – SCHOOL LOANS

The Orleans Parish School Board shall require that any school contemplating entering into a bank loan, installment obligations, lease agreements or any other financing agreement have approval of the Superintendent or designee before entering into any such obligation. Any school wishing to obtain permission for any indebtedness shall submit a *Request for School Loan* form in accordance with the following procedures:

1. Written requests to enter into debt obligations shall include justification, amount, security required and terms of loan, installment obligation, or lease agreement, and shall be addressed to the Superintendent or his/her designee. Plans for repayment shall also be detailed.
2. The Superintendent or designee shall review the request based upon information presented and either disapprove or tentatively approve it. Final approval shall be dependent on the school's financial status and history regarding repayment plans.
3. Copies of all approved requests along with completed copies of the debt instrument shall be maintained in the Board's business office.

Ref: La. Rev. Stat. Ann. §§17:87.6, 44:891 et seq.

## **D434 – TRAVEL**

The Orleans Parish School Board, in accordance with state law, shall establish policy relative to Board and employees travel. Recognizing that attendance at conferences and seminars or other meetings outside of Orleans Parish can provide the Orleans Parish School District invaluable information relative to state and federal policy and funding, curriculum and instruction, employee relations, safety and security, capital improvements, and education reform initiatives; the Orleans Parish School Board is committed to supporting travel as a component of professional development when and as funds are available. In support of this commitment, the Orleans Parish School Board shall follow the State of Louisiana, Division of Administration's reimbursement rates for local, in-state and out-of-state travel. The Superintendent, shall, by rule or procedure, prescribe the conditions under which allowances and reimbursements will be granted for traveling expenses.

### **BOARD MEMBER TRAVEL**

In accordance with state law and Board Policy, Orleans Parish School Board Members are obligated to be knowledgeable about issues affecting public education and required to receive a minimum of six hours of training and education annually. Board Members planning to attend a local, state or national education, conference, meeting, or institute should submit a request/plan to attend to Board Secretary for the review and approval of the Board President prior to making any encumbrances or travel arrangements. It is the responsibility of the Board Director/Secretary to process all Board travel requests and request for reimbursements in accordance with procedures and rates adopted by the District. Prior approval is necessary for all Board Member reimbursements.

Following attendance at a conference, seminar, or meeting, the Board member will prepare a trip report which will include an evaluation of the conference or seminar, a recommendation relative to future attendance, and a synopsis of highlights, policy and strategies presented by the Board meeting following the conference.

### **COST EFFECTIVE TRANSPORTATION**

The most cost effective method of transportation that will accomplish the purpose of travel shall be selected. Among the factors to be considered should be the length of travel time, employee's salary, cost of operation of a vehicle, cost and availability of common carrier services, etc. Common carrier shall be used for out-of-state travel unless it is documented that utilization of another method of travel is more cost efficient or practical and approved in accordance with district procedure.

### **TRAVEL EXPENSES:**

It shall be the policy of the Orleans Parish School Board to provide advanced payment for air travel, hotel, and registration for employees traveling on official business through Board authorized travel agent, (district) corporate credit card, or direct payment to vendor (airline, hotel or association).

It shall also be the policy of the Orleans Parish School Board that persons traveling on official business will themselves with sufficient funds to cover meals and other routine travel expenses

(ground transportation, local/ground travel, mileage, etc.). Advances for such expenses shall be made only for extraordinary travel and documented within ten (10) days of completion of travel with the return of all undocumented advance amounts. Employees provided with travel advances for said expenses shall sign an authorization form authorizing OPSB to deduct any undocumented balance from their paycheck if they fail to properly document any expense or return undocumented amounts.

Exemptions: At the Superintendent's discretion, cash advances may be allowed for:

- a. employees whose salary is less than \$30,000/year
- b. employees who accompany students and/or responsible for students on a group or client travel.
- c. new employees who are infrequent travelers.
- d. employees traveling for extended periods, defined as 31 or more consecutive days.

#### BOARD HOSTED CONFERENCES

It shall be the policy of the Orleans Parish School Board that for Board hosted conferences the Board Office shall solicit three competitive quotes in accordance with Board procurement policy and procedure. Board Members and employees attending or working a Board hosted conference shall be provided with meals and parking reimbursement in accordance with the schedule of reimbursement approved by the Board.

#### WAIVERS

The Superintendent shall waive in writing any provision in the travel policy procedures when the best interest of the district will be served. A copy of said waiver should be maintained in the appropriate file for auditing and accountability purposes.

## **D435 – PAYMENT OF JUDGMENTS AND SETTLEMENTS ON LEGAL CLAIMS**

The Orleans Parish School Board recognizes that the cost of judgments and settlements on legal claims against the Board has generally exceeded the Board's ability to pay on a current basis and at the same time provide appropriate educational services to children attending its schools. This problem appears likely to continue and increase. Accordingly, the Board shall implement procedures for the orderly satisfaction of settlements and judgments, which shall accomplish the following:

Maximize the use of the Board's limited resources, by providing favored treatment to claimants who reduce the amounts of their settlements and judgments against the Board;

Permit the Board to balance its legal obligation to pay judgments and settlements against the Board's mission to furnish educational services to students and the Board's commitment to reduce the risks of harm to students attending its schools, all in an open process with appropriate opportunity for public comment; and

Provide for the fair and equitable treatment of those persons who have obtained final judgments and settlements against the Board, to the fullest degree possible, given the Board's budgetary constraints.

The Superintendent shall: 1) recommend procedures and regulations for periodic satisfaction of judgments and settlements; 2) report to the Board at least annually on the effectiveness of those procedures; and 3) recommend additions and amendments to those procedures and regulations as necessary.

Ref: La. Rev. Stat. Ann. §§17:51, 17:6

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## **E500 – FACILITIES, CAPITAL AND MAINTENANCE MANAGEMENT**

It shall be the policy of the Orleans Parish School Board to require that school properties be maintained in good physical condition. The Board, therefore, shall instruct the Superintendent to assure that all normal building and grounds maintenance, repairs, and improvement functions are an integral part of the administration of the school system, including the regular evaluation for any safety hazards.

A Master Plan should be developed for all school property that should be reviewed annually with full transparency to all deferred maintenance issues and a plan issued to rectify with full cost estimates.

The Superintendent shall be vested with a broad range of administrative and supervisory authority relative to the school system's buildings and grounds program. Regular reports shall be made available to the Board relative to maintenance needs, safety, utility, and attractiveness of school plants and grounds within the school system.

### **CAPITAL IMPROVEMENT**

- A. **Capital Improvement Project (CIP)** - A project, asset acquisition or the total replacement cost of a major functioning component or system that improves or expands an existing OPSB facility or creates a new OPSB-owned capital asset. An example of a capital acquisition would be capital outlay necessary to acquire property, or a donated building. An example of major capital replacement cost would be; the total replacement of a buildings HVAC system or roof replacement.
- B. **Capital Expenditure** – is the increase or acquisition of an asset or INCREASE in the value of a particular asset.
- C. **Major Maintenance** or Outlay as is necessary for the MAINTENANCE of a valued asset including the upkeep of the fixed assets in a fully efficient state. A significant repair to or replacement of a component of an OPSB facility usually with a cost of \$10,000 or greater per occurrence which does not extend the life of the facility.
- D. **Routine Maintenance and Repair**- A repair, restoration or replacement of an existing facilities element that usually has a cost of less than \$10,000 per occurrence. Maintenance activities may be performed on a preventive, routine, scheduled or emergency basis. All maintenance and repair activities must be performed in accordance with all applicable local, state and federal codes, ordinances, statutes and regulations, including proper procurement procedures, using AIA written specifications where applicable, and performed by a properly licensed, qualified individual. Preventive maintenance shall be included as a Charter responsibility regardless of the cost.
- E. **Life Cycle Systems / Whole Life Costs** – is a key component in the economic appraisal of a capital items such as a boiler, chiller, or roofing system. Those systems that have exceeded their useful life (womb to tomb), such as boilers, chillers, roofing systems,

window systems, electrical distribution systems (bus panels) shall be identified as a capital expenditure.

#### VACANT AND/OR UNOCCUPIED BUILDINGS

Vacant and/or unoccupied premises owned by the School Board shall be properly secured and maintained to prevent unauthorized trespass or injury to the general public. It shall be the responsibility of the Superintendent or his/her designee to assure that any vacant and/or unoccupied property of the School Board has limited access for authorized personnel only and the grounds are maintained regularly.

#### SMOKING/TOBACCO USE ON SCHOOL BOARD PROPERTY

Smoking, chewing or otherwise consuming any tobacco or tobacco product in any elementary or secondary school building, vehicle or any building of the Orleans Parish Board shall be strictly prohibited.

Smoking, carrying a lighted cigar or cigarette, pipe or any other form of smoking object or device shall be prohibited on the grounds of any elementary or secondary school property, all offices of the Orleans Parish School Board, and all other Board property (including portable buildings, field houses, stadiums, equipment storage areas, etc.), except in areas specifically designated as smoking areas. Such outdoor areas shall be established by each principal or building administrator.

The Board shall not be held responsible for any personal items stolen or damaged on school premises. The Board shall require principals and/or persons in charge of public school property to prohibit the use, sale, or possession of alcoholic beverages on public school property.

Ref: La. Rev. Stat. Ann. §§14:91.7, 17:87.6, 17:240, 17:416, 40:1563, 40:1578.6, 40:1583.

## **E501 – CHARTER SCHOOL FACILITY MANAGEMENT**

### **Purpose and Applicability**

In accordance with state law, the Orleans Parish School Board (OPSB) shall make available to an approved Charter School operator any vacant school facility, or any facility slated to be vacant, for a cost or no-cost lease, or for purchase at fair market value on an “as-is” basis. OPSB cannot guarantee the availability of vacant, usable facilities for charter operators.

In accordance with this policy, OPSB may make available OPSB-owned facilities for use by Charter Schools of Types 1, 3, and 4 and those Type 5 Charter Schools that resulted from La. R.S. 17: 10.5 (herein called “10.5 Charter Schools”). In the event that any provision of this policy conflicts with an existing charter agreement, the terms of the existing charter agreement shall prevail.

The provisions of the policy listed below are intended to apply to Charter Schools that occupy OPSB-owned properties and not those in non-owned buildings, unless otherwise provided in charter agreements, leases, or state law.

### **Definitions**

1. **Capital Improvement Project (CIP)** - A project, asset acquisition or the total replacement cost of a major functioning component or system that improves or expands an existing OPSB facility or creates a new OPSB-owned capital asset. An example of a capital acquisition would be capital outlay necessary to acquire property, or a donated building. An example of major capital replacement cost would be the total replacement of a building’s HVAC system or roof.
2. **Capital Expenditure** – is the acquisition of an asset or increase in the value of a particular asset.
3. **Major Maintenance** is a necessary expenditure for the maintenance of a valued asset including the upkeep of the fixed assets in a fully efficient state. A significant repair to or replacement of a component of an OPSB facility usually with a cost of \$10,000 or greater per occurrence which does not extend the life of the facility.
4. **Routine Maintenance and Repair**- A repair, restoration or replacement of an existing facilities element that usually has a cost of less than \$10,000 per occurrence. Maintenance activities may be performed on a preventive, routine, scheduled or emergency basis, *including periodic code compliance inspections for items such as fire alarms, fire suppression systems, fire extinguishers, and asbestos*. All maintenance, *inspection*, and repair activities must be performed in accordance with all applicable local, state and federal codes, ordinances, statutes and regulations, including proper procurement procedures, using AIA or OPSB written specifications where applicable, and performed by a properly licensed, qualified individual. Preventive maintenance shall be included as a Charter responsibility regardless of the cost.
5. **Life Cycle Systems / Whole Life Costs** – is a key component in the economic appraisal of a capital item such as a boiler, chiller, or roofing system. Those systems that have exceeded their useful life (“womb to tomb”), such as boilers, chillers, roofing systems,

window systems, electrical distribution systems (bus panels), shall be identified as a capital expenditure.

6. Funding Availability (Capital Improvement Project) – availability of revenues to budget a designated capital improvement project, or a program of projects. In the case of projects to be budgeted by the proceeds of bonds or other types of debt, *funding availability* also means the availability of a revenue stream to retire the debt, including principal, interest, and issuance costs and the proportionate sharing of any newly incurred, associated debt service for the designated capital improvement project to the extent not provided in existing Charter Funding statutes. *Funding availability* also includes consideration of restrictions on the use of potential funds.

### **Baseline Conditions Assessment**

The Building Conditions Assessments conducted by the Parsons Corporation for the 2008 School Facilities Master Plan for Orleans Parish (“Master Plan”), as may be adjusted to account for new improvements or new information, shall be the basis for determining the condition, including the extent of deferred maintenance, of OPSB buildings prior to occupancy by Charter Schools (“pre-existing”).

### **Responsibilities**

Types 1, 3, 4 and 10.5 Charter Schools shall be responsible for Routine Maintenance and Repair and Major Maintenance to the facilities owned by the Orleans Parish School Board (OPSB) which the Charter Schools occupy or use. These Charter Schools are also responsible for repairs to correct pre-existing deferred maintenance to the extent feasible within funding availability. Subject to funding availability, OPSB shall be responsible for Capital Improvement Projects and Capital Expenditures, including correcting major pre-existing deferred maintenance and for other Capital Improvement Projects implementing the Master Plan with respect to these Charter Schools.

Charter Schools and OPSB-Operated Schools may request, through the Superintendent or Superintendent’s designee, Capital Improvement Projects for inclusion in the OPSB Capital Budget, capital improvement programs, and revisions to the Master Plan. Such project requests will be considered in accordance with funding availability, the Master Plan and capital budgeting priorities, the critical need for projects so requested, age and condition of buildings, educational adequacy, and other appropriate considerations, *regardless of school operators*.

A Charter School may fund and implement Capital Improvement Projects through its own self-generated revenues, subject to the following: (1) prior OPSB Board approval, and (2) completion to be at Charter School’s own expense and risk.

In the event that OPSB obtains capital funds through insurance proceeds or disaster relief, such funds will be utilized to the extent available and feasible to return damaged facilities to their original conditions. If a damaged facility is beyond feasible repair, or if funds are not sufficient to restore the facility to its original condition, OPSB cannot guarantee that the damaged facility will be restored or replaced.

A Charter School will promptly notify the OPSB Superintendent or Designee if it receives a citation from a regulatory agency (such as the Office of the State Fire Marshal, the Office of Public Health, the Department of Environmental Quality, etc.) which would close the building to student occupancy or the correction of the citation would require a Capital Improvement Project.

Contracts for architectural and engineering design and for construction of Capital Improvement Projects, whether implemented by OPSB or by a Charter operator, shall include insurance requirements indemnifying both OPSB and the respective charter operator as additional named insured.

### **Preventative Maintenance Program**

All Charter Schools must develop and present for approval by the Superintendent or Designee a Preventive Maintenance Program (PMP), developed in consultation with a licensed professional and in accordance with the manufacturer's specifications and requirements, in which corrective action is taken to ensure peak efficiency and minimize deterioration by regular and systematic inspections, adjustments, lubrication, replacement of components, repairs, as well as performance testing and analysis. The PMP shall be designed to maximize the usable economic life and the performance of all building components.

Each Charter School must implement the PMP at its own risk and expense and provide on a quarterly basis a report detailing all activities performed as well as any deficiencies identified. Records regarding PMP activities, as well as all other maintenance and repairs, shall be maintained by Charter and available for audit at the request of OPSB.

Failure to maintain an adequate PMP shall result in the Charter assuming financial responsibility for any capital improvement projects caused by its inadequate repairs, maintenance, and/or execution of the PMP.

Systems upon which preventive maintenance must be performed include, but are not limited to:

1. HVAC systems
2. Elevators, escalators and/or lifts
3. Plumbing systems and fixtures
4. Roofing
5. Life safety, security, and all other electronic and mechanical systems
6. Interior finishes including paint, flooring, woodwork, walls, and ceilings
7. Doors, windows, and all related hardware
8. Structural components
9. Exterior finishes
10. Exterior equipment and systems including parking areas, fencing, playground equipment, etc

### **Semi-Annual Facility Inspections**

A physical inspection of facilities to identify deficiencies in the PMP or other repairs as well as needed capital or major maintenance projects shall be performed jointly by representatives of OPSB and each Charter School on a semi-annual basis. Facility inspections and Preventive Maintenance Programs should use official preventative maintenance worksheets, presented by OPSB, to assure that all reasonable parameters of maintenance, including preventative maintenance, are covered.



## **E503 – EMERGENCY/CRISIS MANAGEMENT**

### EMERGENCY MANAGEMENT AND OPEARTION PLAN

The Orleans Parish School Board require the development of an Emergency Operations Plan (EOP) annually to provide for the coordination between the OPSB and federal, state and local agencies to insure the safety of students and adult personnel and to prevent and minimize property damage, and to ensure the continuity of the system's business operations. This plan shall be National Integrated Management Systems (NIMS) compliant and be based on Incident Command System (ICS) of Operation. The Superintendent shall convene the Emergency operations Core team, as soon after June 1 as practicable, to review operations plans. The Superintendent shall provide the Board with an update annually by the July board meeting.

### EMERGENCY DRILLS

The Orleans Parish School District shall require special drill activities be planned by the principal and faculty of each school to assure orderly movement and evacuation of students to the safest area in the event of an emergency. Such activities shall be conducted in accordance with regulations and procedures developed by the Superintendent and staff.

The plan shall provide for escape routes and alternate routes for all students and teachers in the schools. Teachers and students shall be informed of escape routes, and a map shall be placed in each room specifying the routes and procedures for evacuating the buildings.

A fire drill should be conducted monthly in each school, with two (2) fire drills conducted the first two weeks of school. One bus emergency evacuation drill during the first six (6) weeks of each semester shall be held in each school of the school district. A written report concerning all drills and evacuations shall be sent to the Superintendent or his/her designee within five (5) working days after each drill.

Every separate administration building shall conduct at least two (2) fire drills each fiscal year.

### CRISIS MANAGEMENT

Every school shall be required to have a *Crisis Management Response Plan*. The plan shall outline direction to employees as to what needs to be done when violence occurs on school property.

Ref: La. Rev. Stat. Ann. §§17:416.16; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education; *Life Safety Code*, National Fire Protection Association.

## **E504 – SAFETY PROGRAM**

Employee, student, or visitor accidents are undesirable, unplanned occurrences which cannot be prevented and which often result in bodily harm, loss of time, expensive legal action, property damage, needless cost, and personal pain and suffering. A system-wide program of safety shall be maintained in order to render the school system environment as hazard-free as possible. Provisions of the safety program shall be in compliance with all state and federal guidelines. All available information and assistance shall be utilized to enhance the safety of the school system.

As part of the safety program, the Orleans Parish School District shall require regular inspections of the buildings and grounds of each school, by the principal or the building administrator at non-school sites. Quarterly inspections, documented in writing, concerning the condition of all buildings within the system in terms of student, employee, and public care and safety shall be submitted by the principal or building administrator to the Superintendent or designee.

### **EMERGENCY PREPAREDNESS**

Supervisors and school administrators shall acquaint each employee under their charge with the school emergency preparedness guidelines and his/her area of responsibility in the event of emergency. They should supervise, implement and evaluate all on-going disaster preparedness programs for the school or department.

Faculty members shall provide students with instructions in the area of disaster preparedness and participate in disaster preparedness training programs.

Every school should have a well-stocked first aid kit and one or more individuals responsible for it.

Principals and supervisors shall have readily available the phone numbers of the fire department, police department, ambulance service, all bus drivers and substitute drivers.

### **TRAINING PROGRAM**

A safety training program for all new employees shall be conducted by the school or facility administrator or his/her designee. New employees shall receive instruction with regard to the use of personal safety equipment and the source(s) for procuring assistance when needed.

### **FIRST AID**

It shall be the responsibility of the school or the facility administrator to schedule and implement employee first aid programs that shall provide trained first aid persons at each site. Laboratory instructors, coaches, vocational and shop instructors, cafeteria personnel and maintenance department personnel should undergo first-aid training and continue to maintain their first-aid certification.



A complete first-aid kit shall be placed and maintained in all potentially hazardous areas, such as shops, labs, cafeterias, janitors' rooms, and physical education departments. A log sheet shall be kept at each job site, and all first-aid treatment shall be logged to show the date, name of employee, job title, and reason for treatment and the first-aid service provided.

#### RECORDKEEPING

Records of injuries are essential to an efficient and successful loss control program. They provide a means for gauging frequency and severity areas of operation for providing information concerning the cause of loss. Therefore, the Orleans Parish School Board shall require adequate accident and safety records.

Ref: La. Rev. Stat. Ann. §§17:81, 22:1447, 23:1021 et seq., 40:1578.6; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## **E505 – SCHOOL CLOSING AND CANCELLATION**

The Superintendent shall be authorized to announce the closing of schools if prevailing or potential hazards threaten the safety and well-being of pupils, staff, or school property. Public announcements and releases to news media shall be made or approved by the Superintendent or designee.

### **EMERGENCIES**

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. The Superintendent's office will notify news media and other such persons and organizations as necessary of the decision to dismiss early. In cases where students are dismissed early, teachers are expected to supervise all students under their jurisdiction until they have departed from the school campus.

Ref: La. Rev. Stat. Ann. §17:81.

## **E506 – SAFETY INSPECTIONS**

Safety inspections are one of the primary means of locating accident causes. They determine the safeguards necessary to remove hazards from the workplace. As such, inspections are valuable in controlling accidents.

Inspections are not conducted to find out what is wrong, but conducted to be helpful and bring the operations up to acceptable standards resulting in a safer work environment.

Physical premises safety inspections must be done by the department supervisor, principal, or designated person appointed by the principal on a monthly basis. The Superintendent or his/her designee shall conduct inspections annually or as deemed necessary. Their primary function is to observe and correct unsafe acts and conditions. The principal of the school will sign for approval on all inspections before the form is sent to the Superintendent or designee.

Premises inspection must be made utilizing the Orleans Parish School District's self-inspection checklist with corrective action taken as indicated. Other inspections must be conducted in target areas, i.e., high frequency areas, areas subject to heavy public exposure, etc. Suggested items inspected should include: housekeeping, fire protection, security, hand tools, lift equipment, machine guarding, etc.

Ref: La. Rev. Stat. Ann. §§17:81.

## **E507 – HAZARDOUS SUBSTANCES**

The Orleans Parish School District, in its efforts to contain and control the dangers of hazardous substances, authorizes the Superintendent or his/her designee to establish and maintain regulations and procedures which address the purchase, storage, handling, use, transportation, and disposal of hazardous materials for all school facilities and operations including instructional areas. Emergency response actions and evacuation plans also will be coordinated with the procedures.

The regulations and procedures will comply with all applicable laws and regulations which pertain to the safe and proper storage, transportation, and disposal of hazardous materials.

### PESTICIDES

The Orleans Parish School District recognizes that the exposure of school children to pesticides poses known and unknown risks to their health and well-being. Therefore, the School District shall prepare or cause to be prepared, and submit to the Department of Agriculture and Forestry on or before August first of each year, for each school under its authority, an annual pest management plan that applies integrated pest management strategies of pest prevention methods and strongly recommends the least toxic methods of control for grass and weed control, and rodent and general pest control in, on or around school structures and grounds. Any deviation from the submitted annual pest management plan shall be delivered in writing to the Director of Pesticide and Environmental Programs of the Department of Agriculture and Forestry no later than twenty-four (24) hours prior to any pesticide application. Records of inspections, identification, monitoring, evaluations, and pesticide applications shall be maintained by the schools and submitted with the annual pesticide management plan to the department annually.

In addition to a comprehensive pest management plan, the School Board, in accordance with statutory provisions shall:

1. Assure that the application of any herbicide, rodenticide, insecticide or restricted use pesticide, in, on, or around structures or grounds of schools that provide education to kindergarten through twelfth grade classes shall be done by or under the supervision of a certified commercial applicator.
2. Require each school to maintain a hypersensitive student registry listing the names of students whose parents have submitted a written statement to the school which shall include but not be limited to the student's name and address, parent's or guardian's signature, name and address, and a written medical verification by a licensed physician which includes the physician's signature, name and address.
3. Require that schools shall use, whenever possible, the least toxic method of pest control. The least toxic method of pest control may include methods other than the application of pesticides. A restricted use pesticide shall be applied to a school building or on school grounds only during periods in which students are not

expected to be present for normal academic instruction or organized extracurricular activity for at least eight (8) hours after the application.

4. Require each school to keep a written record of restricted use pesticides used to control pests, with an entry of pertinent information about the application being recorded after each application. The written record shall be kept in each school and shall be available for inspection during school hours.
5. Employ at least one (1) certified commercial applicator if the system has less than ten (10) schools or at least two (2) certified commercial applicators if the system has ten (10) or more schools.

## **E508 – BUILDINGS AND GROUNDS SECURITY**

Buildings of the Orleans Parish School Board constitute one of the greatest investments of the school district. It is deemed in the best interest of the district to protect the investment adequately.

Security should mean not only maintenance of secure (locked) buildings but protection from fire hazards and faulty equipment and safe practices in the use of electrical, plumbing, and heating equipment. Access to school buildings and grounds outside of regular school hours shall be limited to personnel whose work requires it. An adequate key control system shall be established which will limit access to buildings to authorized personnel *only* and will safeguard against the potential of entrance to buildings by unauthorized persons with keys.

Records and funds shall be kept in a safe place and under lock and key when required.

Protective devices designed to be used as safeguards against illegal entry and vandalism shall be installed when appropriate to the individual situation. Employment of watchmen may be approved in situations where special risks are involved.

It will be the duty of the school principal or building administrator to develop a plan of action that includes the following:

1. Care shall be taken to see that all windows and doors are properly secured before leaving the school or central office buildings at the close of the day.
2. Care shall be taken to ensure that all burglar alarm systems are activated at the end of the day and deactivated at the beginning of a work day.
3. All gates controlling access to facilities and parking areas shall be secured when school plant or facility is not in use.

### **FIREARM-FREE ZONES**

The areas surrounding the school campus or within 1,000 feet of any such school campus, or within a school bus, shall be designated *Firearm-Free Zones*. It is unlawful for a student or non-student to intentionally possess a firearm on school property or within 1,000 feet of school property or while on a school bus. The School District, in cooperation with local governmental agencies and the Louisiana Department of Education, shall designate and mark *Firearm-Free Zones* which surround all schools and school property.

### **DRUG-FREE ZONES**

The area within 1,000 feet of any property used for school purposes by any school, or on a school bus, shall be designated as *Drug-Free Zones*. It is unlawful for anyone to use, distribute, be under the influence of, manufacture or possess any controlled substances as defined by statute in a *Drug-Free Zone*. The Orleans Parish School District, in cooperation with local governmental agencies,

and the Louisiana Department of Education, shall designate and mark *Drug-Free Zones* which surround all schools and school property.

#### SEARCH OF PERSONS OTHER THAN STUDENTS

Any school principal, administrator, teacher, or school security guards may search the person, book bag, briefcase, purse or other object in the possession of any person who is not a student enrolled in the school, or any school employee, while in or on school grounds. This search may be done randomly with a metal detector, or physically when there is reasonable suspicion that such person has any weapons, illegal drugs, alcohol, stolen goods, or objects in violation of School Board policy.

#### SURVEILLANCE CAMERAS ON SCHOOL CAMPUS

In order to assist in the protection and safety of employees and students, the Orleans Parish School District shall authorize the installation of surveillance cameras at various locations on school campuses, but shall not allow placement in bathrooms and/or dressing rooms. Students or employees viewed violating school rules and regulations shall be disciplined, in accordance with Board regulations, up to and including expulsion/termination. Action may be taken against visitors viewed breaking regulations, including notification of law enforcement officials.

Ref: La. Rev. Stat. Ann. §§14:95.6, 17:81, 17:405, 17:416.6.

## **E509 – VANDALISM**

The Orleans Parish School District shall encourage students, teachers, and every citizen of the community to cooperate in reporting any incidents of vandalism to property belonging to the Board and the name(s) of the persons believed to be responsible. Each employee of the school district shall report to the Superintendent and/or principal every incident of vandalism known to them and, if known, the names of those responsible. A written report of the incident shall be submitted to the Superintendent or designee.

The Superintendent shall be authorized to sign a criminal complaint and to press charges against perpetrators of vandalism against school property, and shall further be authorized to delegate as he/she sees fit, authority to sign such complaints and to press charges.

Every effort shall be made to recover damages from adult vandals or from the parents of juvenile vandals to cover the theft of equipment or the destruction of school property. This shall apply not only to damage as a result of breaking and entering at nights or during holidays, but also to damage done to school property by pupils during the course of the school day, over and above normal wear and tear.

### **EMPLOYEES' PERSONAL PROPERTY**

The Board shall reimburse an employee for loss of personal property due to theft or vandalism and the reimbursement amount shall not exceed \$250 of uninsured loss. *Personal property* shall be defined as property that belongs to the School District employee and those things normally worn, carried, or brought onto School Board property by the employee. Loss of currency shall not be reimbursed.

When employees bring equipment to school such as tape recorders, record players, or compact disc players, they shall be required to register the equipment, in advance, in the school office, identified by make, model, and serial number. Every employee shall be required to take all reasonable precautions to prevent the loss or theft of any property. The reimbursement of personal property covers intentional acts of theft or vandalism, and not acts of negligence such as automobile accidents that may occur on School Board property.

A *Claim Report* form shall be submitted to the Central Office.

Ref: La. Rev. Stat. Ann. §§17:81, 17:416.



## **E510 – AUTHORIZED USE OF EQUIPMENT**

### PERSONAL USE OF SCHOOL EQUIPMENT

It is the policy of the Orleans Parish School District that no School Board equipment shall be removed or taken home for personal use. Any employee who has a need to take equipment home or to another site for school-related purposes shall obtain written permission from his/her principal, supervisor or Superintendent. A copy of the approval shall be maintained on file in the appropriate office for three (3) years. Equipment used in this manner shall be returned to its assigned work location and the date of return shall be noted on the approval form.

### LOANING OF SCHOOL EQUIPMENT

Principals may approve the loaning of items such as tables, chairs, and non-depreciating items to outside school organizations or groups that may be sponsoring a school-related activity on or away from the school campus.

The proper form shall be completed and kept at the school site specifying: item(s) borrowed, date item(s) borrowed, number of each item borrowed, signature of person receiving item(s), date item(s) returned, and signature of person verifying item(s) returned.

## **E511 – EQUIPMENT MAINTENANCE**

The Orleans Parish School District shall be responsible for the maintenance, repair, and care of any unused school site, building, facility or personal property in the control of the School Board. The School District shall delegate responsibility to the Superintendent to properly maintain all such property. The Superintendent shall make sure that the care of such property complies with applicable laws, ordinances and regulations, including building and fire safety code regulations, until such property is sold, leased or otherwise disposed of by the School District.

Ref: La. Rev. Stat. Ann. §17:87.6.

## **E512 – STUDENT TRANSPORTATION MANAGEMENT**

The Orleans Parish School District shall provide to eligible students school transportation services which shall meet the objectives of safety, efficiency, adequacy, and economy. Through the use of publicly and privately owned buses, the Board shall maintain a student transportation program that shall conform to or exceed minimum standards as set forth by pertinent statutes and the Louisiana Department of Education, as well as regulations established and outlined in the District's *Transportation Handbook*. It shall be unlawful for the School District to permit the transport at one time a number of children on a school bus that exceeds the number of seats available on that bus.

All vehicles, owned by either the school district or contract bus drivers, shall carry evidence of insurance and be registered, marked, and equipped according to law. Contract bus drivers who purchase their own insurance shall be required to annually submit to the Superintendent or designee proof of proper and valid insurance coverage prior to any usage of the bus. Should any coverage aspects or insurance policy provisions change during the year, the bus operator shall notify the Superintendent or designee within twenty-four (24) hours of receipt of notification.

All buses and other vehicles used primarily for the transportation of students shall be inspected by the assigned driver and the Superintendent or designee on a regular basis. All school vehicles shall be inspected a minimum of twice a year, once during June, July, or August, and certified as safe prior to the beginning of the school session, and once during December, January, or February of each school year, by an approved Louisiana Motor Vehicle Inspection Station. Buses fifteen (15) or more model years of age shall be inspected more frequently than other buses to assure effectiveness of operation and safety of students. No bus shall be operated without a proper inspection tag certifying that a bus has met or exceeded minimum safety standards.

All school buses used to transport students shall at all times be driven by drivers, regular and substitute, possessing a valid Commercial Driver's License (CDL) with proper endorsements, and having completed state-required pre-service certification training. All school bus operators, including contract bus operators, shall be required to personally operate the school bus assigned or owned, except in the case of illness or emergency. In such cases, a substitute shall be assigned by the Superintendent or designee.

### **BUS PURCHASES**

It is the policy of the Orleans Parish School District that any used school bus purchased for use in the system shall meet current statutory requirements for motor vehicles and shall meet Louisiana specifications for school buses that were in effect on the date the vehicle was manufactured. All bus purchases shall require prior approval of the Superintendent or his/her designee.

School buses used to transport students, including activity and backup buses, shall not be more than twenty-five (25) years old. All newly purchased or replacement school buses, at the time they are acquired by the owner, shall be ten (10) or less model years old. The number of years shall be reckoned from the date of introduction of the model year. This shall apply to buses purchased by veteran owners/operators, by newly hired owners/operators and by the School Board, individual

schools, booster clubs, etc., for the purposes of transporting children to and from school and school-related activities and for use as spare buses. Activity buses for schools shall not be more than ten (10) model years old when purchased or acquired. Spare buses shall be subject to the same age requirements.

When a new bus is purchased or the ownership of a bus is transferred, the driver shall assure that the bus is in compliance with all requirements contained in applicable laws and school district regulations. All buses so purchased shall be required to satisfactorily pass all mandated inspections prior to any usage.

Ref: La. Rev. Stat. Ann. §§17:158 et seq., 32:293, 32:378; Olive Morgan v. Livingston Parish School Board, First Circuit Court of Appeals, March 1991; Student Transportation Handbook, Bulletin 1191; Minimum Standards for School Buses, Bulletin 1213; Operational and Vehicle Maintenance Procedures, Bulletin 1475, Louisiana Department of Education.

## **E513 – STUDENT TRANSPORTATION IN PRIVATE VEHICLES**

The Orleans Parish School District recognizes that there are times in which private vehicles are used to transport students to and from school sponsored events. The District directs that such transportation services shall only be utilized in emergency situations as authorized by the principal. Otherwise, proper student transportation, i.e., Board owned or operated vehicles, shall be used.

When private vehicles are to be used to transport students, such vehicles shall be chosen in advance of the anticipated usage, whenever possible. In situations where private vehicles are to be used for transporting students to school related activities, the following guidelines shall be adhered to:

1. The driver of a vehicle should be restricted to a teacher, parent, or legal guardian.
2. All students shall have written permission to travel with the group.
3. The number of students transported shall be limited to the recommended capacity of the vehicle. Seat belts shall be available for every passenger and each occupant of the vehicle shall buckle with the appropriate seat belt. Vans shall not be used.
4. A photocopy of a valid driver's license of the driver(s) and insurance card of the vehicle shall be submitted to school personnel by the intended driver. A minimum insurance coverage shall be required for any personal vehicles used to transport students. Appropriate documentation shall be made that the driver of the vehicle and the vehicle's owner are aware that their insurance shall be the first line of defense in the event of an accident.
5. Prior to the use of the vehicle, written permission shall be given by the driver and/or owner of the vehicle to enable School District personnel to obtain a complete motor vehicle driving record of the driver and/or owner of the vehicle.

## **E514 – BOARD-OWNED OR LEASED VEHICLES**

The Orleans Parish School District shall require that **only** authorized employees with valid drivers' licenses be allowed to operate and drive vehicles owned or leased by the Board. *Authorized employees* shall be those employees whom the school system has authorized to drive Board-owned vehicles after having their driving record and insurance qualifications examined for acceptability by School Board staff.

### RESPONSIBILITY FOR VEHICLE OPERATION

The Orleans Parish School District requires the highest possible standards of safety of its employees in the operation of vehicles owned or leased by the School Board. Accordingly, no person shall be hired or employed for any position which includes duties involving the operation of a School Board owned or leased vehicle and who has a motor vehicle record with violations for driving while intoxicated or under the influence, leaving the scene of an accident, or other more serious motor vehicle violations, nor whose driver's license is suspended.

Any employee of the school system employed for any position which includes duties involving the operation of a School Board owned or leased vehicle shall report by telephone and in writing to the Transportation Supervisor, any citation, summons, or arrest for driving while under the influence of drugs or alcohol, driving while intoxicated, leaving the scene of an accident, or driving while license is suspended or other more serious motor vehicle violations. Such report is required to be made for the use of a district owned or leased vehicle or a personal/private vehicle. Failure to report any such citations within twenty-four (24) hours after any arrest or citation shall be a violation of this policy and subject the employee to discipline including the possible termination of employment. All reports to the Transportation Supervisor shall be forwarded to the personnel office for the appropriate disciplinary action and reporting to the School Board's insurer. If denied coverage by the insurer, an employee may be terminated.

In the event a citation, summons or arrest involves the operation of a School Board owned or leased vehicle, the driving privileges of an employee may be immediately removed. For an employee whose primary duty is the driving of a School Board owned or leased vehicle, the employee may be suspended by the School Board without pay, or terminated if the violation results in conviction.

The Superintendent's designee shall, at a minimum of twice a year, submit a list of employees who drive School Board owned or leased vehicles to the Louisiana Department of Motor Vehicles for verification of driving records and for updating information provided to the insurer.

Ref: La. Rev. Stat. Ann. §17:81; *Student Transportation Handbook*, Bulletin 1191, Louisiana Department of Education.

## **E515 – USE OF PRIVATE VEHICLES FOR SCHOOL BUSINESS**

The Orleans Parish School District recognizes that employees may need to use their own vehicles for business related travel. In order to receive reimbursement for travel expenses, employees shall be required to maintain adequate automobile insurance in limits stipulated by the District.

Ref: La. Rev. Stat. Ann. §17:81.

## **E516 – STUDENT TRANSPORTATION SAFETY PROGRAM**

The Orleans Parish School District recognizes the responsibility of school bus operators and the need for bus operators to practice extreme caution in transporting children to and from school. Therefore, the School District shall require the implementation, maintenance, and observance of a transportation safety program.

### VIDEO EQUIPMENT ON SCHOOL BUSES

As a means to help ensure safety and proper conduct on School Board owned and/or contracted school buses, it shall be the policy of the District that video surveillance equipment be allowed and/or required when such equipment is requested and approved by the Supervisor of Transportation, and operated under rules and regulations established by the Superintendent.

The purchase and installation of such equipment shall be the responsibility of the District for Board owned buses, or of the contract drivers for their buses. Ownership of the equipment, including the housing thereof, shall remain with the Board or contract driver.

Strict adherence to laws and rules of confidentiality shall be maintained in the viewing of tapes and use of equipment to assure compliance with laws and regulations regarding the privacy rights of students and employees.

### USE OF CELLULAR TELEPHONES

The School District shall authorize the issuance of cellular telephones to all bus drivers. The use of cellular telephones by school bus operators shall be authorized *only* in an emergency situation, such as mechanical problem, accident, or illness of the bus driver or passenger. The bus should be pulled safely out of traffic (if possible) and the motor turned off before the cell phone is used.

All school bus operators shall be required to have communication devices as issued on board the school bus and turned to the “on” position while operating the school bus.

### ACCIDENTS

Any employee involved in an accident shall report such accident to proper School District personnel utilizing the procedures outlined in the *Transportation Handbook*. Reporting requirements are applicable to **all employees**, not just bus drivers.

Ref: La. Rev. Stat. Ann. §§32:398, 32:871; *School Transportation Handbook*, Bulletin 1191, Louisiana Department of Education; *Minimum Standards for School Buses*, Bulletin 1213, Louisiana Department of Education *Operational and Vehicle Maintenance Procedures*, Bulletin 1475, Louisiana Department of Education.



## **E517 – SCHOOL BUS SCHEDULING AND ROUTING**

The Orleans Parish School District will provide school bus transportation for all students living more than one mile from the school that they are assigned to attend. Students living within one mile of the school and within a School Board designated danger zone may be allowed to ride a school bus. Other students may be provided with school bus transportation in accordance with regulations of the Louisiana Department of Education.

A reasonable time shall be established for each route and the bus driver shall be expected to adhere to this schedule. By the same token, students shall be expected to be at their respective bus stop when the bus arrives. Once a bus route has been established, the bus driver shall not alter or change assigned routes without order of the Superintendent or designee. Any bus driver who feels a road is unsafe or dangerous shall report such dangerous condition to the Superintendent or designee, and the bus driver be allowed not to travel the road until the Superintendent or designee determines said road is safe or improved, or the situation has been rectified.

Buses must be routed so that no more than one bus will travel the same route, except in cases of definite apparent necessity. Each scheduled route will be planned in full consideration of the established limits for individual schools.

During inclement weather bus drivers may make more frequent stops. In discharging pupils who must cross the highway, the responsibility of safe crossing rests with the driver.

## **E518 – SPECIAL USE OF SCHOOL BUSES**

It shall be the policy of the Orleans Parish School District to permit the use of school buses for student trips or excursions to enhance instructional activities. The use of buses for such trips shall be strictly governed by regulations adopted by the Board and/or established by the Superintendent or administrative staff. All arrangements for any trip or excursion shall be made by the Superintendent or his/her designee.

Any school or organization may use buses for athletic or activity trips. The school or organization shall compensate the driver/owner of the bus according to the established scale. The following guidelines shall also apply to the special use of any school bus:

1. For activities of an educational nature within the parish, the use of the buses shall be requested by the principal of the school involved and it shall be limited in time so as not to interfere with the regular route to which that bus is assigned.
2. For educational activities outside the parish, the use of the buses shall be limited to transporting those students who are engaged in representing their school in the principal activity for which the trip is required. The request shall also come from the principal involved.
3. Approval for the use of the buses shall be requested at a time prior to the trip sufficient for the office staff to evaluate the request and to make the arrangements necessary. All buses on all occasions shall be driven by a person with a commercial driver's license. The principal of the school involved shall be held responsible for seeing that the above condition is met.

## **E519 – AUTHORIZED PASSENGERS**

The Orleans Parish School District directs that students shall not be allowed to ride to and from school on any bus other than the one to which they have been assigned to ride, except for legitimate reasons. To ride a different bus, or to leave the bus at a different location than the student's regular stop, the student shall be required to submit written permission from the student's parent and have approval of the principal of the school where the student attends. The principal shall inform the bus driver of the student's destination and stop.

No one other than students shall be allowed to ride buses to and from school. With the exception of school personnel and chaperons, adults shall not be permitted to ride buses to any authorized school activity, such as athletic events, band concerts, etc.

Ref: La. Rev. Stat. Ann. §17:81.

## **E520 – CHILD NUTRITION PROGRAM MANAGEMENT**

The Orleans Parish School Board believes the school district should have a sound child nutrition program and that the child nutrition program should be an integral part of the total educational program. The Board also believes that the highest possible sanitation standards should be maintained and that every effort should be made to make it possible for every child to participate in the child nutrition program.

Consequently, the Board shall administer a *Food and Nutrition Program* in accordance with federal and state standards and requirements as outlined by the Louisiana Department of Education, including that only products that have met all state certification requirements shall be utilized in child nutrition facilities. Uniform school lunch and breakfast menus shall be established for the schools with the provisions that a cafeteria may, in addition to the uniform lunch, serve an additional menu to provide a choice for pupils. Menus shall conform to USDA requirements and those of the *Division of Nutrition Assistance*, Louisiana Department of Education.

The School Board, as the recognized child nutrition program authority for the school district, shall annually approve the national school lunch program, school breakfast program, U.S.D.A school commodity programs and any other related programs. The approved agreement shall meet all specifications mandated by the Louisiana Department of Education's *Division of Nutrition Assistance*.

### **GUIDELINES**

Each school shall abide by state and federal guideline restrictions on the operation of concessions, canteens, snack bars, vending machines or other food and beverage sales.

No supplies or foods, including leftovers, shall be removed from the child nutrition department by any employee of the school system unless he/she has been authorized to transfer the items to another school location. Disciplinary action may result for unauthorized food removal.

### **SPECIAL EVENTS**

Special events should not interfere with the preparation and service of school lunch, breakfasts, or snacks. School functions involving the use of the cafeteria shall be arranged through the principal and approved by the child nutrition supervisor. Whenever the cafeteria is used by the school, one or more of the child nutrition employees shall be in charge to ensure control over child nutrition foods and to ensure proper use and care of equipment and facilities. A *Special Event* form must be completed and sent to the supervisor of child nutrition at least two (2) weeks in advance of the event. Events that occur at scheduled times during the school year can be handled by sending in one notice listing all of the dates.

## PAYMENT FOR MEALS

Regulations prohibit the denial of free, reduced price or paid meals as disciplinary action to any child in attendance at school. Denying meals to students for disciplinary reasons associated with disruptive behavior in the cafeteria, selling free meal tickets, etc. is prohibited under Federal regulations. Disciplinary action used for other unacceptable behavior should be applied in these situations.

The School Board is not obligated to continue providing meals without receiving payment. The students' ability to pay is determined through the free and reduced price meal application process. Those students not eligible for free meals must pay for their meals at the prices established for full price and reduced price students. Regulations do not prohibit a school system from denying a meal to paying students who have not paid for the meal.

## FREE AND REDUCED PRICE MEAL APPLICATIONS

A multi-child, family application to apply for school meal benefits shall be sent to the parents or guardians of each student within the first week of school. Parents shall be requested to complete an application listing all students enrolled in the Orleans Parish School District and return it to the determining official for review. The applicant should be made aware that deliberate misrepresentation on the application may subject him or her to prosecution under applicable state and federal criminal statutes. Such applications (approved and disapproved) and documentation of the action taken shall be maintained for three (3) years after the end of the fiscal year to which they pertain.

State guidelines allow for the limited disclosure of information about free and reduced price meal eligibility without consent of the parent. The information may be used *only* for the purpose authorized and may not be shared with any other parties for any reason. Aggregate information that does not identify individuals continues to be permitted without parental consent. Under the *No Child Left Behind Act* (NCLB), the release of a child's eligibility status is permitted to persons directly connected with and who need to know a child's free and reduced price meal eligibility status in order to administer and enforce the new Title I requirements under the NCLB. The statute, however, does not allow the disclosure of any other information obtained from the free lunch application form or obtained through the direct certification information received from the food stamp office.

Ref: *No Child Left Behind Act of 2001* (NCLB); La. Rev. Stat. Ann. §§17:82, 17:191 et seq., 39:2101; *School Food Services Policies of Operation*, Bulletin 1196, Louisiana Department of Education.

## **E521 – WELLNESS POLICY**

Orleans Parish School Board recognizes that schools play a critical role in promoting student health, preventing childhood obesity, and combating problems associated with poor nutrition and physical inactivity. This policy is in compliance with the Congressional Act (P.L. 108 – 265) requiring each school district who participates in the National School Lunch and/or Breakfast Program to establish a local wellness policy.

Therefore, the Orleans Parish School Board adopts the following goals:

- Goal 1: Promote Nutrition Education**
- Goal 2: Increase Physical Activity**
- Goal 3: Provide Nutrition Standards for All Foods Available on School Campuses during the School Day**
- Goal 4: Encourage other School-Based Activities Designed to Promote Student Wellness**

The Orleans Parish School Board authorizes the administration to implement a local wellness policy that encompasses the above mentioned goals.

- Goal 1: Promote Nutrition Education**
  1. Promote and implement nutrition education that promotes lifelong healthful eating practices.
  2. Use lessons that are age-appropriate, behaviorally focused content that is developmentally appropriate, and culturally relevant.
  3. Use lessons at every grade (pre-k through twelfth), that are sequential and are correlated with standards, benchmarks, and grade level expectations
  4. Provide repeated opportunities for students to taste foods that are low in fat, sodium, and added sugars, and high in vitamins, minerals, and fiber.
  5. Focus on positive aspects of healthful eating behaviors.
  6. Promote social learning techniques such as role modeling, providing incentives, developing social resistance skills, overcoming barriers to behavioral changes, and goal setting.
  7. Hire and maintained qualified, certified, health education teachers.
  8. Provide professional development activities for school nutrition staff and teachers in the area of nutrition.
  9. Provide nutrition education activities and promotions that involve students, and staff, and parents.
  10. Provide nutritional information to parents that will encourage parents to provide safe and nutrition foods for their children.

**Goal 2: Increase Physical Activity**

1. Students will be given opportunities for physical activity through physical education courses and a range of extra curricular programs such as intramurals, interscholastic athletics, physical activity clubs, and field trips.
2. Physical education courses will be the environment where students learn, practice, and are assessed on developmentally appropriate motor skills and knowledge.
3. State certified physical education instructors will teach all physical education classes.
4. Elementary level schools will be encouraged to provide students a daily recess Period or be given the opportunity for physical activity during the school day through physical education class or the integration of physical activity into the academic curriculum.
5. Physical education will include the instruction of individual activities as well as competitive and non-competitive team sports to encourage life-long physical activity.
6. Schools will provide adequate equipment for the students to participate in physical education. Physical activity equipment and facilities on school grounds will be safe.
7. The school will provide a curriculum that enhances a physical and social environment that encourages safe and enjoyable activity for all students, including those who are not athletically gifted.
8. School staff will be encouraged to participate in physical activities to serve as role models.
9. Parents and guardians will be encouraged to support students' participation in physical activities, to be physically active role-models, and to include physical activities in family plans.
10. Schools will support community-based physical activity programs.

**Goal 3: Provide Nutrition Standards for All Foods Available on School Campuses during the School Day**

1. Provide Nutritious and healthy food choices as recommended in Act 331 of the 2005 Legislature, which includes healthy standards for foods and beverages sold on school grounds during the normal school day.
2. Offer a school lunch, breakfast and snack programs with menus that meet the meal patterns and nutrition standards established by the U. S Department of Agriculture and the Louisiana Department of Education, and the USDA requirement as noted under 7 CFR Part 210 and Part 220.
3. Provide that foods and beverages served or sold in vending machines and through school activity sales will meet the nutrition requirement as outlined in Bulletin 1196.
4. Follow State Board of Education policies on competitive foods, vending and extra sales as Outlined in Bulletin 1196 (Louisiana Food and Nutrition Programs policies of Operation).
5. Provide that Food and beverages offered other than the lunch or breakfast should offer replacement Nutrient value to the consumer. The item should offer a good source of nutrients, be moderate in sodium, be moderate in calories.

6. Provide whole and enriched grain products that are high in fiber, low in added fats and sugars, and served in appropriate portion sizes consistent with the current USDA standards will be available for student's consumption.
7. Provide fresh frozen, canned or dried fruits and vegetables using healthy food preparation techniques and have 100% fruit and vegetable juice available for students' selections.
8. Make school meals accessible to all students with a variety of delivery strategies, such as breakfast in the classroom, grab-and-go meals, or alternate eating sites,
9. Offer a variety of healthy beverages at various locations for consumers to make choices appropriate to their needs.
10. Offer skim or 1% milk fat beverages selection instead of 2% milk fat or whole milk fat beverages and encourage the consumption of lower fat options.
11. Prohibit the sale of carbonated beverages, fast foods and foods of low nutritional value in the cafeteria during meal service.

**Goal 4: Encourage other School-Based Activities Designed to Promote Student Wellness**

1. Encourage parental involvement through partnerships with STEP Together New Orleans, Second Harvesters and Farm Network to provide fresh produce, recipes and instructional activities to parents during parent workshops, open houses and other parental involvement activities.
2. Train "School based parental involvement staff and school leadership in "Healthy Lifestyles" curriculum as a tool to promote healthy lifestyles.
3. Encourage School based parental involvement staff to work collectively with curricula staff in planning events for parents such as "math and literacy nights" to ensure that promoting healthy lifestyles (eating and activities) are included.
4. Provide a clean, safe attractive environment for students and staff.
5. Provide access to hand washing and hygiene facilities for students and staff during all meals.
6. Consistent with State Guidelines, school policies will prohibit food from being withheld from students as punishment.

The link between nutrition and learning is well documented. Healthy eating patterns are essential for students to achieve their full academic potential, full physical and mental growth, and lifelong health and well-being. Schools have a responsibility to provide an environment which encourages the establishment and maintenance of a lifelong, healthy eating pattern.

A healthy school environment goes beyond school meals in the cafeteria. A healthy lifestyle and maintaining a healthy weight requires a combination of healthy food choices and appropriate amount of physical activity. All foods made available on school campuses should offer children nutritious choices, and physical activity should be incorporated into the school day as often as possible. The healthy, physically active child is more likely to be academically successful.

Ref: Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265).



## **E522 – COMPUTER AND INTERNET USE FOR EMPLOYEES**

The Orleans Parish School District, through the authority of the Superintendent and staff, shall establish appropriate guidelines for exploring and using Internet resources within the school district to enhance learning and teaching activities. Acceptable use of these resources shall be consistent with the philosophy, goals, and objectives of the School District. Any employee who wishes to use school district computers, including the Internet and/or e-mail services, must sign the Orleans Parish *Employee Computer and Internet Use Agreement* agreeing to abide by all district regulations.

The School District shall incorporate the use of computer-related technology or the use of Internet service provider technology designed to block access or exposure to any harmful materials or information, such as sites that contain obscene, pornographic, pervasively vulgar, excessively violent, or sexually harassing information or material. Sites which contain information on the manufacturing of bombs or other incendiary devices shall also be prohibited. However, the School District shall not prohibit authorized employees or students from having unfiltered or unrestricted access to Internet or online services, including online services of newspapers with daily circulation of at least 1,000, for legitimate scientific or educational purposes approved by the Board.

### **INTERNET USAGE**

Any use of the Internet that adversely affects its operation in pursuit of teaching and learning or jeopardizes its use or performance for other community members is prohibited and may result in loss of Internet privileges, suspension or other appropriate disciplinary action. The provisions of this policy shall also apply to the use of private e-mail accounts when access is attained using School Board equipment or networks and to access attained through any authorized personal digital device while on School Board property regardless of whether the device is owned by the District, the School, or the individual user. The Orleans Parish School District shall not condone the use of the Internet for any illegal or inappropriate activities and shall not be responsible for any such use by staff or students.

The School District may suspend or terminate any privilege to use the Internet at any time solely at the School District's discretion. Any policies and/or regulations of the School District defining use of the Internet serve as guidelines but do not warrant or guarantee access to or use of the Internet. Consequently, the School District may, at any time and in its sole discretion, end the privilege of any individual to use the Internet without notice, cause, or reason.

## ACCOUNTABILITY

Faculty and staff use of school computers or the Internet shall be reserved for academic purposes and the conducting of business aspects of the school system. All personnel using school computers or a computer network located on school property, or computers accessing the Internet shall be accountable for their use regardless of whether the device is owned by the district or the individual user. Teacher or class files on the network shall be treated as district property subject to control and inspection by School District personnel. Users' agree to provide access to their devices in case an inspection is warranted. Use of the Internet and/or any computers shall be considered a privilege and any inappropriate use may result in appropriate disciplinary action and loss of privileges to use district computers or the Internet.

## UNAUTHORIZED AND ILLEGAL USE

Faculty and staff shall not be under direct supervision but must abide by School District policy. Tampering with selection menus, procedures, or icons for the purpose of misleading or confusing other users shall be prohibited. Any use by any person of the district's internal network that incurs expenses to the school other than the monthly user fees and rates shall be strictly prohibited. Furthermore, the computer system shall not be used for commercial, political or religious purposes.

Use of the network for any illegal activities shall also be prohibited. Illegal activities include (a) tampering with district/school owned computer hardware or software, (b) unauthorized entry into computers and files (hacking), (c) knowledgeable vandalism or destruction of district/school owned equipment, and (d) deletion of district/school owned computer files. Such activity is considered a crime under state and federal law.

## SECURITY

Teachers and personnel who have computers in their charge shall be responsible for the security of those computers in terms of both hardware and software. Computers must be secured such that students acting without the consent or supervision of a teacher or administrator cannot enter the system or the Internet.

## REGULATIONS FOR COMPUTER USE

1. The user shall abide by such laws, policies, regulations, and procedures concerning technology use in the Orleans Parish School District.
2. In general, employees are expected to communicate in a professional manner consistent with state laws governing the behavior of school employees and with federal laws governing copyright. Electronic mail and telecommunications are not to be utilized for unauthorized disclosure, use and dissemination of personal identification or confidential information regarding any student or employee.

- A. Employees shall not post any e-mail or other messages or materials on school or district networks or the Internet that are indecent, vulgar, lewd, slanderous, abusive, threatening, sexually harassing, or terrorizing.
  - B. Employees shall not abuse or waste network resources through frivolous and non-educational use or send chain letters or annoying unnecessary letters to large numbers of people.
3. The Orleans Parish School District reserves the right to review any stored record files or programs to which users have access and will edit or remove any material which the School District, through its Superintendent, or his/her designee, believes is in violation of its policies and procedures. As a user of the School District's technology and networks, including but not limited to the Internet, the user shall consent to the monitoring, access and review by the Superintendent or his/her designee of any stored electronic communications, including but not limited to E-mail transmission.
  4. Any software not created by the user is copyrighted. A user shall not copy or distribute copyrighted or proprietary material without the written consent of the copyright holder nor violate copyright or patent laws or the license concerning computer software, documentation or other tangible assets.
  5. The user shall not install any software on district/school owned devices without consent from the appropriate supervisor.
  6. In consideration for the privilege of using the system, the user shall release the Orleans Parish School District from any and all claims arising from the use/inability to use the technology systems and networks.
  7. The user shall agree to indemnify the Orleans Parish School District for any loss suffered to the District by reason of improper use of the system, and to compensate anyone harmed by the improper use of the system.
  8. The information provided through the technology systems and networks shall be offered as a service and shall not be a substitute for individual professional consultation.
  9. The proper use of any user ID/password which may be assigned is the ultimate responsibility of the individual to whose name it has been assigned. User ID's and passwords are not to be shared under any circumstances.
  10. The use of technology is a privilege which may be revoked at any time for any violation of laws, policies and procedures. The Superintendent for the Orleans Parish School District shall decide what is inappropriate use and such decision shall be final. Such violations would include, but not be limited to,
    - ! participation in network activities that place a strain on computer resources !
    - the placing of unlawful information on the system

- ! commercial use of the system
  - ! political lobbying
  - ! the use of obscene, abusive, harassing or otherwise objectionable language in either public or private messages
  - ! vandalism
  - ! theft
  - ! e-mail, chat rooms, and sites involving or which access visual depictions that are obscene, pornographic, or harmful to minors
  - ! information regarding the manufacture of bombs or other incendiary devices are expressly forbidden.
  - ! willful introduction of a computer virus, worm, or other harmful program to any computer or network
  - ! downloading non-work related files or accessing or downloading files from sites delivering streaming audio or video except as the stream is used meaningfully in the delivery of instruction.
11. No personal or student information which is protected by the *Family Education Rights and Privacy Act (FERPA)* shall be disseminated on or through the School District's technology systems and networks, including but not limited to the Internet. Storing of any data protected by FERPA on non-district/school owned devices is strictly prohibited.
  12. The above acceptable use practices are not all-inclusive, but are only representative and illustrative. A user who commits an act of misconduct, which is not listed, may also be subject to disciplinary action or termination.



# Orleans Parish School Board

## *Employee Computer and Internet Use Agreement*

I have read the Orleans Parish School Board's Policy relative to Internet and technology use. By signing the *Employee Computer and Internet Use Agreement*, I agree to abide by the rules stated in this policy. I understand that the use of the Internet or network is a privilege and if found in violation of any of the rules stated in this policy, I will be subject to any of the disciplinary actions listed in this policy. I understand that the Orleans Parish School Board will, to the fullest extent, try to block or filter harmful information from being accessed over the network, but is not responsible for any inappropriate content accessed while using the network.

Employee Name: \_\_\_\_\_  
(Print)

Employee Signature: \_\_\_\_\_

Site: \_\_\_\_\_

Date: \_\_\_\_\_

*Amended July 2010*

## **E523 – COPYRIGHT**

It is the policy of the Orleans Parish School District to abide by the provisions of the Copyright Law of the United States and the federal regulations that delineate it.

The District does not sanction illegal use or duplication of copyrighted materials in any form. Employees who willfully violate the copyright position of the Board do so at their own risk and assume all liability and responsibility.

The School District directs that:

1. Unlawful copies of copyrighted materials may not be produced on Board-owned equipment or within Board-owned facilities.
2. Unlawful copies of copyrighted materials may not be used with Board-owned equipment, within Board-owned facilities, or at Board-sponsored functions.
3. Information about copyright law and guidelines shall be made available to all employees.

The District delegates to the building level administrator the responsibility for informing employees of the Copyright Policy of the District and of provisions of the United States Copyright Law.

Ref: 17 U.S.C. 101 et seq. (Copyright Act of 1976); 37 CFR 201 et seq.

## **E524 – INSURANCE AND RISK MANAGEMENT**

The Orleans Parish School District recognizes its responsibility for properly managing the resources of the school system. This responsibility includes concern for the safety of students, employees and the public as well as concern for protecting the system's property from loss. No new Board policy, regulation, or procedure shall be adopted or approved by the Board without first giving careful consideration to the school system's risk exposure.

The Superintendent or designee shall be responsible for establishing a risk management and insurance program governing all property and program risks related to the performance of the educational and service missions of the system. The risk management and insurance program shall include means for identifying, eliminating, reducing, retaining or transferring risk exposures. The District realizes that the assumption of some predictable risk is the most economically feasible method of treating certain exposures. When in the apparent best interest of the school system, the District, with approval of the Board, may budget for, and retain, limited and predictable risks of financial loss.

When the purchase of insurance is deemed necessary, such purchase shall be made on the basis of service offered by the insurer, the reliability and financial stability of the insurer, and the price of the insurance as competitively determined.

The District does not recognize any obligation to purchase insurance from a particular agent, broker, or insurer representative other than an obligation based on the above stated considerations.

The Superintendent may seek professional risk management advice, if necessary, in order to develop, implement and maintain an effective risk management and insurance program for the system.

Ref: La. Rev. Stat. Ann. §§17:81, 17:159.2, 17:169, 32:601.

## **E525 – STAFF INSURANCE COVERAGES**

### HEALTH INSURANCE

The Orleans Parish School District shall contract with a health care provider for health, hospitalization, and life insurance benefits for its eligible employees, retirees, and/or their spouses and children. The Board may pay any portion of an employee's premium it so designates. Employees and retirees shall be responsible for any portion of the employee's health care premium not paid by the Board.

Any employee or retiree, together with dependents, is eligible to participate in the hospitalization and health care coverage selected by the District. Any employee who terminates his/her employment with the District shall not be covered by the District's health care plan as of the date of termination. However, any employee who terminates employment with the District may apply for continued health care coverage in accordance with regulations of the *Consolidated Omnibus Budget Reconciliation Act (COBRA)*.

The District may contribute a portion of an employee's premium of any health care coverage selected by the Board in the following manner:

#### Active Employees:

The Orleans Parish School Board shall pay a portion as determined by the Board of the active employee's portion of the premium for health care coverage. Adjustments are to be made with the increase in premiums on a year-to-year basis.

#### Retired Employees:

The Orleans Parish School Board shall pay a portion as determined by the Board of the retired employee's portion of the premium for health care coverage for retirees. Adjustments are to be made with the increase in premiums on a year-to-year basis.

To be eligible for the above retired benefits, an employee must have been employed by the District at the time of retirement for a minimum period of employment as determined by the Board and must meet all other stipulations and be a retiree of the Orleans Parish School District.

#### Employees on Approved Leave Without Pay:

Any Orleans Parish School District employee who is granted leave without pay by the School Board shall be obligated to pay 100% of the premium during the period of leave. The Orleans Parish School Board shall not continue contributions towards the premium. Employees using sick leave for maternity leave purposes, sabbatical leave, or persons on sick leave that receive pay through accumulated sick leave shall not be affected by this provision and the Board shall continue to pay the necessary premiums.



### UNEMPLOYMENT COMPENSATION

The School Board shall use the reimbursing employer method of participating in financing the Board's share of unemployment compensation as permitted by state law.

### AUTOMOBILE LIABILITY INSURANCE

The School District shall require personnel within the school district, who use their own vehicles while on official school business during the course of their employment, to carry automobile liability insurance. The amount of coverage shall be at least that required by state law or a minimum which may be set by the District.

Ref: La. Rev. Stat. Ann. §§17:1233, 23:1034, 23:1081, 23:1472, 32:816 et seq., 32:900, 42:821, 42:851; Israel v. Gray Ins. Co. 720 So.2d 803(98-525 La. App. 3 Cir. 10/28/98).

## **E526 – WORKERS’ COMPENSATION**

The Orleans Parish School District shall ensure workers’ compensation coverage for its employees and to pay annually all of the necessary premiums. Should a *teacher* become injured while on duty, the *teacher* shall be entitled to receive, at his/her option, workers’ compensation benefits prescribed under state workers’ compensation laws and/or appropriate sick leave benefits. In no case, however, shall the total amount of combined benefits received exceed the total amount of regular salary the *teacher* was receiving at the time of injury.

### **REPORTING OF ACCIDENTS**

Should an accident occur to an employee while in the course of his/her duties, a detailed report shall be submitted by the employee’s supervisor to the Superintendent or designee within five (5) days of the accident. Additional written commentary about the accident may also be required from the employee’s supervisor. Periodic medical exams and subsequent reports verifying prolonged disability may be required as needed.

Immediately following any accident, whether or not injury occurs, the administrator of the school or facility shall file an *Investigation of Accident Report* with the Superintendent or designee. If an injury occurs, an LDOL-WC-1007 Form (*Louisiana Department of Labor Worker’s Compensation 1007 Form*) must also be completed.

### **BENEFITS**

Employees injured while on official school business are entitled to applicable workers’ compensation benefits in accordance with state law. Workers’ compensation benefits are generally paid in accordance with the following:

- (1) Weekly workers’ compensation wage benefits do not begin until an employee has been disabled for more than one week (7 calendar days). If the employee is absent for more than six (6) weeks, he/she is entitled to receive wage benefits for the first week of that disability.
- (2) As a general rule, an employee’s weekly wage benefits under workers’ compensation can be calculated by dividing his/her annual salary by 52 weeks and multiplying by 66-2/3%, up to the maximum average weekly wage (AWW) calculated by the State each year.
- (3) Sick leave benefits may be used to supplement workers’ compensation benefits but only up to 100% of the *teacher’s* salary at the time of injury. If a *teacher* chooses to utilize current and accumulated sick leave benefits, his/her balance of current and accumulated sick leave days will be reduced by the corresponding percentage of the teacher’s salary paid for with sick leave benefits.

If an employee who has chosen to simultaneously receive both workers' compensation wage benefits and current and accumulated sick leave benefits exhausts all sick leave days, he/she will thereafter receive only workers' compensation wage benefits.

#### ALCOHOL AND DRUG USE

No workers' compensation benefits shall be allowed for an injury caused by the injured employee's intoxication at the time of injury.

In order to support a finding of intoxication due to alcohol or drug use, the School District shall have the right to administer drug and alcohol testing or demand that the employee submit to drug and alcohol testing immediately after the alleged job accident. If the results of the drug test are positive, or the alcohol tests show blood alcohol equal to or greater than the limits outlined in state law, the employee shall be considered intoxicated, in which case the employee shall not be entitled to any workers' compensation benefits.

If the employee refuses to submit to drug and alcohol testing immediately after the accident, then it shall be presumed that the employee was intoxicated at the time of the accident, in which case the employee shall not be entitled to any workers' compensation benefits.

All drug and alcohol testing shall be in accordance with state law and District policy (see procedures in policy *GAMEA, Alcohol and Drug Abuse and Testing - General Employees*).

#### LOSS CONTROL

The School District, recognizing the potential severity of on-the-job injuries and its costs to the school system and employees, shall require the Superintendent to maintain an aggressive loss control program aimed at reducing and controlling risks of personal injury to employees and property damage to School Board facilities. The loss control program shall assure compliance with all safety and health laws, ordinances, and regulations that apply to the work place.

#### SETTLEMENT OF CLAIMS

The Superintendent shall be authorized to settle workers' compensation claims after consultation with School Board counsel and the third-party claims administrator.

Ref: La. Rev. Stat. Ann. §§17:1201, 23:1034.

## **E527 – STUDENT INSURANCE PROGRAM**

The Orleans Parish School District shall make available student accident insurance for purchase for students attending Orleans Parish public schools. An application form provided by the insurance carrier shall be sent home with students during the first week of school. The schools shall not be liable for any premium payment. Claim forms shall be furnished by the insurance carrier and copies shall be available in the school office.

The District does not assume liability for accidents to students who do not carry insurance nor does it assume liability for accidents to students who carry insurance beyond the policy coverage (this includes special football coverage).

### **RELEASE FORM FOR EXTRACURRICULAR ACTIVITIES**

All students engaging in interscholastic activities shall be required to fill out a form which releases the school, District, or Board from any liability for accidents or injury to students. This release form must be signed by parents before the student shall be permitted to participate in athletics.

## E528 – CASUALTY INSURANCE

### SCHOOL BUS LIABILITY COVERAGE

The Orleans Parish School District shall require each contract bus driver ten (10) days prior to the commencement of each school year, to provide the Supervisor of Transportation with a copy of his/her insurance policy covering a full year and a paid receipt for the policy. Should any coverage aspects or insurance provisions change during the year, the bus operator shall notify the Superintendent or his/her designee within twenty-four (24) hours of receipt of notification. Failure to comply with these requirements shall result in suspension without pay of the bus driver until such time as the bus driver is in compliance.

Each policy shall name the Orleans Parish School Board as an *additional insured* and must provide the minimum liability coverage of \$1,000,000.

The District shall provide for insurance on district-owned buses, if any.

### CONTRACTORS AND VENDORS

The Orleans Parish School District shall require all contractors and vendors doing business with the District to maintain adequate insurance coverage. Such coverage shall include workers' compensation and third party liability coverage. The contractor or vendor may not appear at the facility either to unload materials or to begin work until a valid insurance certificate has been provided to the Superintendent or his/her designee. If the contractor or vendor cannot provide these coverages, another contractor or vendor shall be secured.

1. The individual issuing the contract is the last party to sign the contract. No contract shall be countersigned unless a valid insurance certificate has been provided.
2. Once a valid insurance certificate has been received, the individual signing the contract shall make sure the certificate is valid and meets the limits prescribed in the specifications and/or contract agreement.

Ref: La. Rev. Stat. Ann. §§17:159, 17:159.1, 17:159.2.

## **E529 – PROFESSIONAL SERVICES PROCUREMENT**

*Board Policy E529 was repealed by the Orleans Parish School Board at the April 19, 2011 Regular Board Business Meeting.*

## **E530 - DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

In keeping with current Louisiana State law regarding disadvantaged business programs, the Orleans Parish School Board (OPSB) has developed a Disadvantaged Business Enterprise (DBE) policy which is both race and gender neutral to assist DBE businesses in the metropolitan New Orleans area and throughout the state of Louisiana.

The policy offers firms business opportunities in Professional Services, Construction and Goods/Services through its Disadvantaged Business Enterprise (DBE) Program. The goal of OPSB is to provide for maximum practical opportunities for participation in its procurement of construction and goods and services for businesses owned by socially and economically disadvantaged individuals, and for businesses which employ such persons.

*Procedures governing the Disadvantaged Business Enterprise Program are available on our website ([www.nops.k12.la.us](http://www.nops.k12.la.us)).*

Adopted 07/2011





**Facility Expansion Program  
Section F**

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## **F600 – SITE ACQUISITION PROCEDURE**

The Orleans Parish School Board shall expedite the purchase of a given piece of property for public school purposes in order that negotiations with the owner may begin immediately. If a problem arises during negotiations which delays acquisition of the property by the School Board, expropriation proceedings may ensue as provided by law to enable the Board to acquire the property. When possible, the School District shall maintain communication with the owner or his/her counsel as proceedings develop in order to provide an opportunity to negotiate a purchase rather than resort to or continue court action. It shall be the Board's declared intent to negotiate reasonably and amicably and to avoid friction when possible while continuing negotiations. The Board shall authorize a member of the real estate committee to said negotiations as its fiduciary agent.

The site acquisition procedure will follow all necessary procurement laws such as advertisement, procurement of an appraisal, due diligence period, and all applicable contractual language. Furthermore, the Board should act on each and every acquisition by passing a Resolution authorizing such acquisition. The Board shall act on the advice of the OPSB facilities group (which shall include the Chief Financial Officer, the Executive Director of Operations ) and/or the a representative of real estate committee, the Chair of the Budget and Finance and/or Property committees, and others as deemed appropriate.

Ref: Constitution of Louisiana, Art. I, Sec. 4; La. Rev. Stat. Ann. §§17:81, 19:1 et seq.

## F601 – SUPERVISION OF CONSTRUCTION

The Orleans Parish School Board shall require from the Superintendent or the designated construction supervisor, which may be an internal OPSB employee or an outside agent, a review of the architect's activities in his/her administration of building construction. The Superintendent shall make periodic reports certifying by his/her personal knowledge that the work of the construction contractor and the architect is being performed in accordance with plans, specifications, and contracts. In addition, the school board shall receive a semi-annual report on all construction, to include the work of contractors and architects. This report will be in addition to the Superintendent's periodic reports above.

The Orleans Parish School Board shall by Board adoption establish a formula for calculation of Architecture and Engineering fees, this formula shall be based on industry and market based research and defined by the following equation:

$$\left( \frac{\text{Renovation Factor (1.0)(1.25)}}{\text{Log (AFC Funding) 1975 BCI/ Current BCI}} \right) X$$

Requests made by contractors for extensions of time to their contracts, for delay or days missed due to inclement weather, shall be documented on a day by day basis and submitted for the Board's consideration. No extension shall be granted where proper documentation has not been submitted and the penalty clause of the contract shall be enforced.

Upon completion of the building construction and a final inspection of all its aspects by the architect, contractors, and school officials, a recommendation for its acceptance or rejection may be made to the Board. Final acceptance or rejection will be by the Board.

Ref: La. Rev. Stat. Ann. §17:81, OPSB Meeting Minutes 12/16/08.

## **F602 – CHANGE ORDERS**

All public work contracts shall contain provisions authorizing the issuance of change orders within the scope of the contract. The Orleans Parish School Board, in order to increase or decrease the amount of a contract after bids have been officially accepted by the Board, shall require the approval of a change order. A change order shall be submitted by the contractor to the project architect and upon his/her recommendation, such change orders shall be submitted to the Superintendent for his/her recommendation of action to be taken by the Board. As long as the change order is less than 20% of the original contract amount, then a designated agent of OPSB may approve said change order. Subsequently, the Board should consider ratifying such an approval. If approved and ratified by the Board, the Superintendent or designee, in consultation with the architect, shall put the change order into effect and make it a part of the official contract price.

All change orders shall be in writing. Any change order outside the scope of the contract and/or in excess of the 20% allowable change order limit shall be let out for public bid.

Any change order pertaining to public work which is not required to be put out for public bid shall either be negotiated in the best interest of the Board or let out for public bid. Where the change order is negotiated, the Board shall require that said change order be fully documented and itemized as to costs, including material quantities, material costs, labor, taxes, insurance, employee benefits, other related costs, and overhead. Where certain unit prices are contained in the initial contract, no deviations shall be allowed in computing negotiated change order costs.

Ref: La. Rev. Stat. Ann. §38:2212; Board minutes 7-18-06.

## **F603 – CAPITAL PROJECTS PROCUREMENT**

It is the policy of the Orleans Parish School Board to procure professional services for its capital projects funded through a qualifications-based procedure. The procedure shall foster fair and open competition to select credentialed professionals who are best able to produce quality projects within budget and on schedule.

This policy shall be implemented through adopted regulations which shall:

1. Establish qualifications as the basis for selections;
2. List the criteria on which qualifications will be judged;
3. Provide for effectively publicizing the availability of the work;
4. State how qualifications and proposals will be screened and evaluated;
5. State the basis for the final fee determination;
6. Assign administrative responsibility for managing the selection process; and
7. Specify how recommendations and decisions will be made.

The regulations shall include provisions for a thorough evaluation of the qualifications of professionals by the staff prior to the selection by the Board. Also, the regulations shall provide a means to distribute work among selected professionals and to allow new and emerging local professional firms a means to become involved in School District projects.

### CODE OF CONDUCT

No employee, officer, or agent of the Orleans Parish School Board shall participate in the selection of in the award of administration of a contract supported by LCDBG funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

No officer, employee, or agent of the Orleans Parish School Board shall solicit or accept gratuities favors, or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Any alleged violations of these standards of conduct shall be referred to the Orleans Parish School Board General Counsel. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigations and possible prosecution.

### Capital Projects Funded with Community Development Block Grant Funds

It is the policy of the Orleans Parish School Board that capital projects funded with Community Development Block Grant (CDBG) funds will be procured and managed in accordance with the standards established in 24.C.F. R. 85.36 and State and OPSB Board Policies. These standards and requirements include but are not limited to: Executive Order 113475, Equal Opportunity in USDOL regulations 41 C.F.R. Part 60, Copeland “Anti-Kick- Back” Act (18 USC 874); USDOL regulations 41 C.F. R. Part 3; Davis – Bacon Act (40 USC 276a to a-7) USDOL regulations 41 C.F.R. Part 5, Contract Work Hours and Safety Standards Act (40 USC 327-330) USDOL regulations 29 C.F.R. Part 5; Clean Act (42 USC 1857h), Section 508 of the Clean Water Act (33USC 1368), Executive Order 11738, and the Environmental Protection Agency regulations 40 C.F. R. part 15; and La. State Energy Conservation Plan in compliance with Energy Policy and Conservation Act (P.L. 94-163); and Orleans Parish School Board Policies *B217 – School Board Ethics*, *D428 – Purchasing*, and *G741 – Employee Conduct*.

It shall be the policy of the Orleans Parish School Board that the guidelines established in accordance with the above cited statues, acts, and regulations shall be codified in the OPSB Administrative Procedures for Capital Projects funded with CDBG funds.

## F604 – FACILITIES PLANNING

It shall be the policy of the Orleans Parish School Board to ensure that school facilities support learning in the context of the total community. A School Facilities Master Plan and the annual Capital Projects Plan and Budget are vital components of comprehensive facilities planning.

### FACILITIES MASTER PLAN

A facilities master plan is a document describing a strategy to address the need for facility improvements and capital investments to support current and future educational programs. The facilities master plan assesses the needs for repairs, modernization, upgrades, or new construction, and identifies options and solutions to address the needs. It also addresses the availability of federal, state, and local funding and other sources to finance improvements and capital investments.

The facilities master plan shall provide the School Board with a plan for addressing the educational needs of the students and the community, a *Blueprint* for improving and maintaining quality school facilities. Facilities master planning is a process which requires regular updating, in response to the changing requirements and the need for repair and maintenance of school facilities. Upon adoption of a school facilities master plan, the Orleans Parish School Board shall establish a by board action the interval or schedule for the master plan review and update.

### ANNUAL FACILITIES UTILIZATION PLAN

The Superintendent shall annually (in March or prior to development of the Annual capital Projects Plan and Budget) to provide the Board with a report on school facilities, including the following information:

**1. Capacity**

The capacity of each building to adequately house students based on the schools enrollment patterns or district boundaries.

**2. Utilization**

The current extent to which the current capacity of each school facility is utilized to house enrolled students and to house those programs generated by the needs of the students attending. The utilization section of the report should also include the Superintendent's recommendations for the education program (tradition and/or charter school) usage of the facility for the upcoming school year. If a program is being recommended for relocation, the Superintendent should include in the report a timeline and plan for collaborative planning of the relocation and reassignment.

**3. Facility Condition Index (FCI)**

**4. Furnishings and Equipment**

A rating of the furnishings and movable equipment in each school plant based upon an objective assessment conducted collaborative with school leadership team and curriculum and instruction leaders.

The information provided in the annual report will be used by the Superintendent and the Board to assess facility needs, to evaluate improvement in meeting facility goals and objectives, and to guide planning and budgeting decisions.

### CAPITAL PROJECTS PLAN

The Superintendent and designated members of his/her staff shall submit to the Board, annually a proposed three year Capital Projects Plan (including budget), and request implementation of the first year of the program. Prior to inclusion in the Comprehensive Capital Budget which the Board adopts, each capital improvement project shall be evaluated through a feasibility study, which shall include an analysis of need, and estimates of construction and operating costs. The request for implementation of the first year of the plan shall include a list of the proposed projects in priority order based on the evaluation of the feasibility studies submitted. Capital Projects approved by the Board shall be made a part of the comprehensive Capital Budget, which shall be adopted by the Board annually by September 15.

### PLANNING FOR SCHOOL CONSTRUCTION AND MAJOR RENOVATIONS

To insure that the school construction program is receptive to community needs, supports the instructional programs, and proceeds as smoothly and rapidly as possible, the processes listed below for planning the construction of future facilities shall be utilized.

At the time the Board determines a future school facility is to be planned, the Board shall authorize the Superintendent to provide public notice to the community and establish the (specific site) School Planning Committee. The membership of the School Planning Committee will be determined according to the criteria listed below.

1. If the new facility services a new neighborhood or attendance area, each organized community group which has an interest in public education in the specified geographic area will be invited to send a representative. Additionally, the President of the parent organization of the school(s) which will be affected by the future facility will be invited to send representatives.

Other members will be solicited from among community residents not already represented by the above mentioned groups. Teacher and student representatives will be included on the Committee.

2. If the project is a replacement of an existing facility or a major renovation of an existing facility, each organized community group in the attendance area which has an interest in public education will be invited to send a representative. In addition the President of the existing school's parent organization will be invited to send a representative.

Other members will be solicited from among community residents not already represented by the above mentioned groups. Teacher and student representatives selected



from the existing school's faculty and student body will be included on the Committee and will be selected in accordance with Board policy. The Principal of the existing school will also serve on the Committee.

3. A staff contracted architect and staff representatives from the areas of educational programs and planning will also serve on the School Planning Committee.

At this phase of the program, the primary function of the School Planning Committee will be to draft, in cooperation with the professional staff, written recommendations which express the educational expectations of the school community and the desired functions of the future facility.

Based on the report of school building needs as expressed by the School Planning Committee, the staff will the educational specifications, as currently adopted by the Board, which enunciate a philosophy and describe the teaching-learning environment envisioned, the teaching strategies compatible with the philosophy and the environment, and the special physical features required in the future facility.

The completed educational specifications will be reviewed with the School Planning Committee for endorsement prior to submission to the Superintendent.

In the event of major dissenting opinions within the School Planning Committee, a committee report will be presented to the Superintendent for review and resolution.

Following a review of the educational specifications and resolution of identified problems, the Superintendent will present the educational specifications to the Board for approval.

### REVIEWING ARCHITECTURAL DESIGNS

Following the Board's approval of the educational specifications, the Superintendent will assign the report to the appropriate staff and architect contracted by the Board for translation into an architectural program.

The Superintendent will appoint a Building Committee composed of the contracted architect; representatives from the areas of educational programs, planning, maintenance and architectural services; a community, teacher, student and principal representative of the School Planning Committee to be designated by the Committee; and a member of the Board to be designated by the Board. The President of the Board will name the chairman of the Building Committee.

The function of the Building Committee will be to determine if the proposed architectural design for the new construction meets the needs of the instructional program and falls within the budgetary limitations, and compliant with the building specifications as adopted and set forth by the Board.

The staff architect will report the findings of the Building Committee to the Superintendent for his approval and submittal to the Board for appropriate action upon completion of the following phases of work:

- Preliminary drawings based on the architectural program
- Final working drawings and specifications and permission to advertise for bids.

### SELECTING THE SCHOOL SITE

The School Facilities Master Plan provides potential school sites for new construction. However, when a new site has not been identified, the planning staff will seek and identify potential sites for new or replacement schools. Any staff, Board, School Planning Committee member, or other community member may recommend sites to the Superintendent. The planning staff will investigate the availability of all identified sites, including the sites proposed in the Master Plan.

The Superintendent will organize and Chair a Site Evaluation Advisory Subcommittee consisting of members of the School Planning Committee. The Subcommittee will include teacher and principal representatives and a sufficient number of parents and community members from the School Planning Committee to insure representation of all groups affected by the facility.

The function of the Site Evaluation Advisory Subcommittee will be to assist the planning staff with the evaluation of each available site based upon adoption site selection criteria.

### PUBLIC NOTICE

All meetings of the of the above referenced Advisory and Planning Committees are subject to Louisiana Open meetings laws and OPSB Board Policy, and are open to the public. Committee meetings shall be advertised and notice no later than 24 hours from the start of the meeting.

Ref: OPSB Meeting Minutes 11/18/08.

## **F605 – PROPERTY DISPOSITION**

The Orleans Parish School Board, as a statutory body of the State of Louisiana, is charged with the duty to acquire property on behalf of the Orleans Parish School District by donation or otherwise, to take action necessary to preserve such property, and to dispose of or contract with regard to immovable property owned or leased by the Orleans Parish School District. In accordance with the duties aforementioned, the Orleans Parish School Board established by the following criteria for determining potential Board-owned properties as surplus property.

### **RETIREMENT OF SCHOOL FACILITIES**

The utilization of all school facilities shall be reviewed annually by the Superintendent through the Executive Director of Operations. Student enrollment patterns will be analyzed in terms of school membership, demographic trends, transportation patterns and distances, and program requirements. Should the annual evaluation of a school facility or demographic statistics indicate the potential need for closing a given school site, a comprehensive closing study shall be required by the Board.

*The Comprehensive Closing Study* shall include the following data:

1. Demographic data of the school, and the planning district
2. Age and current physical condition of the building, its operating systems, and program facilities (FCI)
3. Unusual circumstances that require alternate use of a particular location or building.
4. Reassignment of children, including alternate plans, according to Board policy
5. Transportation factors, including numbers of children bused, time, distance and safety
6. Alternate use of building
7. Cost/Savings
  - a. Personnel
  - b. Plant Operation
  - c. Transportation
  - d. Capital Investment
  - e. Repair and Maintenance
  - f. Alternate Use
8. Continuity of Instructional and Community Programs

Regardless of the results of the annual report, the Board shall require a comprehensive closing study if any of the following conditions apply:

8. The school building is inadequate by virtue of age, condition, size of site, or other overriding limitations, and cannot reasonably and economically be brought up to current educational and facility standards.
9. The school has been substantially under capacity for a two (2) year period and is projected to remain so.

10. Unusual circumstances require alternate use of a particular location or building.

*Comprehensive Closing Studies* shall be conducted during the months of October through January. Should the Comprehensive Closing Study indicate the need to close a school, and the Board concurs, said school will close in June of the school year the study was undertaken.

### SURPLUS PROPERTY

It is the policy of the Orleans Parish School Board that before a property is declared to be surpluses, the property shall meet the following criteria:

1. Building is inadequate by virtue of age, design, condition, size of site, or other overriding limitations and cannot reasonably and economically be brought to or maintained at, current educational standards.
2. Property is located in an area no longer requiring, nor reasonably expected to require within 20 years, a school purpose for the property due to changes in population, enrollment, land use, or other overriding trends.
3. Retention of the property in a vacant state for an expected long period of inactivity would be detrimental to the welfare of the community or would place an unreasonable economic burden on the school district's resources.
4. Opportunities exist for adaptive use of the property by other public or nonpublic entities that would be beneficial to the community at large and would generate needed revenue for the school district.
5. There are no legal impediments to the disposal of the property by sale or lease to another entity.

Prior to property being recommended to the Board for declaration as surplus, the Superintendent or his/her designee shall provide the Board with evidence of the following research and activities through the proper Board Committee:

1. That there are no legal restrictions prohibiting the sale of the property (i.e., donation agreements, trust agreements, etc.).
2. Clear title to property exists.
3. A current appraisal of the property is secured.

Upon the declaration of the property as surplus, the Board may authorize the Superintendent to proceed with sale, lease, or swap to other governmental bodies of said surplus property. In accordance with State Statute, all public property must be appraised and advertised to the public prior to sale. All sales of surplus public property must be by public auction or sealed bid.

Ref: La. Revised Statute 41:892

## F606 - ASSIGNMENT OF SCHOOL BUILDINGS

The Orleans Parish School Board is charged with the responsibility of assigning school facilities to direct run and charter operated schools. The provisions of the policy are intended to govern assignment of Orleans Parish School Board school facilities to Operators, whether Direct-Run or Charter, for use as a K to 12 educational facility. Assignment of School Facilities to a Charter Operator will require execution of a lease in accordance with the requirements of state law.

The utilization of all school facilities shall be reviewed annually by the Superintendent through the Executive Director of Operations. The goals of facility utilization are as follows:

1. Transparency in assignment of facilities to operators.
2. Clear and Objective Process for assignment
3. Ensure Support for Special Needs Students.
4. Maximize Facility Capacity by matching facility capacity to operator enrollment.
5. Assessment of Transportation factors including number of children bused, time, distance and safety.
6. Community Involvement and Support.

The following criteria will be taken into consideration in the assignment of facilities:

7. Demographics supporting the need for a school in the community
8. Operator School enrollment should equal or exceed 85% of Building Capacity.
9. Operator must be able to demonstrate Community support and participation.
10. Operator must be able to demonstrate Financial Stability.
11. Ability and Willingness of the Operator to Execute an acceptable lease contract.
12. Operator's compliance with state and federal laws and contractual obligations.
13. Condition of the facility as set forth in Policy F605.

The Superintendent and/or his designee will be responsible for developing procedures for compliance with this policy. In March of each year, the Superintendent shall present to the Board the assignment of facilities.

*Adopted 03-2011*

**Personnel  
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## **G700 – EQUAL OPPORTUNITY EMPLOYMENT**

The Orleans Parish School Board declares as policy that all applicants for admission and employment, students, parents, employees, sources of referral of applicants and employment, and any and all entities having business with the school district are hereby notified that this school district does not discriminate on the basis of race, color, national origin, sex, age, disability, marital status, sexual orientation, religion or veteran status in admission or access to, or treatment or employment in, its programs and activities. The school district 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 on the basis of disability. The school district shall also provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship. In addition, no person who is infected with or suspected of being infected with Human Immunodeficiency Virus (HIV) or similar diseases shall be denied benefits or otherwise excluded from education or employment unless otherwise unqualified.

### **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 Orleans 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.

Ref: U.S. Const. Amend. XIV, §1; P.L. 101-336; 42 U.S.C. §2003-1 to 1017; 20 U.S.C. §1681 et seq.; 29 U.S.C §621 et seq.; Constitution of Louisiana, Art. 1, '3; La. Const. Art. 10, §10; La. Rev. Stat. Ann. §§23:301 et seq.; Griggs v. Duke Power Company, 91 S.Ct. 849 (1979); Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211 (5th Cir. 1979).

## **G701 – INDIVIDUALS WITH DISABILITIES**

The Orleans Parish School Board believes that no otherwise qualified person shall, on the basis of disability, be subjected to discrimination in employment, promotion, demotion, transfer, or any employment-related function or process, under any program or activity in the Orleans Parish School System.

The Board further believes that no citizen with a disability should be denied access to any program or activity, where reasonable accommodations may be made without imposing undue financial or administrative burdens, or where such modifications would result in a fundamental alteration in the nature of the program or activity.

### **REASONABLE ACCOMMODATION**

The School Board will make every effort to provide reasonable accommodations for the known disabilities of its employees and/or applicants. A *reasonable accommodation* is defined as a modification to the job or work environment that will enable a qualified individual with a disability to enjoy equal employment opportunity.

In general, it is the responsibility of the applicant and/or employee with a disability to inform the School Board that an accommodation is necessary. This request need not specifically use the term “reasonable accommodation”, but need only let the School Board know that, because of a medical reason, some adjustment or change is needed in order for the employee to perform his/her job.

If an employee requests an accommodation and the need for such is not obvious or of the School Board does not believe that the accommodation is needed, the School Board may request that the employee provide documentation from his/her physician regarding the employee’s functional accommodation that is primarily for the personal use of the employee. The School Board further is not required to provide an accommodation, which would result in an undue hardship on the School Board.

Requests for a reasonable accommodation need not be in writing, but such is preferred. It is also permissible for another person, such as a friend, family member, or physician, to request an accommodation on behalf of an employee.

The employee who believes that a reasonable accommodation is necessary should report such to his/her immediate supervisor. The supervisor will then report the request to the Board’s Director of Human Resources or his/her designee. At that point, the Director of Human Resources or his/her designee, together with the employee’s immediate supervisor, will meet with the employee to discuss the request and attempt to identify possible accommodations which could be made in order to allow the employee to perform the essential functions of his/her job, the School Board may choose the accommodation that is less costly or that is easier to provide.

Once a request for an accommodation has been made, the Director of Human Resources or his/her designee shall schedule an initial meeting with the employee and his/her immediate supervisor as soon as practical, but in no case longer than fifteen (15) school days following receipt of the request. Multiple meetings may be necessary, however, before a determination regarding the request can be made.

Following the meeting(s) discussed above, the Director of Human Resources or his/her designee Compliance Officer will render a written decision regarding the request for accommodation, including whether the request is to be granted and how, or if the request is not to be granted, the reasons why. Such report will be rendered within a reasonable time following the conclusion of the meeting(s) with the employee and the immediate supervisor, but in no instance will the report be rendered longer than thirty (30) school days following the last meeting.

In case a decision is made not to grant an accommodation because of an undue hardship, written documentation of other reasons therefore shall be sent to the individual and a copy maintained in the employee's personnel file.

Any employee who is denied a request for accommodation may grieve such determination as provided in Policy G702, *Complaints and Grievances*.

## **G702 – COMPLAINTS AND GRIEVANCES**

Any employee of the Orleans Parish School District shall have the right to appeal the application of process 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 personal grievance.

Ref: La. Rev. Stat. Ann. §17:100.4; Pickering v. Board of Education, 88 S. Ct. 1731; Board minutes, 3-9-87, 12-18-95, 10-27-97.

## **G703 – SEXUAL HARASSMENT**

Sexual harassment is a form of sex discrimination which is prohibited by federal and state law. It is the policy of the Orleans Parish School District to maintain a learning and working environment that is free from sexual harassment. This policy of the School District specifically prohibits all forms of sexual harassment.

It shall be a violation of this policy for any employee, student, non-employee volunteer, or Board Member of the Orleans Parish School Board to harass a student, an employee or non-employee volunteer through conduct or communication of sexual nature as defined by this policy.

The Director of Human Resources shall act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any employee or non-employee volunteer who sexually harasses a student, employee, or non-employee volunteer of the School Board.

### **I. SEXUAL HARASSMENT DEFINED**

- A. Sexual harassment shall include, but not be limited to, unwelcome sexual advance, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
  - 1. Submission to such conduct or communication is, either explicitly or implicitly, made a term or condition of obtaining or retaining employment, or promotion, or a student's education; or
  - 2. Submission to or rejection of such conduct or communication is used as a factor in decisions affecting an individual's employment or promotion or a student's education including any aid, benefits, services or treatment; or
  - 3. Such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or education, or creating an intimidating, hostile or offensive working or education environment.
  
- B. Sexual harassment may include, but is not limited to:
  - 1. Verbal harassment or abuse;
  - 2. Uninvited letters, telephone calls, or materials of a sexual nature;
  - 3. Inappropriate and uninvited leaning over, cornering, patting or pinching;
  - 4. Uninvited sexually suggestive gestures;
  - 5. Intentional brushing against a student's or an employee's body;



6. Uninvited pressure for dates;
7. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment, promotion, or educational status;
8. Uninvited sexual teasing, jokes, remarks, or questions;
9. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment, promotion or educational status;
10. Any sexually motivated unwelcome touching;
11. Attempted or actual rape or sexual assault; or
12. Any offensive posters, cards, cartoon, graffiti inappropriate Internet sites and drawings to which the ordinary reasonable person would take offense.

## II. RETALIATION PROHIBITED

The School Board 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 includes, but is not limited to, any form of intimidation, reprisal or harassment at the time of a report or any time after a report, including premature celebrations.

## III. 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 Board personnel shall comply with Article 60 (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.

## IV. DISCIPLINE

Any action taken pursuant to this policy shall be consistent with requirements of applicable statutes and School District policies. The School Board and Superintendent shall take such disciplinary action for employees and non-employee volunteers deemed necessary and appropriate, including warning, transfer, suspension, or immediate discharge to end sexual harassment and prevent its recurrence, all in compliance with applicable statutory provisions.

Ref: 42 U.S.C. 2000e et seq. (Civil Rights Act of 1964); 29 CFR §1604.11 (Equal Employment Opportunities Act); La. Rev. Stat. Ann. §§14:41 et seq., 17:81; La. Civil Code, §2315; Board minutes, 3-13-99.

## **G704 – STAFF CONFLICT OF INTEREST**

### RELATIONSHIPS IN THE WORKPLACE

The Orleans Parish School District recognizes that close personal relationships in the school setting may develop between co-workers. It is the policy of the district not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. Notwithstanding this policy, the district retains the right to refuse to appoint a person to a position in the same department, division or facility, wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. Human Resources shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist. If co-workers are involved in a relationship that may lead to conflicts of interest or other employee morale problems, the co-workers must consult with their supervisor and Human Resources.

The District permits the employment of qualified relatives of employees of the employee's household or immediate family as long as such employment does not, in the opinion of the District, create actual conflicts of interest. For purposes of this policy, "immediate family" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, "step" relation or any member of the employee's household. The district will use sound judgment in the placement of related employees in accordance with the following guidelines:

- Individuals who are related by blood, marriage, or reside in the same household are permitted to work in the same district department, provided no direct reporting or supervisor to subordinate relationship exists. That is, no employee is permitted to work within "the chain of command" when one relative's work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment could be influenced by the other relative.
- Related employees may have no influence over the wages, hours, benefits, career progress and other terms and conditions of the other related staff members.
- Employees who marry while employed, or become part of the same household are treated in accordance with these guidelines. That is, if in the opinion of the district, a conflict arises as a result of the relationship, one of the employees may be transferred at the earliest practicable time.

Working together, a plan to resolve any potential conflicts can be developed.

Ref: La. Rev. Stat. Ann. §17:81.

## **G705 – POLITICAL ACTIVITIES**

It is strongly felt by the Orleans Parish School District that teachers should stress the importance of citizenship responsibilities and the political rights of citizenship to each student. For administrators, teachers, and staff to be able to place strong emphasis on these areas, the Board believes they should have the right to enjoy these privileges, free from any pressures and/or concerns. It is felt that all employees should be free to support candidates of their choice, exercising their own good judgment.

Therefore:

1. All personnel shall be notified that they must not be part of any activity relating to any matter to be presented by the School Board to the public (i.e. referendum, tax issues, etc.) during office hours or while on duty, nor shall they use any School Board facility for any such activity. This includes, but is not limited to, making or soliciting contributions to campaign funds, or promoting any candidate by distribution of cards, pictures, handbills, clothing and pins, making telephone contacts, or in any other way. This requirement applies in every school of the system, department of the system and on school buses.
2. Any materials or equipment (for example, mailing lists, copy machines, etc.) owned or held by the School Board, or staff, shall not be made available to any group or individual without the Board's approval.
3. It will be permissible to allow public forums or meetings to be held at school facilities as long as all interested persons, candidates, etc., are extended equal opportunity or representation at the forum or meeting.

All employees shall be informed of said policy provisions. Violation of any aspect of this policy could subject the employee to disciplinary action, including suspension and/or dismissal. This policy shall apply during business hours or while an employee is on official District business, and is not intended to interfere with personal time or affairs away from offices or school facilities in any way.

Ref: La. Rev. Stat. Ann. §17:81.

## **G706 – SOLICITATIONS**

The Orleans Parish School District shall prohibit employees from accepting or soliciting any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. An employee who believes he or she has or may have a conflict of interest shall disclose the interest to the Superintendent or designee, who shall take whatever action is necessary, if any, to ensure that the district's best interests are protected.

### ENDORSEMENTS

Employees shall be prohibited from recommending, endorsing, or requiring students to purchase any product, material, or service in which they have a financial interest or that is sold by a company that may employ the district employee during non-school hours. Professional employees shall be prohibited from recommending or requiring students to purchase a specific brand of school supplies if there are other brands that are equal and suitable for the intended instructional purpose.

### SALES

Employees shall be prohibited from using their positions with the district for the purpose of attempting to sell products or services.

Ref: La. Rev. Stat. Ann. §§42:1111, 42:1112, 42:1113, 42:1115.

## **G707 – SOLICITATIONS OF STAFF MEMBERS**

It shall be the policy of the Orleans Parish School District that solicitation of contributions from employees on a system-wide basis shall not be permitted except by permission of the Superintendent or designee.

### **SOLICITATIONS BY SALES REPRESENTATIVES**

No sales representative will be allowed to distribute materials or address any meeting of teaching or non-teaching personnel.

The foregoing prohibition shall not apply to an after school meeting called and controlled by a school employee organization or association, or a representative of a person, firm, or entity which offers any sort of employee benefit plan or program. In such instance(s), however, the following procedures must be observed:

- A. Such sales representatives shall obtain permission from the Superintendent to conduct meetings in the central office or school. These meetings may be held only with specific permission of Superintendent of Schools.
- B. Meetings shall not take place during regular working hours.
- C. Attendance at such meetings shall be voluntary and all affected employees advised accordingly.

These regulations do not apply to textbooks, educational programs, or other new programs which have been formally adopted by the School Board for inclusion in the school district.

## **G708 – GIFTS**

### GIFTS TO PERSONNEL

The Orleans Parish School District shall prohibit staff members and employees of the school district from soliciting, accepting, or receiving, either directly or indirectly, any gift from students, parents, or other individuals. The acceptance of a token of appreciation shall not be considered a violation of this policy.

Acceptance of any form of compensation, gift, or gratuity by any employee of the Orleans Parish School District from persons, firms, subcontractors of firms, individuals, or organizations doing business with any Orleans Parish School District entity is prohibited. Reduced cost and/or free travel expenses are also defined as gifts with regard to this policy. This policy does not preclude acceptance of food or drinks of a social nature or participation in a social event. This policy shall not preclude the acceptance of campaign contributions for use in meeting campaign expenses by any employee who is or becomes a candidate for election to any public office. Any employee of the district should notice Human Resources if said employee becomes a candidate for any appointed or elected positions to ensure and protect against any employee holding dual offices.

Ref: La. Rev. Stat. Ann. §§42:1111, 42:1112, 42:1113, 42:1115.

## **G709 – PERSONNEL RECORDS**

The Orleans Parish School District shall require the maintenance of a uniform system of personnel records for all employees. It shall be the responsibility of the Director of Human Resources or designee to keep the records updated and complete in accordance with statutory provisions. A School Board member or any other person authorized pursuant to this policy shall be permitted to examine any and all records of the school system, except school employee records relative to evaluations, observations, formal complaints, and grievances. The Board, however, *upon a majority vote of the total Board membership*, shall have the right to examine any and all records of the school system, including personnel records.

### GENERAL ACCESS TO AN EMPLOYEE'S PERSONNEL FILE

No school employee shall be denied access to his/her personnel file. The contents of a school employee's personnel file shall not be divulged to third parties without the expressed written consent of the school employee, except when ordered by a court or by subpoena, or in accordance with this policy. No school system employee other than the personnel file custodian, Director of Human Resources, or the Superintendent for the system, or the designee of either, who shall be a school system employee, shall be allowed access to a school employee's personnel file without the school employee's expressed written consent, unless that employee is charged with the duty of supervising that particular school employee's performance. In case a personnel file should be accessed by the Board or anyone else, the employee whose file was so accessed shall receive written notice of the fact and the name and title of the person who was permitted access. All persons permitted access shall maintain the confidentiality of those documents in the file which are not matters of public record.

### REQUESTS FOR ACCESS AND INSPECTION

#### Additions to Personnel File

No complaint, commendation, suggestion, or evaluation may be placed in the evaluation file unless it meets the following requirements:

1. Each document concerning a school employee shall be placed in the employee's personnel file within a reasonable time and no document, except those resulting from routine recordkeeping, shall be placed in a school employee's personnel file by any school system employee, unless and until that school employee is presented with the original document and a copy thereof prior to its filing.
2. Upon receipt of the original document and copy of the same, the school employee shall sign the original document as an acknowledgement of the receipt of the copy of the document. Such signature shall not be construed as an agreement to the contents of the document.

### Rebuttal and Response

Each school employee shall be given the opportunity to rebut and to respond to a document placed in his/her personnel file.

1. The rebuttal and response must be in written form and once filed shall be attached to the document to which the response and rebuttal applies, and thus become a permanent part of the school employee's personnel file as long as the document remains a part of the personnel file.
2. No document or copy thereof, to which a response and rebuttal has been filed, shall be used for any purpose whatsoever unless the rebuttal and response or copy thereof is attached to the document or copy sought to be used.
3. A school employee shall have the right to receive proof of any allegations and statements contained in a document placed in his/her file that the school employee believes to be inaccurate, invalid, or misrepresented. If such proof is not presented, the document containing the allegations and statement shall be removed from the school employee's personnel file and destroyed.

### CONFIDENTIAL INFORMATION

Certain items in the personnel records of School District employees shall be confidential, including:

1. The home telephone number of the employee where such employee has chosen to have a private or unlisted home telephone number because of the nature of his/her occupation with such body.
2. The home telephone number of the employee where such employee has requested that the number be confidential.
3. The home address of the employee where such employee has requested that the address be confidential, except it shall be made available to recognized educational groups.
4. The social security number and financial institution direct deposit information as contained in the personnel records of an employee of the School District. However, when the employee's social security number or financial institution direct deposit information is required to be disclosed pursuant to any other provision of law, including such purposes as child support enforcement, health insurance, retirement reporting, or to officials or employees of the school, School Board, Louisiana Department of Education, or Board of Elementary and Secondary Education, in the performance of duties or responsibilities of the official or employee, the social security number or financial institution direct



deposit information of the employee shall be disclosed pursuant to such provision of law.

5. The name and account number of any financial institution to which the public employee's wages or salary is directly deposited by an electronic direct deposit payroll system or other direct deposit system.

The above information shall not be divulged to third parties.

### HEALTH AND MEDICAL RECORDS

In the matter of health and medical records, the laws applicable to that shall apply and the following items found in personnel records have been deemed confidential and should not be released for examination:

1. Medical/health records, claim forms, insurance applications, requests for payment of benefits and all other health records of an employee, officials and his/her dependents, except as may be permitted by state law.
2. All medical records of an employee, all records of payment of compensation to an employee or his/her dependent and other records which would ascertain the identity of the injured employee or his/her dependent in a Worker's Compensation action.

### DEFINITIONS

**Document** means any written or otherwise tangible material intended to be or actually used as a part of or any evidence of the work history of any employee including but not limited to any and all reports, comments, reprimands, correspondence, memoranda, evaluations, observations, and grievances relative to a particular employee.

**Personnel file** means the file in the Human Resource Department which contains the cumulative collection of any and all documents maintained by the school system with respect to each individual employee.

**Personnel file custodians** (file custodians) means those persons employed by the school system charged with the duty of maintaining and preserving the personnel files.

**Third party** means any person or entity not regularly employed, or employed under a contract by the school system in which the employee is employed.

Ref: 5 U.S.C.A. §552 (Privacy Act of 1974); La. Rev. Stat. Ann. §§17:81, 17:440, 17:1231 et seq., 23:1127, 23:1131, 23:1293, 44:1, 44:2, 44.4, 44:11, 44:12.

## **G710 – EMPLOYEE TOBACCO USE**

Smoking, chewing or otherwise consuming any tobacco or tobacco product in any Orleans Parish School District elementary or secondary school building, other building, or vehicle shall be strictly prohibited.

Smoking, carrying a lighted cigar or cigarette, pipe or any other form of smoking object or device shall be prohibited on the grounds of any elementary or secondary school property, all offices of the Orleans Parish School District, and all other Board property (including portable buildings, field houses, stadiums, equipment storage areas, etc.).

Smoking or the use of any tobacco product in any form shall be prohibited on any school bus or vehicle used to transport children attending any public elementary or secondary school.

During the loading, unloading or transport of students, no cigarettes, cigars, matches, smoking paraphernalia or other tobacco products, whether chewing tobacco, snuff or otherwise, shall be displayed or placed in any position in the vehicle so that those products may be observed by any student during the transportation of students in the vehicle.

Violations of this policy may result in disciplinary action.

## **G711 – EMPLOYEE DRESS CODE**

### DRESS AND PERSONAL GROOMING

Employees on a daily basis shall dress as professionals, in businesslike attire in order to set a good example for co-employees, students and the general public. Employee dress and grooming shall not detract from the learning/educational environment of students' participation in classes, school programs or other school-related activities. Extremes in style and fit in employee dress and extremes in style of grooming shall not be permitted. Administrators shall be authorized to use their discretion in determining extremes in styles of dress and grooming and what is appropriate and suitable for Orleans Parish School District employees. No employees shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, blade, symbols, sign, or other things which are affiliated with drugs, alcohol, violence, or gang-related activities. Policies regarding dress and grooming stress the importance of reducing distractions that inhibit learning and are addressed in an attempt to enhance the learning environment.

### EMPLOYEE DRESS CODE

The guidelines of the School District shall be that no mode of attire shall be considered proper for school wear that distracts from or disrupts classroom and school decorum. To maintain a proper image for teachers, it is the responsibility of principals to see that teachers are properly dressed.

Principals may make exceptions to the mode of dress in specific shop-type situations where deemed appropriate. Any condition of grooming or dress judged by the principal to be inappropriate shall not be allowed.

**All employees**, whether required to wear a uniform or not, shall be required to wear valid assigned ID badges at all times.

### UNIFORMS

Employees who are required to wear uniforms shall wear the complete uniform at all times while at work and the uniform must be worn appropriately and as intended. Employees shall not wear uniforms during non-working hours or while not in the course and scope of their employment with the Orleans Parish School Board. Safety shoes shall be required for all maintenance employees.

Ref: La. Rev. Stat. Ann. §17:81.

## **G712 – INVESTIGATIONS**

### **GENERAL INVESTIGATIONS**

In the event that an Orleans Parish School Board member or staff member believes a condition exists within the school system that warrants investigation by the staff, such person shall convey his/her concerns to the Superintendent. Should the Superintendent determine that the situation warrants investigation, he/she shall have the matter investigated by appointing appropriate staff personnel (one or more persons) to make the necessary inquiries. At the conclusion of their investigation, a written confidential report shall be prepared for submission to the Superintendent. To the extent that the written confidential report identifies any misappropriations or violations of state laws, the Legislative Auditor and the District Attorney shall be notified.

Any investigation undertaken in the school system shall be conducted in accordance with the following stipulations:

1. No Board member shall participate in any manner in an investigation.
2. The Superintendent shall use every means possible to protect School Board personnel from unwarranted personal criticism.

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 Board employees, all employees of the Orleans Parish School District shall, upon reasonable request by Human Resources, 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.

If deemed appropriate by Human Resources in the conduct of such investigation, employees of the Orleans Parish School District shall, upon reasonable notification, appear at the offices of the Human Resources department or at such other suitable location within the parish as might be appropriate and convenient in the investigation.

During any such employee interview, the employee may have legal representation if desired by the employee, but said representation shall be at no cost to the Orleans Parish School District.

### **PUBLIC ANNOUNCEMENT OF EMPLOYEE DISCIPLINE**

The Orleans Parish School District, in accordance with state law, shall provide for an investigation of an employee, in cases where the Board has made a public announcement that an employee may be disciplined, whether or not there is an accompanying reduction in pay. The investigation shall proceed as outlined below under *Reporting Procedures*. Not later than thirty (30) days after the conclusion of the investigation and prior to any Board action to implement such disciplinary action, the employee may appear, if he/she so determines, before the School Board in open session and be

given a reasonable time, as determined by the Board, to comment on the investigation and any actions taken or proposed to be taken involving the employee.

These provisions shall not be applicable to any reduction in force initiated by the District.

#### IMPERMISSIBLE CORPORAL PUNISHMENT OR MORAL OFFENSES

Corporal punishment is prohibited in Orleans Parish public schools. 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 investigation shall proceed as outlined below under *Reporting Procedures*. A confidential written report of the results of the investigation shall be prepared, and the employee shall be provided with a copy of such report. Human Resources may promulgate such administrative regulations as deemed necessary to implement this policy. Any employee found to have violated the provisions of 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, *Child Abuse*, 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 District policy. Such reporting shall be made and applied in conjunction with the procedures outlined in this policy.

Ref: La. Rev. Stat. Ann. §§14:403, 17:81, 17:81.6, 17:81.8; Board minutes, 8-14-89.

## **G713 – DRUG-FREE WORKPLACE**

The Orleans Parish School District, in compliance with the Drug-Free Workplace Act of 1988, recognizes its obligation in providing and maintaining a drug-free workplace to remain eligible to receive federal grants and in support of local, state and national efforts to achieve drug-free schools and communities.

The Orleans Parish School District shall:

- A. Advise all employees through the distribution of this policy that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and/or intoxicants are prohibited before, during, or after school hours in any workplace of the Orleans Parish School District. For any Orleans Parish School District employee, the consequences of violation of this prohibition shall be any or all of the following based on the specific offense: testing for presence of drugs/alcohol in body by a recognized hospital or chemical dependency unit, counseling, reprimanding, termination, suspension with or without pay while the case is pending in court. Confirmed or substantial evidence of the use, sale, or possession of controlled substances by any Orleans Parish School District employee while off duty or off school premises shall result in any or all of the following:
  - 1. Requiring the employee to submit to a drug test from a recognized hospital or chemical dependency unit and presenting to the Superintendent or his/her designee certification from the agency performing the test that employee is drug free.
  - 2. Immediate suspension with or without pay and recommendation for job termination.
  - 3. Conviction for use, distribution, or possession of controlled substances while off duty or off school premises shall result in termination. The employee shall be required to participate satisfactorily in an approved substance abuse assistance or rehabilitation program before he or she is reconsidered for employment with the Orleans Parish School District.
  
- B. The Orleans Parish School District shall notify all employees that, as a condition of employment under the grant, all employees will abide by the preceding statement and notify the Superintendent or a designated representative of the drug statute violation occurring in the workplace no later than five (5) days after such conviction. The Superintendent or a designated representative will notify the agency within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

- C. The Orleans Parish School District shall take one or more of the following actions within thirty (30) days of receiving notice with respect to any employee who is so convicted:
1. Taking appropriate personnel action against such an employee, up to and including termination; or
  2. Requiring such employee to participate satisfactorily in a drug assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.
- D. A *Drug Awareness Program* developed by the Orleans Parish School District will inform all employees about:
1. The dangers of drug abuse in the workplace.
  2. The Orleans Parish School District's policy of maintaining a drug-free workplace.
  3. Any available drug counseling, rehabilitation, and/or employee assistance programs.
  4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
- E. All employees of the Orleans Parish School District who have been recommended for employment shall submit to a drug/alcohol screening by the Orleans Parish School District designated agent as a condition of employment. No person who fails the drug/alcohol screening shall be considered for employment with the School District.
- F. In order to accomplish the objectives of this policy, the School District reserves the right, at all times and in any work area, when circumstances warrant or reasonable cause exists, to conduct unannounced reasonable searches and inspections of School District facilities. These searches will be conducted by authorized supervisors or search personnel, including drug detection dogs. The areas open to search include but are not limited to lockers, briefcases, desks, boxes, lunch boxes, tool chests, vehicles, and other personal effects of employees.

## EMPLOYMENT CONDITIONS

### Condition of Continuation of Employment

Compliance with the Orleans Parish School District's current or amended *Drug-Free Workplace* and *Employee Alcohol and Drug Testing* policies is a condition of continuation of employment. Failure or refusal of an employee to cooperate fully, sign any required document, submit to any

inspection or test, or follow any prescribed course of substance abuse treatment shall be grounds for discipline, up to and including termination. Violation of any part of these policies shall be grounds for termination.

#### Consequences of Refusal by Employee

Any employee refusing to consent to testing or to submit a saliva, urine or blood sample for testing when requested by management shall be subject to disciplinary action, up to and including termination of employment. Attempted or actual substitution or adulteration of samples shall be equivalent to refusal to submit to testing or equivalent to a positive drug test.

#### Unauthorized Possession or Consumption of Alcoholic Beverages

Unauthorized possession or consumption of alcoholic beverages by persons on public school property shall result in the person(s) being fined not more than one thousand dollars and imprisoned not less than fifteen (15) days nor more than six (6) months without benefit of suspension of sentence.

#### DEFINITIONS

***Controlled substance*** is any substance listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 821), and as further defined by regulations 21 CFR 1300.11 through 1300.15.

***Conviction*** is a finding of guilt (including a plea of nolo contendere or imposition of sentence or both) by any judicial body charged with the responsibility to determine the violations of the Federal or State criminal drug statutes.

***Workplace*** is any Orleans Parish School District property or other site where work is performed by employees of the School District, whether owned, leased, or used by the school system, at any school-sponsored or supervised activity, in any vehicle, whether or not owned or rented by the Orleans Parish School Board, machinery or equipment used in the course of District employment, including any school bus or any employee workplace.

Ref: 20 U.S.C. §3181 et seq.; 20 U.S.C. §7101 et seq.; 21 U.S.C. §812; 41 U.S.C.A. §§701-707; La. Rev. Stat. Ann. §§14:91.7, 17:240, 17:402 et seq., 40:961 et seq.



## **G714 – ALCOHOL AND DRUG ABUSE AND TESTING – GENERAL EMPLOYEES**

Employees of the Orleans Parish School District shall be explicitly prohibited from unlawful manufacturing, making, distributing, dispensing, selling, possessing or using controlled substances or alcohol in the workplace. Controlled substances are defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and further defined by federal regulations 21 CFR 1300.11 through 1300.15 and includes those substances described as *Controlled Dangerous Substance* by Louisiana law.

As a condition of employment, the employee shall:

- A. Abide by the terms of the District's *Drug-Free Workplace* policy.
- B. Upon request, an employee shall present himself/herself to a District approved testing facility for a certified urinalysis for substance abuse or blood or other test for alcohol abuse and make the results available to the Orleans Parish School District. The District shall pay the reasonable cost for the drug or alcohol testing. If the test results are positive, the employee shall be in violation of this policy. If the employee fails to be present for testing upon reasonable request, the employee shall be in violation of this policy.
- C. Prospective employees shall be tested for substance abuse, and shall upon request the prospective employee shall present himself/herself to a District approved testing facility for a certified urinalysis for substance abuse and make the results available to the Orleans Parish School District. The District shall bear the reasonable cost of this test. If the test results are positive, the prospective employee shall not be employed.
- D. The School District may require alcohol and drug testing of any employee in the following circumstances:
  1. When an employee is involved in any accident during the course and scope of his or her employment, and alcohol or drugs are suspected to have contributed to the cause of the accident; or
  2. Under other circumstances which result in reasonable suspicion that an employee is under the influence of drugs or alcohol; or
  3. As part of a monitoring program, to assure employee compliance with a rehabilitation or treatment agreement; or
  4. In connection with any required periodic medical exams; or
  5. As part of a program of random drug testing of designated employees who occupy safety-sensitive or security-sensitive positions.

In addition, when an employee is injured as a result of a job-related accident and is determined after alcohol testing to be intoxicated under the standards set forth in La. Rev. Stat. Ann. §23:1081 or if the employee refuses to immediately submit to such testing, then such employee shall be presumed to have been intoxicated at the time of the accident and may be denied workers' compensation benefits in addition to any other authorized action.

Also, a positive confirmatory drug or alcohol test result may be used as a basis to terminate an employee for wrongful conduct and to deny unemployment compensation as set forth in La. Rev. Stat. Ann. §23:1601, or as the basis of other disciplinary action.

An employee involved in any of the above situations may be directed by his/her supervisor to submit to alcohol/drug testing. An employee, who provides a sample pursuant to the provisions of this policy and whose sample is determined to be positive as to the presence of drugs (after a confirmatory test) or alcohol will be required to undergo a rehabilitation or treatment program at the employee's expense and/or be subject to disciplinary action.

#### SAFETY AND/OR SECURITY SENSITIVE POSITIONS

For the purposes of random testing of employees, the following definitions apply:

*Safety-sensitive* refers to a position which requires as part of that employee's assigned duties, primary or specific, the operation or maintenance of a motor vehicle; or responsibility for supervising or attending children on a motor vehicle used to transport students to and from school; or inspecting, servicing, maintaining or using gas fired equipment or gas utility systems; or responsibility for using, fixing, or operating tools, equipment or machinery that may place that person or others in a dangerous situation; or responsibility for handling drugs, weapons, or potentially hazardous chemicals; or responsibility in any way with food preparation. An employee who has the responsibility of supervising, either directly or indirectly, employees who perform any of the above described duties shall also be considered as occupying a *safety-sensitive* position.

*Security-sensitive* refers to a position which requires that a School Board employee perform or be responsible for performing, primarily or specifically, duties which may include the need to employ deadly force and which are directly related to the security of employees, students, a school, or another facility of the Orleans Parish School District, and which, if not performed properly, could result in serious injury or death to the employee, student, other employees or the general public. An employee who has the responsibility of supervising, either directly or indirectly, employees who perform any of the above described duties shall be considered as occupying a *security-sensitive* position.

The following positions are hereby designated as safety-sensitive or security-sensitive positions:

- school bus operators;
- any person who operates a school system vehicle;
- mechanics who perform maintenance or repairs of school buses or other school system vehicles;

- persons supervising or attending children on a school bus or any other vehicle used to transport school children;
- security guards or personnel;
- maintenance department employees who inspect, repair, or in any other manner service any equipment, pipeline or apparatus which uses natural or propane gas or is connected to natural or propane gas;
- any operator of tools, equipment or heavy machinery;
- any person that may come in contact with drugs, weapons, or hazardous chemicals, which may include administrators, teachers, and custodial personnel;
- any food service technician;
- all who exercise any supervision over such persons.

Persons in any of the above positions shall be subject to unannounced random alcohol/drug testing. A positive confirmatory test as a result of random testing may require the employee to undergo treatment at the employee's expense or be subjected to disciplinary action.

#### TESTING PROCEDURES

All testing/screening shall be conducted in accordance with applicable state and federal laws and regulations. The Superintendent shall promulgate administrative regulations and procedures to implement the provisions of this policy.

Ref: Omnibus Transportation Employee Testing Act of 1991, Federal Motor Safety Regulations, PL 102-143 (Title V); 49 CFR 40 et seq.; 49 CFR 10, 382, 391, 394; United Teachers of New Orleans et al. v. Orleans Parish School Board and Jefferson Parish School Board, et al., 142 F.3d 853; La. Rev. Stat. Ann. §§17:81, 23:1081, 23:1601, 49:1001 et seq.; Board minutes, 6-12-89, 7-15-91.

## **G715 – ALCOHOL AND DRUG ABUSE AND TESTING COMMERCIAL DRIVERS’ LICENSES HOLDERS**

The Orleans Parish School District, as a result of its responsibilities to its employees and to the public it serves, has a compelling obligation to eliminate illegal drug and alcohol use from its workplace. The School District recognizes the increased risks and dangers when employees use drugs in the workplace. In an effort to provide a safe, healthful, and productive work environment, the School District will act to establish a drug and alcohol policy for all drivers of a district-owned vehicle or a contract vehicle, whether part time or full time. This policy will establish the administrative scope, personnel procedures, employee training, drug testing guidelines, and employee assistance related to achieving a drug-free workplace. It is the intent of this policy to comply with current Federal and State statutes, and U.S. Department of Transportation regulations concerning drugs in the workplace and drug-testing of employees.

### **APPLICATION**

This policy shall apply to all present and future full or part time drivers, driver applicants, contract drivers, volunteers, and auxiliary personnel employed by or representing the School District when driving a School District vehicle or while driving on School District business. The School District requires compliance with this policy as a condition of employment, continued employment, and continuation of contractual agreements with the School District in the capacity of a driver. The School District shall pay the costs of any alcohol or drug tests that it may require.

The terms of this policy shall apply to all School District property including but not limited to School District land, offices, buildings, structures, installations, work locations, and all fixtures, machinery, and equipment herein. This policy shall also apply to all owned, leased, or used automobiles, trucks, vehicles, equipment, or other transportation used at or while traveling to and from School District property during the performance of any School District business. The term employee in this policy shall refer to anyone who drives a vehicle owned or contracted by the Orleans Parish School District.

### **PROHIBITIONS**

Notification shall be provided all driver applicants, School District drivers, and visitors that the unlawful use, abuse, confirmed presence in the body, possessions, manufacture, distribution, dispensation, transfer, storage, concealment, or sale of legal and illegal drugs, controlled substances, alcoholic beverages, weapons, stolen property, or drug related paraphernalia is strictly prohibited by during the course and scope of School District business and/or while on or using School District property. More specifically prohibited substances include:

- A. **Illegal Drugs**** such as, but not limited to, cannabinoids (marijuana, pot, dope, hashish), cocaine (coke, rock, crack, or base), LSD (acid), PCP (angel dust), MDMA (ecstasy), opiates (heroin, smack, black stuff, black tar, opium, morphine), and any other illegal or unlawfully obtained drug.

- B. Designer and Synthetic Drugs** such as but not limited to, ice, ice cube, crank, china white, synthetic heroine, MDA, Adam, Eve, Love Drug, and any other drugs that are made by altering the molecular structure of both legal and illegal drugs to create a drug not expressly banned by Federal law.
- C. Unauthorized or Prohibited Drugs** such as but not limited to, nonprescription stimulants, amphetamines, tranquilizers, barbiturates, or any other tablets, capsules, powders, liquids or inhalants containing substances which are regulated by state or federal law or which are intended to mimic such controlled substances. The term *unauthorized* includes prescription drugs not legally obtained or not being used for prescribed purposes. The term *unauthorized* also includes any abnormal or dangerous substance which may affect or alter a person's perception, performance, reflexes, reaction time, motor skills, mood, or judgment while working.
- D. Prescription and Over-the-Counter Medications** including legally obtained controlled substances. Abuse of a prescribed controlled substance or use of a prescribed controlled substance not prescribed for the employee or employment applicant is prohibited. Employees and others covered by this policy may maintain prescription drugs and over the counter medications on School Board premises provided:
1. The prescription drugs are prescribed by an authorized medical practitioner for use by the person in possession within the past twelve (12) months and the medication is in its original container. If the medical practitioner is authorizing use of the prescription for a period of longer than twelve (12) months, then a letter from the practitioner is to be placed on file with the School Board Substance Abuse Program Coordinator.
  2. Employees are to take the prescription in the manner prescribed by the prescribing practitioner. The employee must not allow any other person to consume the prescribed drug.
  3. Over the counter medications are to be kept in their original container.
  4. Any employee who has been informed that medication could cause adverse side effects while working or where medication indicates such warning, must inform his/her supervisor prior to using such substances on the job. The School Board at all times reserves the right to have a licensed physician determine if use of a prescription drug or medication impairs the employee or in any way makes it unsafe for him/her to perform the duties of his/her job. In the event of such a finding, the School District may, with permission, check with the employee's physician to see if alternative medications are available which would not affect the employee's ability to work safely. The employee may use sick days in the event this situation originates.

- E. **Drug Related Paraphernalia** is any unauthorized material, equipment, or item used or designed for use in the ingesting, injecting, inhaling, manufacturing, testing, storing or packaging of a prohibited substance.
- F. **Unauthorized Possession of firearms, weapons,** or explosive or incendiary materials including but not limited to brass knuckles, illegal knives, and other dangerous instruments is strictly prohibited. No personal firearms are allowed on School Board property, loaded or unloaded, except when authorized for either security or law enforcement purposes.
- G. **Unauthorized use, possession, removal, theft,** conversion, or misappropriation of School Board property, including but not limited to, supplies, materials, facilities, tools, equipment, documents and proprietary information is prohibited.

## ENFORCEMENT

In order to accomplish the objectives of this policy, the School District reserves the right, at all times and in any work area, when circumstances warrant or reasonable cause exists, to conduct unannounced reasonable searches and inspections of School District facilities. These searches will be conducted by authorized supervisors or search personnel, including drug detection dogs. The areas open to search include but are not limited to lockers, briefcases, desks, boxes, lunch boxes, tool chests, vehicles, and other employee's personal effects.

The School District also reserves the right, in certain circumstances, to require employees to submit to medical or physical examinations or tests. These procedures may be required at any time as a condition of employment or continued employment. The procedures used may include, but are not limited to, urine drug tests, blood alcohol tests, breathalyzer tests, or other medical examination to determine the use of any substance prohibited by this policy or to determine satisfactory fitness for duty. The tests may be announced or unannounced and may be utilized under the following circumstances:

**Pre-employment testing** shall be required of any qualified applicant or candidate as a condition of consideration of employment. Testing may also be required prior to being approved to work at certain facilities, work areas, or as required by law or contract.

**Any post-accident occurrence** on the job which requires the evaluation of a physician, or following a serious accident or near miss incident in which safety precautions were violated, or School District property was damaged, may require drug testing of the involved individuals. Drug testing will be performed in accordance with pertinent regulations.

**Reasonable suspicion** testing will be conducted when a supervisor has observed signs of possible intoxication or signs of using or being under the influence of prohibited substances, drugs or employee's physical condition or behavior leads the supervisor to have concern for the employee's safety or the safety and well-being of other employees or the public. All supervisory personnel will take part in a School Board sponsored training program to assist

them in identifying and addressing illegal drug or alcohol use by employees or others while working. All drivers will undergo a substance abuse and policy education program.

**Random testing** will be used for all employees to detect and to prevent substance abuse. This type of testing is particularly warranted for employees directly involved with public safety or in security sensitive positions. All employees who drive vehicles owned or contracted by the School District, whether part time or full time, are eligible to be tested.

**Post counseling, post rehabilitation** or return to work medical examinations may include drug tests if the employee is returning to work after a long illness, disabling injury, or after completion of a drug and/or alcohol treatment program.

**Government required testing** may be utilized by the School District where mandated by the Department of Transportation, Federal Highway Administration, or other agencies. The regulations apply to all drivers of commercial vehicles involved in interstate commerce.

**Additional testing** and changes in these testing guidelines may be required because of obligations to meet changes in federal and state drug laws or to meet contractual agreements.

**Collecting and testing procedures** shall conform to all applicable state and federal guidelines and those as prescribed by the Department of Transportation. All searches, inspections, collections, and maintenance of test records shall be performed with due regard to the individual's privacy. The results of any tests will be considered confidential and the information will only be shared with those having a direct need to know and as may be required to support civil or criminal investigations.

**Public Law 102-143 Title V, Omnibus Transportation Employees Testing Act** requires that the School District comply with certain guidelines in order to limit substance abuse in the workplace. The Law requires the School District to provide training and continuing education on drug abuse related issues. The School Board shall also provide its employees with a list of resources where the employee may go for drug abuse counseling and rehabilitation. The Law also requires that the employee notify his/her employer of any conviction for drug related offenses within five (5) days of such conviction.

#### NOTICE OF DISCIPLINARY ACTION FOR POLICY VIOLATIONS

Failure to comply with the provisions of this policy shall be grounds for disciplinary action including but not limited to written reprimands, changes in job assignments, suspensions from work and discharge.

An employee shall be subject to immediate discharge if the employee refuses to cooperate with any of the enforcement provisions of the policy or is believed to have tampered or purposefully tried to alter the outcome of drug and alcohol tests. Additionally, the employee may be discharged if found using, manufacturing, selling, or distributing drugs or alcohol while on School Board premises. Any employee arrested for a drug related offense has five (5) working days from the day of the

arrest to notify the School Board. Should an employee at any time be convicted of a drug related offense, they will be terminated immediately.

### Positive Results

#### **Alcohol: 0.04 or Positive Result**

Any employee testing 0.04 or higher on an alcohol test shall be removed from the covered position (driving) and referred to a Substance Abuse Professional. The employee shall be suspended without pay and/or terminated from employment.

#### **Alcohol: 0.02 to Less Than 0.04**

An employee testing 0.02 to less than 0.04 on an alcohol test shall be prohibited from returning to duty and operating any covered motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. Repeated incidents may result in disciplinary action including terminating from employment.

#### **Drugs:**

If the bus driver tests positive for non-prescribed use of illegal or controlled illegal substances, then the bus driver will be immediately terminated.

If the bus driver tests positive for any other controlled substance that requires a prescription and the bus driver is not taking the drug pursuant to the prescription, then the bus driver will be suspended without pay for a period of seven (7) calendar days or the period of time medically necessary for the body to no longer test positive for the drug or controlled substance, whichever is longer. In order for the bus driver to return to work, he or she will be retested at the end of the suspension period. If the test result is positive, the bus driver's suspension period will be converted to termination. If the test result is negative, then the bus driver will be able to return to work. The company will thereafter test the bus driver regularly for drug and alcohol abuse during the bus driver's remaining employment tenure at Orleans Parish School District. In the event a second positive reading for any drugs on any test within one (1) year after the bus driver returns to work, the bus driver will be terminated.

If marijuana or any other controlled substance is found in the bus driver's vehicle as a result of a search occasioned by the use of undercover agents or other appropriate means, the bus driver will be terminated.

If alcoholic beverages, marijuana, or other controlled substances are found in any bus driver's locker, lunch box, or similar container, or on the bus driver as a result of a search occasioned by reasonable suspicion, then the bus driver will be terminated.

Ref: PL 102-143 (Title V); 49 CFR 40 et seq.; 49 CFR 10, 382, 391, 394; La. Rev. Stat. Ann. §§17:81, 23:897, 23:1081, 23:1601, 49:1001 et seq.



## **G716 – EMPLOYEE HEALTH AND SAFETY**

The Orleans Parish School District recognizes the importance of protecting the health and welfare of students, teachers, and other employees of the educational system from the spread of communicable diseases. The transfer of certain diseases by contact with body fluids may pose a health risk to students, teachers and employees. Therefore, decisions regarding the type of educational and care setting for an infected person should be based on the behavior, neurological development, and physical interaction with others in that setting. The risk in the school setting should also be considered since children may have a greater risk of encountering infectious agents in a school setting than at home.

### **INFECTIOUS DISEASES**

If an employee of the Orleans Parish School District is medically diagnosed as having a disease which is infectious or contagious, such as AIDS or Hepatitis C, the continued attendance of the employee at work will be determined by the Superintendent or his/her designee. His/her decision is to be based upon a written report from the employee's physician addressing the risks and benefits to both the infected employee and to others in the work environment and stating that the employee's health/safety allows such attendance. It must also take into account the behavior, neurological development and physical condition of the employee, as well as the expected type of interaction of the employee with others with whom the employee comes into contact should be set forth. Prior to making a decision, the Superintendent or designee may consult another physician or physicians or other person with expertise in infectious diseases. A written decision from such person shall be obtained if possible (and if not, the Superintendent shall summarize the statement of said person) concerning the issues to be addressed by the employee's physician. Any such reports shall be made available to the employee.

If the physician's statement indicates the health of the employee does not safely allow his/her continued attendance at work, the employee shall remain off work until the employee's physician verifies that the employee can safely return to the regular work environment.

The Orleans Parish School District shall have the option of requiring a medical review from a physician of its own choosing.

### **HANDLING BODY FLUIDS IN SCHOOL**

All personnel shall be required to follow specific guidelines in the handling of body fluids in the school setting. While the risk of infection may be low, contact with body fluids shall be minimized. Employees who fail to use the precautions outlined in the guidelines for handling body fluids may be subject to disciplinary action.

Ref: 20 U.S.C. 1400-1485, 29 U.S.C. 706(7); La. Rev. Stat. Ann. §§17:436, 17:437; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

## **G717 – COMMUNICABLE DISEASES**

### **AQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)**

The Orleans Parish School District recognizes the importance of protecting the health and welfare of students, teachers, and other employees of the educational system from the spread of communicable diseases. The transfer of certain diseases by contact with body fluids may pose a health risk to students, teachers, and employees. Therefore, decisions regarding the type of educational and care setting for an infected person should be based on the behavior, neurological development, and physical interaction with others in that setting. The risk in the school setting should also be considered since children may have a greater risk of encountering infectious agents in a school setting than at home.

The Orleans Parish School District recognizes its obligation to provide not only an objectively safe environment for all employees, students and the public at large, but also an environment where employees and students do not have fears for their health and safety. The term AIDS refers to AIDS Syndrome, AIDS Related Complex (A.R.C. symptoms similar to AIDS brought about by the same virus), and the etiologic agent for AIDS, Human Immune Deficiency Virus (HIV).

The school system shall respect the infected individual's right to privacy; therefore, knowledge that a child or employee has AIDS should be confined to those persons who have a direct need to know. Those persons should be provided with appropriate information and should be made aware of the requirements of confidentiality; however, as with any contagious disease, the public health department shall be notified.

Based on current evidence, adult school personnel infected with AIDS, under ordinary school circumstances, will not infect school children or coworkers. Since such an illness may cause severe psychological suffering, every effort should be made to place the infected employee in the least stressful position.

To continue employment in the Orleans Parish School District, any employee diagnosed as having AIDS must submit medical evidence that indicates his/her condition is not a threat to others. If the employee has cutaneous (skin) eruptions or weeping lesions that cannot be covered or necessitates the changing of dressings during the school hours, he/she should not be in school. The attending physician, in conjunction with the Public Health Department, shall monitor the health of the adult. Any changes in status of the adult's health should be reported immediately to the Superintendent. The school nurse shall assess the adult in the school setting and will report any significant findings to the Public Health Department, and, with the adult's consent, to the attending physician. If school authorities and the adult's personal physician are in conflict, the controversy shall be decided under the directive of the Public Health Department.

Those persons with a direct need to know should be educated in regards to the latest medical information concerning AIDS. In order to alleviate students' and coworkers' fears and to offer the infected adult the least stressful working situation, and one that would minimize the risk of

encountering infectious agents, a transfer within the school system may be considered. This would result in no reduction of pay or benefits, but would guarantee a more favorable environment for the infected adult and assure maximum productivity in the school system.

Ref: 20 U.S.C. 1400-1485, 29 U.S.C. 706(7); La. Rev. Stat. Ann. §§17:436, 17:437; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education; Board minutes, 5-9-88, 3-27-90.

## **G718 – GUIDELINES FOR HANDLING BODY FLUIDS IN SCHOOL**

The Orleans Parish School District shall require all personnel to follow specific guidelines in the handling of body fluids in the school setting. While the risk of infection may be low, contact with body fluids shall be minimized. Employees who fail to use the precautions outlined in the guidelines for handling body fluids may be subject to disciplinary action.

The body fluids of all persons should be considered to contain potentially infectious agents (germs). The term “body fluids” includes: blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge) and saliva. Contact with body fluids presents a risk of infection with a variety of germs. In general, however, the risk is very low and dependent on a variety of factors including the type of fluid with which contact is made and the type of contact made with it.

The following table provides examples of particular germs that may occur in body fluids of children and the respective transmission concerns. The body fluids with which one may come in contact usually contain many organisms, some of which may cause disease. Furthermore, many germs may be carried by individuals who have no symptoms of illness. These individuals may be at various stages of infection: incubating disease, mildly infected without symptoms, or chronic carriers of certain infectious agents including the AIDS and hepatitis viruses. In fact, transmission of communicable diseases is more likely to occur from contact with infected body fluids of unrecognized carriers than from contact with fluids from recognized individuals because precautions are not always carried out.

### TRANSMISSION CONCERNS IN THE SCHOOL SETTING BODY FLUID SOURCE OF INFECTIOUS AGENTS

<u>BODY FLUID SOURCE</u>	<u>ORGANISM OF CONCERN</u>	<u>TRANSMISSION CONCERN</u>
Blood -cuts/abrasions -nosebleeds	Hepatitis B virus AIDS virus Cytomegalo virus	Bloodstream inoculation through cuts and abrasions on hands
*Feces -incontinence	Salmonella bacteria Shigella bacteria Rotavirus Hepatitis A virus	Oral inoculation from contaminated hands
*Urine -incontinence	Cytomegalovirus	Bloodstream and oral inoculation from contaminated hands

<u>BODY FLUID SOURCE</u>	<u>ORGANISM OF CONCERN</u>	<u>TRANSMISSION CONCERN</u>
Respiratory Secretions -saliva	Mononucleosis Common cold virus Influenza virus	Oral inoculation from contaminated hands
-nasal discharge	Hepatitis B virus	Bloodstream inoculation through cuts and abrasions on hands; bites
Vomit	Gastrointestinal viruses, e.g., (Norwalk agent Rotavirus)	Oral inoculation from contaminated hands
Semen	Hepatitis B AIDS virus Gonorrhea	Sexual contact (intercourse)

\*Possible transmission of AIDS and Hepatitis B is of little concern from these sources. There is no evidence at this time to suggest that the AIDS virus is present in these fluids.

#### A. CONTACT WITH BODY FLUIDS

When possible, direct skin contact with body fluids should be avoided. Disposable gloves should at least be available in the office of the custodians, nurses, or principal. It is recommended that gloves be available in every classroom, and convenient to teachers on playground duty. Gloves are recommended when direct hand contact with body fluids is anticipated (e.g., treating bloody noses, handling clothes soiled by incontinence, cleaning small spills by hand). Gloves used for this purpose should be put in a plastic bag, and sprayed with a solution of 1 part bleach to 10 parts water, mixed fresh, and disposed in a lined trash can, secured, and disposed of daily.

#### B. DIRECT SKIN CONTACT

In many instances, unanticipated skin contact with body fluids may occur in situations where gloves may be immediately unavailable (e.g., when wiping a runny nose, applying pressure to a bleeding injury outside the classroom, helping a child in the bathroom). In these instances, hands and other affected skin areas of all exposed persons should be routinely washed with disinfectant soap and water for a full three (3) minutes after direct contact has ceased. Clothing and other non-disposable items (e.g., towels used to wipe up body fluid) that are soaked through with body fluids should be rinsed and placed in plastic bags. If presoaking is required to remove stains, (e.g., blood, feces), use gloves to rinse or

soak the item in cold water prior to bagging. Clothing should be sent home for washing with appropriate directions to parents/teachers. Contaminated disposable items (e.g., tissues, paper towels, diapers), should be handled as with disposable gloves.

C. REMOVING SPILLED BODY FLUIDS FROM THE ENVIRONMENT

Most schools have standard procedures already in place for removing body fluids (e.g., vomitus). These procedures should be reviewed to determine whether appropriate cleaning and disinfection steps have been included. Many schools stock sanitary, absorbent agents specifically intended for cleaning body fluid spills. Disposable gloves should be worn when using these agents. The dry material is applied to the area, left for a few minutes to absorb the fluid, and then vacuumed or swept up. The vacuum bag or sweepings should be disposed of in a plastic bag. Broom and dustpan should be rinsed in a disinfectant. No special handling is required for vacuuming equipment.

D. HANDWASHING PROCEDURES

Proper handwashing requires the use of soap and water and vigorous washing under a stream of running water for approximately one minute.

Soap suspends easily removable soil and microorganisms allowing them to be washed off. Running water is necessary to carry away dirt and debris. Rinse under running water. Use paper towels to thoroughly dry hands.

Should an ungloved person have any contact with bodily fluids, the person having contact should wash his/her hands for a full three (3) minutes using disinfectant soap and water.

E. DISINFECTANTS

An intermediate level disinfectant should be used to clean surfaces contaminated with body fluids. Such disinfectants will kill vegetative bacteria, fungi, tuberculosis bacillus and viruses. The disinfectant should be registered by the U.S. Environmental Protection Agency (EPA) for use as a disinfectant in medical facilities and hospitals.

Various classes of disinfectants are listed below. Hypochlorite solution (bleach) is preferred for objects that may be put in the mouth.

1. Ethyl or isopropyl alcohol (70%)
2. Phenolic germicidal detergent in a 1 percent aqueous solution (e.g., Lysol\*)
3. Sodium Hypochlorite with at least 100 ppm available chlorine (2 cup household bleach in 1 gallon water, needs to be freshly prepared each time it is used)

4. Quaternary ammonium germicidal detergent in 2 percent aqueous solution (e.g., Tri-quat\*, Mytar\* or Sage\*)
5. Iodophor germicidal detergent with 500 ppm available iodine (e.g., Wescodyne\*)

\*Brand names used only for examples of each type of germicidal solution, and should not be considered an endorsement of a specific product.

F. DISINFECTION OF HARD SURFACES AND CARE OF EQUIPMENT

After removing the soil, a disinfectant is applied. Mops should be soaked in the disinfectant after use and rinsed thoroughly or washed in a hot water cycle before rinse. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate. Non-disposable cleaning equipment (dust pans, buckets) should be thoroughly rinsed in the disinfectant. The disinfectant solution should be promptly disposed down a drain pipe. Remove gloves and discard in appropriate receptacles.

G. DISINFECTION OF RUGS

Apply sanitary absorbent agent, let dry and vacuum. If necessary, mechanically remove with dust pan and broom in disinfectant. If necessary, wash broom with soap and water. Dispose of non-reusable cleaning equipment as noted above.

H. LAUNDRY INSTRUCTIONS FOR CLOTHING SOILED WITH BODY FLUIDS

The most important factor in laundering clothing contaminated in the school setting is elimination of potentially infectious agents. Clothing soaked with body fluids should be washed separately from other items. Presoaking may be required for heavily soiled clothing. Otherwise, wash and dry as usual. If the material is bleachable, add 2 cup household bleach to the wash cycle. If the material is not colorfast, add 2 cup of non-hypochlorite solution to the wash cycle.

Ref: Information and Guidelines: Prevention of Disease Transmission in Schools, Acquired Immune Deficiency Syndrome (AIDS). State of Connecticut, Department of Education and Department of Health Services, March 1985; Bulletin 741, Louisiana Handbook for School Administrators, Louisiana Department of Education.

## **G719 – HEALTH EXAMINATIONS**

The Orleans Parish School District, through the Director of Human Resources, may require an employee to have a medical examination whenever there is evidence the employee's condition warrants such action, or there is concern for safety. Examinations may also be conducted to determine adequacy of job performance or to meet requirements of state or federal laws. All examinations conducted shall conform to all state and federal requirements. The physician shall be designated by the Superintendent, and the cost of the examination shall be paid by the District. The District may be entitled to reimbursement from an employee for the costs of such employee's or applicant's pre-employment medical examination or drug test, however, if the employee terminates the employment relationship sooner than ninety (90) working days after the first day of work or never reports to work, unless there is a substantial change made to the employment by the District.

### **BUS OPERATOR**

Prior to the opening of each school session, each employed school bus operator, regular, substitute, or activity bus operator shall be required to submit to the Director of Human Resources a certificate from a licensed physician on forms furnished by the school system, stating that the operator has been examined and is free from any ailment, disease, or defect that would adversely affect his/her ability to safely operate a school bus. Such certificate should be submitted within fifteen (15) days prior to the opening of school, and the cost of said examination shall be paid by the Board.

Bus operators over the age of fifty-five (55) may be required to undergo two (2) health examinations annually.

Ref: 42 USC 12101 et seq. (Title I, Americans With Disabilities Act); La. Rev. Stat. Ann. §§17:81, 17:491, 17:491.2, 23:897.



## **G720 – VIOLENCE IN THE WORKPLACE**

Employees of the Orleans Parish School Board shall not resort to violence or threats to settle any issue, dispute or concern. Therefore, any employee who threatens, assaults, intimidates or commits battery against another employee will be subject to disciplinary action, up to including termination.

**Violence, threats, harassment, intimidation, and other disruptive behavior in the school system shall not be tolerated.** All reports of incidents shall be taken seriously and dealt with appropriately. Improper behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and shall be subject to reprimands, disciplinary action up to and including termination and/or criminal penalties.

Employees must not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. An employee who experiences such behavior, by another employee, student or any other person, shall report it immediately to their supervisor or manager.

Threats or assaults that do occur on school premises shall require immediate attention, and immediately be referred to school security or police. The School Board's Director of Human Resources should also be notified as soon as possible.

Ref: La. Rev. Stat. Ann. §17:81.

## **G721 – DANGEROUS WEAPONS**

It is unlawful for an employee, with the exception of authorized security personnel, to intentionally possess a firearm on school property or within 1000 feet of school property, with limited exception, or while on a school bus. The area surrounding the school campus or within 1000 feet of any such school campus, or within a school bus shall be designated *firearm-free zones*. The Orleans Parish School Board, in cooperation with local governmental agencies, and the State Department of Education, shall designate and mark *firearm-free zones* which surround all schools and school property.

Any employee possessing a firearm, dangerous weapon, or instrument intended or likely to produce great bodily harm, or who possesses any sort of instrument or object which may be used in any way as a weapon, on school property, in his/her vehicle, or at any school-related function, may be subject to disciplinary action, up to and including termination. Any employee aware of another employee possessing a firearm or other dangerous weapon shall report it to a supervisor or manager, who in turn shall notify the Orleans Parish School Board Security Department.

Ref: La. Rev. Stat. Ann. §§14:2, 14:95, 14:95.2, 14:95.6, 17:81.

## **G722 – EMPLOYEE USE OF ELECTRONIC TELECOMMUNICATION DEVICES**

The Orleans Parish School Board recognizes the right of employees to have cellular phones in their possession during work hours and the right to use those phones at non-duty times. However, in the interest of the safety and welfare of students and the community, the following guidelines shall govern the use of cellular phones during the employees' work hours and times with students:

1. Employees may not make or receive cellular phone calls during those class periods in which they are directing instructional activities for students. Cellular phones should be **off** during assigned class times.
2. Employees may not make or receive cellular phone calls during any time that they are driving School Board-owned vehicles. Cellular phones should be **off** during the times that employees are driving their vehicles.
3. The Board recognizes that there are employees who drive School Board-owned vehicles and who are required to maintain radio contact with their departments while driving their vehicles. Any employee who is contacted by School Board radio while driving a School Board-owned vehicle should come to a complete stop at a safe place as soon as possible and respond to the radio call.
4. Employees shall not make or receive cellular phone calls during any professional meetings which they are required to attend, i.e., faculty meetings, department meetings, in-service sessions, etc.
5. Employees are encouraged to route phone calls of an emergency nature through their school and/or department offices. Employees will be notified immediately in case of any emergency notice. Collect calls shall not be accepted.
6. Employee cell phones are to be used solely for business purposes. Personal use of district cell phones for non-district purposes may result in personnel action, including reimbursements to the district, and may require notification to the Legislative Auditor and District Attorney.

Employees who are not in compliance with the above guidelines may be subject to disciplinary guidelines set forth by the Board or as may be outlined in any existing collective bargaining agreement.

Ref: La. Rev. Stat. Ann. §17:81.

## **G723 – COMPENSATION GUIDELINES/OVERTIME**

The Orleans Parish School District, for purposes of accurate and timely wage and salary determinations, and in an attempt to ensure consistency and fairness in the application and interpretation of federal regulations established in the *Fair Labor Standards Act* (FLSA), sets forth the following guidelines:

### **MINIMUM WAGE**

The minimum wage paid on an hour-by-hour basis to all Orleans Parish School District employees, either full- or part-time, permanent or temporary, shall be at least equal to the federal minimum wage.

### **WORKWEEK**

A workweek shall be a continuous period of 168 hours in the form of seven (7) consecutive 24-hour periods. The school system workweek begins at 12:01 a.m. each Sunday for all employees and runs for seven (7) consecutive days. Each workweek stands alone for the purpose of determining overtime pay for nonexempt employees.

### **TRAVEL**

Ordinary travel time from home to a work or school location or vice versa is not work time. Official travel that occurs during an individual's regular working hours shall be considered hours worked.

### **LEAVE**

Time taken for annual leave, sick leave, leave without pay or other leave taken for the purpose of jury duty, military assignment, or because of death in the family shall not be counted as time worked and is therefore not counted as compensable time for the purpose of overtime pay.

### **PART-TIME IN DIFFERENT CAPACITY**

If individuals are employed in one capacity but voluntarily work part time in a different capacity on an occasional or sporadic basis, the hours logged in the secondary voluntary capacity shall not be counted as hours worked for overtime purposes.

### **CLASSIFICATION OF EXEMPT AND NONEXEMPT EMPLOYEES**

***Exempt*** – Employees who are not eligible to receive overtime compensation. These employees are generally salaried employees whose primary duties are directly related to the management or administrative and business functions within the school system. Learned professionals, such as teachers, are also classified as exempt. Other exempt employees may include, but not be limited to, the Superintendent, supervisors, principals, assistant principals, and department heads.

***Nonexempt*** – Employees who are eligible to receive overtime compensation. These employees perform work involving repetitive manual operations, such as maintenance employees, food service employees, janitors and custodians, bus drivers, and security personnel. Nonexempt employees may also include office employees who perform non-manual labor, such as secretaries, paraprofessionals, clerks, bookkeepers, nurses, data-processing operators and technicians.

Utilizing the provisions of and accompanying regulations implementing the *Fair Labor Standards Act*, the School Board shall classify all employees of the school system as *exempt* or *nonexempt* for purposes of determining eligibility for overtime compensation.

### HOURS WORKED FOR OVERTIME REQUIREMENTS

*Hours worked* for nonexempt employees means all hours during which the individual is required to be on duty – generally from the required starting time to normal quitting time. Meal periods do not count as hours worked unless the individual is required to perform work duties during the meal period. Break periods of twenty (20) minutes or longer do not count as work time. Hours worked do not apply to exempt employees. Exempt employees are excluded from the overtime requirements and their work schedules may include meetings, extracurricular activities, parent conferences, planning time and other professional responsibilities of the position.

### OVERTIME

Overtime hours will be held to a minimum consistent with the needs and requirements of sound and orderly administration. All hours worked by nonexempt employees must be scheduled and duly authorized. Overtime assignments shall be permitted only when required by operational necessity. Overtime hours worked over forty (40) hours during the workweek must be authorized and approved in advance in writing by the direct supervisor, building principal or department head and sent to Human Resources for approval prior to the time the work is performed. Unauthorized overtime shall not be tolerated and will only be approved provided budgeted funds are available for such overtime.

Nonexempt employees who perform approved work in excess of forty (40) hours per workweek shall be paid overtime compensation at the rate of one and one-half (1½) the employees hourly rate of pay. Nonexempt employees who work fewer than forty (40) hours in a workweek shall not be paid overtime compensation unless they work more than forty (40) hours in a workweek. Such employees shall be paid their regular rate of pay for time worked up to forty (40) hours.

Where an employee in a single workweek works at two (2) or more different types of work for which different straight-time rates have been established, the employee's *regular rate* for that week is the weighted average of such rates. That is, the earnings from all such rates are added together. This total is then divided by the total number of hours worked at all jobs.

Overtime should not be used in lieu of stipends. Stipends, like overtime, must be pre-approved by the Superintendent, Chief Financial Officer all in accordance with the Human Resources

department. Stipends will only be approved if budgeted funds are available and only under limited circumstances.

In certain instances employees who work overtime without pay may earn hour for hour compensatory time in extraordinary situations. Compensatory time must be approved in advance. Time sheets must be maintained to document earning the compensatory time and must be signed by the supervisor. Compensatory time must be taken in the year in which it is earned and may not be carried over from one school/fiscal year to another.

## VOLUNTEERS

A *volunteer* is defined as an individual who receives no compensation or who is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and such services are not the same type of service which the individual is employed to perform for the district.

## TIMES AND ATTENDANCE RECORDS

### *Exempt Employees*

The following records shall be kept for each employee classified as *exempt*:

- Name and identifying number
- Home address
- Birth date if the employee is under 19
- Sex and occupation in which employed

### *Nonexempt Employees*

The following records shall be kept for each employee classified as *nonexempt*:

- Name and identifying number
- Home address
- Sex and occupation in which employed
- Time and day on which his or her workweek or work period begins, and length of the work period
- Regular rate of pay for any workweek or work period
- Hours worked each day and each workweek or work period
- Total daily, weekly or work period straight-time earnings (includes one time, but not time and one-half pay for overtime)
- Overtime excess compensation (the “half time” or more extra compensation for overtime)
- Total additions to or deductions from wages paid each pay period
- Total wages paid each pay period
- Date of payment and the pay period covered by the payment (29 C.F.R. Sec. 516.2)

## Retention of Records

Records which shall be preserved for at least three (3) years shall include:

- Payroll Records
- Certificates, agreements, plans, notices, etc. (e.g. contracts, written agreements or memoranda summarizing the terms of oral agreements)
- Sales and purchase records (29 C.F.R. Sec. 516.5)

Records which need to be preserved for two (2) years include:

- Basic employment and earnings records
- Wage rate tables
- Work time schedules
- Order, shipping and billing records
- Records of additions to or deductions from wages paid
- Records that explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment (29 C.F.R. Sec. 516.6)

## SPECIAL SITUATIONS

***Nonexempt employees*** – cannot volunteer to work performing normal duties, for example, janitors to clean up after events without such time counting as hours worked during that workweek.

***Travel Time*** – Travel that keeps an employee away from home overnight is “travel away from home”. Travel away from home is clearly work time when it cuts across the employee’s work day, as the employee is simply substituting travel for other duties. However, the time is not only considered “hours worked” on regular working days during normal working hours, but also during the corresponding hours on non-working days. Thus, if an employee regularly works from 8:30 A.M. to 4:30 P.M. from Monday through Friday, the travel time during these hours is work time on Saturday and Sunday as well as on the other days. Regular meal period time is not counted. As an enforcement policy that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered work time.

However, any work which an employee is required to perform while traveling must be counted as “hours worked”. An employee who drives a truck, bus, automobile, or an employee who is required to ride therein as an assistant or helper, is working while riding, except during bona fide meal periods or when he is permitted to sleep.

Furthermore, time spent by an employee in travel as part of her/her principal activity, such as travel from job site to job site during the work day, must be counted as hours worked. Thus, where an employee is required to report at a meeting place to receive instructions or to perform

other work there, the travel from the designated place to the work place is part of the day's work, and must be counted as hours worked regardless of contract, custom, or practice. Additionally, if an employee normally finishes his/her work on the premises at 4:30 P.M., is sent to another job which he/she finishes at 8:00 P.M., and is required to return to his employer's premises arriving at 9:00 P.M., all of the time is working time. However, if the employee goes home instead of returning to his employer's premises, the travel after 8:00 P.M. is home to work travel and is not included in "hours worked".

Since travel time away from home is generally considered "hours worked", employees must be compensated for such time in the same form that they are compensated for other hours of work.

***Meetings*** – when authorized or required shall be counted as hours worked.

***In-Service Training*** – when authorized or required shall be counted as hours worked.

***Extracurricular Activities*** – when nonexempt employees work in extracurricular activities such as coaching and cheerleader sponsor, etc., the time shall count as hours worked.

***Waiver of Rights*** – nonexempt employees shall not be allowed to waive their rights under the FLSA.

***Bus Drivers*** – uninterrupted time off between the morning and afternoon runs shall not count as hours worked.

***Students*** – vocational students performing work as part of a curriculum are students and not workers, therefore, wages are not mandatory under FLSA. Students helping in office capacities for short periods of time are volunteers and not employees and wages are not mandatory under FLSA.

#### Acknowledgement of Policy

Employees shall be provided a copy of this policy and required to sign a statement to acknowledge their receipt of the policy.

Ref: *The Fair Labor Standards Act of 1938*, as amended, 29 U.S.C. 201, et seq.; La. Rev. Stat. Ann. §§17:84.1, 17:196 et seq., 17:422.5.



## **G724 – STIPEND AND OVERTIME POLICY**

It shall be the policy of Orleans Parish School Board to pay stipends to salaried professionals without supervisory duties may earn stipends. Principals, Department Heads, and other school-based staff with supervisory duties may earn stipends only for additional work time defined and authorized by the CFO and Superintendent.

Overtime is paid to hourly (non-exempt) workers at 1 ½ times their hourly rate. Overtime is paid only with written approval in advance and if budgeted.

### Rates

The Superintendent will recommend a schedule of stipends rates annually to the Board for their approval and will certify to the Board that only stipends for which a funding source has been identified will be approved. Only rates approved by the Board may be offered in postings and paid from either general fund or special revenues.

The schedule will identify rates for traditional stipend positions, such as coaching and tutoring and for professional development. Human Resources is responsible for coordinating and documenting the internal approval process

### Definitions:

*Stipends* are paid to salaried professional for work accomplished above and beyond normal working hours and job description. Teachers and other salaried staff without supervisory duties may earn stipends.

### Policy & Process:

- Stipend positions will be posted either within a school or, if open to more than one school, district-wide to provide fair access to employees and opportunity for selection by qualifications.
- Stipends are paid at pre-set rates. Stipends will pay the same amount to all individuals for the same time and task.
- Stipends paid by special revenue funds may NOT exceed the amount in the state/federal approved budget.
- Stipend work must be done outside of salaried time, not during regularly scheduled working hours.
- Stipend work must have a job description that includes terms, supervision, responsibilities and qualifications; if funded by special revenue, the tasks/work must be in the approved educational plan.

- Stipend work must be approved in advance, in writing, by the supervisor (Principal or Department Head), Human Resources and the CFO.
- Time sheets must be maintained to document stipend payments. No payments will be made for undocumented time.

Human Resources will provide forms for description and approval of stipend work and process forms for approval from Finance. Additionally, Human Resources will provide documentation of the approval to the Payroll Department. In Louisiana, the employer must pay 15.9% (current rate) of the value of the stipend to the LRTB to TRSL. Stipend budgets must include the retirement benefit cost or the stipend will not be approved.

Human Resources will notify the submitting supervisor of the approval/rejection. Submitting supervisors may NOT initiate stipend work prior to receipt of approval notification from Human Resources.

Submitting supervisors must maintain dated sign-in sheets for all stipend work and the sheets must be signed by the supervisor to attest that the signatures are valid for the times indicated. All hours for which payment is claimed must be documented by a sign-in sheet signed by the supervisor.

When stipend work is complete, or at not less than monthly intervals if stipend work is on-going, supervisors are to prepare forms for payment of stipends and attach the approval forms and submit requests for payment to Payroll. Payroll will match the signed approval to their approval records and pays the approved stipend. Only individuals named on the document pre-approved by Human Resources and Finance may receive payments and the payments may not exceed the pre-approved amount.

From time to time, but not less than once each year, Payroll/HR will monitor sign-in sheets on site to ensure compliance with the sign-in procedure.

### **Rates**

The Superintendent will recommend a schedule of stipends rates annually to the Board for their approval and will certify to the Board that only stipends for which a funding source has been identified will be approved. Only rates approved by the Board may be offered in postings and paid from either general fund or special revenues.

The schedule will identify rates for traditional stipend positions, such as coaching and tutoring and for professional development.

Ref: *The Fair Labor Standards Act of 1938*, as amended, 29 U.S.C. 201, et seq.; La. Rev. Stat. Ann. §§17:84.1, 17:196 et seq., 17:422.5.

## **G725 – RECRUITMENT**

The Orleans Parish School District shall make a concerted effort to employ the best employees available, and to assign such employees to positions, departments, levels, or subject fields in which they have achieved full qualification or certification. Upon creation of a new administrative or supervisory position or a vacancy occurring in an established position, the Human Resources department shall prepare a notification outlining the details of the position and procedures for applying. Such notification shall be posted in a prominent place at the Central Office and in all district schools, as required. Further, such notification shall be posted on the official district website and other such mediums (i.e., local news paper) as the District may determine. Advertisements for vacancies shall generally be for a minimum of two (2) weeks.

All creation of positions, recruitment efforts and the filling of position vacancies must be consistent with the adopted budgeted position resources and the long-term staffing plans of the district. No positions should be filled without a budgeted position and corresponding financial resources available.

Applications for teaching positions shall be submitted to and retained by and in the office of the Director of Human Resources for a period of not less than three (3) years and all applications for non-certified positions shall be retained for a period of not less than one (1) year.

Ref: La. Rev. Stat. Ann. §§17:24.2, 17:81, 17:83.

## **G726 – EMPLOYMENT OF PERSONNEL**

The Orleans Parish School Board (the Board) and its administrative staff believes that it has an obligation to provide the children attending its schools with the very best personnel available regardless of race, color, creed, sex, age, national origin or any similar personal characteristic. Age shall be considered only with respect to minimums set by law.

The Director of Human Resources or his/her designee shall be responsible for establishing and maintaining appropriate procedures for reviewing and evaluating any and all applicants for selection, including administrative and supervisory personnel, and assuring adherence to applicable state and federal legal requirements. Selection of personnel to fill all positions shall be made on a non-discriminatory basis with selection procedures and evaluative criteria known to all applicants. Applicants should not resort to the use of political, social, or other pressures to gain employment or promotion

Only the Superintendent has the authority to hire OPSB school-based or administrative personnel. All hiring made by the Superintendent will be under the advice of the Human Resource Director after the Chief Financial Officer reviewed and confirmed the availability of the appropriate funds. Any employee seeking to hire or have payroll processed for an individual (General Fund or Grant Funded) who was not approved in advance by the Superintendent, may be disciplined, up to and including termination.

### **PERSONNEL CHANGES**

The Director of Human Resources shall recommend teachers and all other personnel, after reviewing such recommendations with the Chief Financial Officer, to the Superintendent for final approval. It shall be the responsibility of the Director of Human Resources or designee to ensure that all persons recommended have proper certification where applicable, and are qualified for the position.

### **CERTIFIED PERSONNEL**

The principal should be responsible for interviewing any teacher or certified personnel at the school in which the principal is employed. The school principal shall consult with the Director of Human Resources regarding any possible selections for hiring or placement of any school-based personnel. Any hiring selections must be brought by the Director of Human Resources, and to the Chief Financial Officer for review prior to going to the Superintendent for final approval.

The Board shall require all teaching personnel employed by the district to possess those qualifications set forth by the Louisiana Board of Elementary and Secondary Education (BESE) and by all applicable accrediting agencies. The Board also recognizes that these qualifications, as well as qualifications for all positions, are set up to promote minimum standards. The Superintendent under the advice of the Director of Human Resources shall strive to employ persons who exceed these minimum requirements, whenever possible.

### Return To Employment After Retirement

While an employee whose retirement is accepted by the Orleans Parish School District shall not be guaranteed any position/reemployment with the School District, it shall be at the discretion of the Superintendent or his/her designee to rehire candidates after they have traditionally retired from the school system. The decisions of the Superintendent or his/her designee shall be made in the best interest of the school district.

Upon retirement, employees lose all tenure and seniority rights in the school system. Retirees returning to work will accrue seniority and rights as other employees with similar duties and responsibilities. All other benefits, such as sick leave and vacation leave, will accrue as any other new hire within the classification. No sick leave or vacation leave shall be carried forward from retirement to rehire.

Moreover, any retired administrator/supervisor who is reemployed shall be hired on a temporary contract basis, the term for which shall not exceed two (2) years. Accordingly, the Orleans Parish School District encourages retirees from administrative and supervisory positions to apply for teaching positions, *as recent state and federal legislation has imposed stringent restrictions upon the qualifications required for classroom teachers.*

### BUS DRIVERS AND OTHER SUPPORT PERSONNEL

#### Bus Drivers

If under the current transportation contract no regular bus operator is available for the purpose of transporting students to special events, any employee of the district with a valid CDL may be selected as a substitute bus driver. All potential substitute bus drivers must be on a district approved list and proof of their current CDL status must be provided annually.

Only if the Board is required, in filling a vacant route pursuant to the above provisions, to bear an increase in the unreimbursed costs for non-passenger miles over those attributable to the previous operator who vacated the route, may the School Board select an operator to fill the vacant route on a different basis than outlined above.

#### Other Support Personnel

Applicants shall be selected for support positions based on criteria as may be determined by the School District which have been reviewed by the Director of Human Resources. Unless specifically covered by a written employment contract expressly entered into by the individual employee and the Board, school employees shall be hired on an *at-will employment basis*, which means they are subject to dismissal by the Board upon the written recommendation of the Superintendent. *School employee* shall mean any employee of the Board that is not required to hold a valid teacher's certificate as a condition of employment or is not a bus driver. All selections shall be temporary until ability to perform assigned tasks has been determined.

## CRIMINAL HISTORY OF APPLICANTS

The Orleans Parish School Board shall require, in accordance with state law, applicants for employment with the School Board to submit necessary information regarding their backgrounds. A prospective employee shall be required to provide authorization for the disclosure of any information regarding past criminal activities.

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

1. No person who has been convicted of or has plead nolo contendere to crimes listed in La. Rev. Stat. Ann. §15:587.1 shall be hired as a teacher, substitute teacher, bus driver, substitute bus driver, or janitor, or as a temporary, part-time, or permanent school employee of any kind, unless approved in writing by a district judge and the district attorney with jurisdiction in this parish, or if employed on an emergency basis, unless approved in writing by the Superintendent. Any such statement of approval shall be kept on file at all times at the location wherein the employee is assigned and shall be produced upon request by any law enforcement officer.
2. For the purposes of reviewing the criminal history of prospective employees, any person employed to provide cafeteria, transportation, janitorial or maintenance services by any person or entity that contracts with a school or school system to provide such services shall be considered to be hired by the school system.
3. Every such prospective employee or hired contractor as identified above shall be subjected to fingerprinting and each person's fingerprints shall be submitted to the proper authorities for a criminal history review.
4. A person who has submitted his/her fingerprints may be temporarily hired pending the results of the inquiry.
5. Upon the final conviction or upon a plea of nolo contendere of any crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74 (criminal neglect of family), any teacher may be dismissed following a hearing held in accordance with statutory provision.
6. Any other school employee if such employee is convicted of or pleads nolo contendere to crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74, may be dismissed.
7. The Board may reemploy a teacher or other school employee who has been convicted of crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74, **only** upon written approval of a district judge and the district

attorney who has jurisdiction in this school district, or upon written documentation from the court in which the conviction occurred stating that the conviction had been reversed, set aside, or vacated.

Ref: La. Rev. Stat. Ann. §§11:710, 15:587, 15:587.1, 17:15, 17:81, 17:493.1, 23:897; Board minutes, 7-22-98.

## **G727 – BENEFITS POLICY**

OPSB shall have a policy that governs the provision and administration of benefits for its employees. Such benefits shall be in accordance with federal law and Louisiana Statutes. OPSB may assist each of its employees by paying for a portion of certain benefits in amounts that it deems appropriate.

It will be the responsibility of OPSB and the Manager of Retirement & Benefits to select qualified vendors for the provision of these benefit services.

### **TYPES OF BENEFITS:**

OPSB may administer, at a minimum, benefits that are in the best interest of its employees. These benefits should encourage an attention to good health which promotes a positive attendance pattern. Employee benefits provided by the District shall include but are not limited to the following:

Health and Welfare: Group Medical Plan, Basic Life Insurance, Dental, Vision, Short-term and Long-term Disability. Employees may be able to voluntarily elect and pay for dependent or supplemental coverage under some or all of these benefit plans. OPSB will determine what percentage, if any, it contributes on behalf of its employees towards the premiums in any of these plans.

Retirement: Teachers' Retirement System of Louisiana and Louisiana School Employees Retirement System. OPSB will payroll deduct the appropriate member contribution and timely remit along with the appropriate employer contribution to each state agency, according with the applicable governing statutes and regulations.

Voluntary Benefits: OPSB will determine which, if any, voluntary benefits (ie. Prepaid legal services, Tax sheltered annuities) it allows employees to participate in utilizing voluntary payroll deductions. In order to be considered, any potential vendor/provider must be recommended by the Manager of Retirement & Benefits and/or approved by the Director of Human Resources. Access to employee worksites for the purpose of soliciting plan participation will be controlled and approved by the Director of Human Resources and the Manager of Retirement & Benefits – NO EXCEPTIONS will be made. In order to be implemented, any voluntary plan would have to have the confirmed participation of at least 25% (twenty-five percent) of the eligible employees.



## **G728 – ASSIGNMENT**

### **POSITIONS ASSIGNMENT**

The Human Resources department of the Orleans Parish School District shall be responsible for assigning all teachers, administrators, supervisory personnel, and other employees of the Board to their respective positions and/or schools upon employment. The assignment of personnel shall be on the basis of their qualifications and the needs of the school district. The assignment of personnel should be consistent with the adopted district budget, including any grant budgets. Assignments shall be made in conformance with statutory provisions relative to immediate family members as well as to maintain the proper racial composition of faculties.

In order to avoid conflicts of interest, or the appearance of same, no employee shall be assigned to a position which would require that employee to be directly supervised by an immediate family member. *Immediate family members* include spouse, children, spouses of children, brothers, sisters, parents, the parent's spouse, nieces, nephews, sisters-in-law, brothers-in-law, grandparents, grandchildren, and mother- or father-in-law.

For purposes of this policy, principals shall be considered to directly supervise all programs operated at their school; therefore no immediate family member of any principal shall be employed with the School Board to work in any program operated at his/her school. Also, any department or assistant department head shall be considered to directly supervise all operations in the department.

In the event internal changes occur or personnel assigned to the same school or administrative unit become members of an immediate family after the assignment and it results in a subordinate-superior relationship among family members, the administrative head or assistant head of the unit or school must notify the Human Resources Department and request the transfer of the immediate family member. Failure to notify the Human Resources Department of such circumstances shall result in an involuntary transfer of the family member in the subordinate employee relationship.

Central office staff members or building level administrators shall be prohibited from serving in a coaching capacity.

### **CLASS ASSIGNMENT**

The principal shall be responsible for assigning teachers to classes within his/her respective school. Except in extenuating circumstances, the principal shall notify teachers of their anticipated assignment for the school year prior to the opening of school. Teachers who wish to request reassignment for the subsequent school year may do so provided such request is submitted prior to the close of the school year. Principals shall give every reasonable consideration to teacher requests for assignment to a particular grade level and/or subject area for which a teacher is certified and qualified.

A teacher shall be notified by the principal of any change in assignment as soon as reasonably possible.

Ref: La. Rev. Stat. Ann. §17:81, 42:1119.

## **G729 – PROBATIONARY EMPLOYMENT**

### TEACHERS

The Orleans Parish School District shall require, in accordance with statutory requirements, each certified teacher to serve a probationary term of three (3) calendar years to be reckoned from the date of his/her first appointment as an employee of the school district. The probationary period shall not begin until the date of issuance of certification for that teacher, or the date of hire, whichever is later. The term *teacher* as used herein is defined to mean and include all professional employees of the system who hold permanent teaching certificates and whose legal employment require the holding of such certificates. During the probationary term, the District may dismiss or discharge a probationary teacher upon the written recommendation of the Superintendent, accompanied by valid reasons for the dismissal.

Any teacher found unsatisfactory by the District, at the expiration of the said probationary term, shall be notified in writing by registered or certified mail, return receipt requested, by the District that he/she has been discharged or dismissed; in the absence of such notification, such probationary teacher shall automatically become a regular and permanent teacher in the employ of the School District after having successfully served the three year probationary term.

### BUS OPERATORS AND OTHER SUPPORT PERSONNEL

Each school bus operator and school employee, except employees employed in the Child Nutrition Department shall serve a probationary term of three (3) years from the date of first employment in the district. During the probationary term, the School Board may dismiss or discharge any operator upon the written recommendation of the Superintendent, accompanied by valid reasons therefore.

Any school bus operator or school employee found unsatisfactory by the School Board at the expiration of the probationary term shall be notified in writing by the Board that he/she has been discharged or dismissed; in the absence of such notification, such probationary school bus operator or school employee, except employees employed in the Child Nutrition Department, shall automatically become a regular and permanent employee in the employ of the School District at the expiration of the probationary term.

Ref: La. Rev. Stat. Ann. §§17:82, 17:441, 17:442, 17:461, 17:462, 17:492, 17:522.

## **G730 – EVALUATION**

The Orleans Parish School District believes the quality of teaching and learning is directly related to the performance of personnel who work in the school district. The School District, therefore, shall strive to attract, retain, and promote the most highly qualified personnel available for any and all positions of employment in the district. In turn, it is the policy of the School District to appraise the performance of all personnel in its employ in order to help each individual improve his/her effectiveness, and to estimate individual potential.

The Director of Human Resources and his/her staff shall have the responsibility for developing, monitoring, and maintaining an effective and efficient personnel evaluation program in accordance with guidelines as developed by the Department of Education and adopted by the Louisiana Board of Elementary and Secondary Education (BESE). The observation, evaluation and assessment process shall result in the assessment of the strengths and weaknesses of the individual and the selection of the necessary steps which will be taken to help the individual continue to grow professionally.

The process for all observations, evaluations, teacher conferences, and related functions shall be conducted in accordance with state requirements, as well as regulations and other criteria enumerated in the *Orleans Parish School District Personnel Evaluation Plan*.

Every effort shall be made by the school system to communicate to position holders the general goals of the system, the specific objectives of the position, the plans which have been made to support the individual as he/she performs his/her role, the standards of performance the system has established, the criteria it will employ in assessing performance, the information it will gather to make the appraisal, and the basis of the appraisal.

Ref: La. Rev. Stat. Ann. §§17:3881 et seq.; Board minutes, 4-24-90.

## **G731 – PROMOTION**

The Orleans Parish School District shall consider and determine all promotions of employees based upon the final recommendations of the Superintendent. All employees considered for promotion must possess the appropriate qualifications and/or certification issued the position to which promoted, unless waived by the Board. All promotions should be consistent with the budgeted positions of the district and should be supported by previous performance evaluations. Any employee under investigation, suspension, probation, or any other adverse personnel action should not be considered for promotion.

### **ADVERTISEMENTS**

When a position is to be filled by promotion, when needed, an advertisement of the vacancy may be posted on the district website and in various mediums, as required. The School Board shall also give notice of such intent to employ and such positions to be filled in a letter to principals of all public schools in the district with a directive that such notice be prominently posted on a bulletin board within the school.

### **TEACHERS/CERTIFICATED EMPLOYEES**

Whenever a teacher is promoted from a position of lower salary to one of higher salary, the district and employee shall enter into a written contract of employment for a term of not less than two (2) years, except when such employment is for a temporary position, nor more than four (4) years, as stipulated by the contract.

Any teacher thus promoted and who enters into an employment contract as stated above, shall not gain permanent tenured status in the position to which promoted. If tenured prior to promotion, then the teacher shall retain such permanent status previously acquired. If the teacher is serving a probationary term upon promotion, the probationary period shall continue to run and the teacher shall acquire tenured status as a teacher at the end of successfully completing the requisite the probationary period.

Ref: La. Rev. Stat. Ann. §§17:81, 17:444, 17:463.

## **G732 – EMPLOYEE DISCIPLINE**

The Superintendent for the Orleans Parish School District, in accordance with state law, shall have authority to discipline employees in any manner, including oral or written reprimand, suspension, or termination, when an employee's behavior or performance warrants such action. When not otherwise provided for by state law or Board policy, any disciplinary action to be considered by the District shall be based on the recommendation of the Superintendent.

The district shall employ a progressive discipline when disciplining employees. Progressive discipline means that penalties for poor job performance or broken rules become increasingly harsh as similar or related conditions continue or infractions are repeated. Documentation of employee behavior, performance, and disciplinary action taken shall be properly and thoroughly recorded.

Should any disciplinary measure become necessary, any documentation shall be considered confidential information and treated in accordance with statutory provisions and district policy.

Ref: La. Rev. Stat. Ann. §§17:81, 17:81.8, 17:443, 17:462, 17:523.

## **G733 – SUSPENSION OF EMPLOYEES**

The Orleans Parish School District may suspend any person in its employment when the Superintendent has reason to believe the interests of the School District so dictate.

### TENURED EMPLOYEES

The Superintendent shall have the authority to temporarily suspend tenured employees with or without pay when the circumstances necessitate immediate action. Upon suspension of a tenured employee, the Superintendent shall refer the matter to the Board for consideration of appropriate action. Such referral shall be taken within fifteen (15) calendar days of the Superintendent's action of suspending the tenured employee. If sufficient grounds for termination, suspension, or other disciplinary action are subsequently not found, the employee shall be reinstated without loss of compensation.

### NON-TENURED EMPLOYEES

The Superintendent shall have the authority to suspend personnel other than tenured employees, with or without pay, when circumstances warrant such action.

Ref: La. Rev. Stat. Ann. §§17:81, 17:443, 17:462, 17:523; Reed v. Orleans Parish School Board, April 30, 1945, 21 So.2d 895; Frazier v. East Baton Rouge Parish School Board, App. 1 Cir. 1961, 128 So.2d 250.

## **G734 – TENURE**

### CERTIFICATED PERSONNEL

The Orleans Parish School Board shall grant tenure to certified teachers who have successfully served a probationary term of three (3) calendar years from the date of their appointment as certified employees within the school district. If not notified in writing by the School Board at, or before, expiration of the probationary period that he or she has been discharged, such teacher shall automatically become a regular and permanent teacher. The term *teachers* as used herein is defined to mean and include all professional employees of the system who hold teaching certificates and whose job descriptions require the holding of such certificates. The probationary period shall not begin until the date of issuance of certification for that professional employee, or the date of hire, whichever is later.

Teachers with extracurricular assignments acquire tenure as teachers but not in their position of the extracurricular assignment. Teachers who have been promoted and as a result have entered into an administrative contract with the School District shall not be eligible to acquire tenured status in the position to which promoted but shall retain permanent status in their former tenured positions.

Substitute teachers, those in federally funded programs, and those teaching on any kind of temporary certificate or special certification waiver cannot acquire tenure. Principals, supervisors, and other administrative personnel on administrative contracts do not acquire tenure. Coaches cannot earn tenure as coaches.

### BUS OPERATORS AND OTHER SUPPORT EMPLOYEES

Tenure shall be granted bus operators and all other support school employees, except employees in the Child Nutrition Department, in accordance with state law. The law specifies that these employees shall serve a probationary term of three (3) years reckoned from the date of first employment by the system, provided bus operators personally operate and drive the school bus they are employed to operate. Upon absence of notification of dismissal within that time, the employee becomes a permanent employee at the expiration of the probationary term.

Ref: La. Rev. Stat. Ann. §§17:411 et seq., 17:441 et seq., 17:461 et seq., 17:492 et seq., 17:521 et seq., 17:1205, 17:1213, 17:1217.

## **G735 – PERSONNEL TRANSFER**

The Director of Human Resources of the Orleans Parish School District may transfer any teacher or other employee, including personnel employed as principals and supervisors, upon the recommendation of the Superintendent, from one position, school or grade to another by giving written notice to the teacher or employee of such intention to transfer. Such transfer shall be without loss of status or violation of contract and shall not be for political or personal reasons, except for those personal reasons resulting in conflicts of interest. The Board may transfer any teacher only in accordance with applicable state law. No transfers of instructional personnel shall be initiated during the regular school term, except in emergencies or promotional instances where transfers are required to preserve quality instruction.

All personnel involuntarily reassigned to a lesser position than previously held shall have their salary unchanged if the approved and adopted budget allows for such salary. In instances where the budget is less than current employee salary the salary should be adjusted to conform to the budget restrictions. Such personnel shall be placed in the salary schedule appropriate to the new position and there shall be no increase in salary until the salary in that schedule is at least equal to their present salary.

### **VOLUNTARY TRANSFER**

Persons employed by the District who voluntarily request such a transfer to another location or position shall submit such request to the Director of Human Resources in writing. The request should be reviewed by the Superintendent. Such requests shall be submitted on or before May 1 in order to be considered for the next school year. A written notation of the request to transfer shall also be sent to the employee's principal or immediate supervisor. Each request for transfer shall be valid for one school session *only* and will be approved only if in accordance with the approved and adopted budget.

Any decisions concerning transfer shall be based on the needs of the school district first and the needs of the employee second. A teacher transferred to a school or position must be certified and qualified for the position to which transferred, unless waived by the Superintendent. Should a person request reassignment to a lesser position, such personnel, upon reassignment, shall be placed in the salary schedule at the level of the new position.

The Superintendent shall make a recommendation to transfer persons when it is determined to be in the best interest of the school system. Other factors being equal, seniority in Orleans Parish public schools shall be considered when two (2) or more teachers request a transfer to the same position.

Ref: La. Rev. Stat. Ann. §§17:81, 17:443, 17:462.



## **G736 – DISMISSAL OF EMPLOYEES**

It shall be the policy of the Orleans Parish School District to strive to assist personnel in every way possible to adjust to their positions and to perform their duties satisfactorily. Every reasonable effort shall be made to avoid the necessity of dismissing personnel at any level. All staffing of personnel shall be subject to the approved and adopted district budget and staffing plan.

### **CERTIFICATED EMPLOYEES**

A permanent teacher shall not be removed from his/her position except upon written and signed charges of willful neglect of duty, or incompetence, dishonesty, or immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state of Louisiana, and then only if found guilty after a hearing by the School Board by a majority of the Board's membership.

The Board, if it decides to proceed upon the charges, shall notify the teacher in writing at least twenty (20) days prior to the hearing, stating the charges brought against him/her, and shall arrange for a hearing to be held in accordance with due process provisions of the law, such hearing to be public or private at the option of the teacher.

During the probationary term of an employee of the school district, the Board may dismiss an employee upon the written recommendation of the Superintendent; said recommendation to include valid reasons for the dismissal.

Any permanent teacher or other school employee having supervisory or disciplinary authority over school children shall be dismissed by the Board, in accordance with statutory provisions, upon final conviction or pleading nolo contendere, to certain crimes outlined in state law.

### **Performance Contracts**

Professional personnel who have entered into employment contracts with the Board may be removed from employment upon being found incompetent, inefficient, or failing to fulfill the terms and performance objectives of his/her contract during the term of his contract. Notification of termination of an employment contract shall be in accordance with terms of the contract and applicable state law. Any person so removed shall be entitled to written charges, notice of hearings, and a fair hearing before the Board. If the person so removed had previously acquired tenure, then upon removal or non-renewal of contract, he/she shall be returned to his/her former position or one of equal salary as his/her former position, unless the employee chooses to terminate his/her employment.

## SUPPORT PERSONNEL

With the exception of lay-offs caused by programmatic changes, budget cuts, staff reorganizations, and/or reductions in force, no employee of the Orleans Parish School Board shall be dismissed without Board approval. Any school employee having supervisory or disciplinary authority over school children shall be dismissed by the School Board, in accordance with statutory provisions, upon final conviction or pleading nolo contendere of certain crimes outlined in state law.

### Bus Operators

During his/her probationary term, a bus operator may be dismissed by the Board upon the Superintendent's written recommendation, accompanied by valid reasons therefore.

Any school bus operator found unsatisfactory by the Board at the expiration of his/her probationary term shall be notified in writing by the District that he/she has been discharged or dismissed.

A permanent school bus operator shall not be removed from his/her position except upon written and signed charges of willful neglect of duty, or incompetence, or immorality, or drunkenness while on duty, or physical disability to perform his/her duties, or failure to keep his/her transfer equipment in a safe, comfortable, and practical operating condition, or of being a member of or contributing to any group, organization, movement, or corporation that is prohibited by law or injunction from operating in the state, and then only if found guilty after a hearing by the School Board by a majority of the Board's membership. An additional ground for the removal from office of any permanent school bus operator shall be the abolition, discontinuance, or consolidation of routes, but then only if it is found as a fact, after a hearing by the School Board, that it is in the best interests of the school system to abolish, discontinue, or consolidate said route or routes.

All hearings shall be private or public, at the option of the operator affected thereby. At least twenty (20) days in advance of the date of the hearing the Superintendent, with approval of the School Board, shall furnish the affected operator a copy of the written grounds on which said abolition, discontinuance, or consolidation of routes is sought. The operator affected shall have the right to appear before the Board with witnesses in his/her behalf and with counsel of his/her selection, all of whom shall be heard by the Board at said hearing.

If a permanent school bus operator is found guilty, the Superintendent shall furnish to the school bus operator a written statement of recommendation of removal or discipline, which shall include but not be limited to the exact reason, offense, or instance upon which the recommendation is based.

In the event that one or more school bus operators must be removed due to the abolition, discontinuance, or consolidation of routes, the principle of seniority shall apply, so that the last school bus operator hired to serve within the school system to be affected shall be the first to be removed.

### Support Employees Other Than Bus Operators

Dismissal of any non-tenured support school employee shall be accomplished in accordance with the following procedure:

- (1) Should the Superintendent determine that the dismissal of a non-tenured employee is warranted, he/she shall make a written recommendation of dismissal to the School Board. The recommendation shall outline the reasons thereof, and a copy of said recommendation shall be provided to the employee.
- (2) The School Board shall be asked to act upon the recommended dismissal at the next meeting following its receipt of such written recommendation.
- (3) Any employee whose dismissal is recommended may address the School Board prior to its vote on such recommendation, but shall not be entitled to a hearing before the Board.

As used herein, *non-tenured employees* shall refer to those school employees who have not attained tenure, including, without limitation, janitors/custodians, teachers' aides, clerical employees, maintenance workers, and cafeteria workers.

Tenured support school employees shall be dismissed in the same manner and procedures as outlined above for teachers, except that the School Board shall furnish the school employee a copy of the written charges against him/her at least *fifteen (15) days* in advance of the date set for the hearing.

Ref: La. Rev. Stat. Ann. §§15:587.1, 17:15, 17:81.5, 17:443, 17:444, 17:461, 17:462, 17:463, 17:493, 17:522, 17:523.

## **G737 – REDUCTION IN FORCE/REASSIGNMENT**

When conditions, such as significant enrollment decline, the loss of federal or special state funds, the discontinuance of special programs or projects, a marked decline in school revenue, school district consolidation, financial crisis, natural disaster, act of war or terrorism or other reasons as approved by the Board necessitate a reduction in force greater than what can be accomplished through attrition, the Orleans Parish School District shall utilize the following procedures in order to accomplish reduction in staff personnel and accompanying reassignment.

- A. All possible alternatives to layoffs of employees will be explored and, if appropriate, used prior to implementation of the *Reduction in Force* policy.
- B. Reduction in force and transfer/reassignment will be made on a system-wide basis in categories of employees. In addition, regardless of his/her current assignment, a retained employee may be required to work at the school or location to which the reduced employee was assigned, unless the Superintendent determines that reassignment to a different location is in the school system's best interest.
- C. Seniority in a job category shall serve as a primary criterion in determining which employees are to be affected by the reduction. However, the Superintendent or designee may recommend retaining an employee with less seniority listed in the seniority ranking based on documented evidence of higher performance in the job category or documented special skills or training that enhances performance in the job category. Documented evidence shall be provided in evaluations, letters of commendation or reprimands, satisfactory attendance, certificates of achievement, credit courses, and/or degrees.
- D. The abolishment, consolidation or discontinuance of bus routes shall be governed by the provisions of La. Rev. Stat. Ann. §17:493(D) and other applicable provisions of law.

### **CENTRAL OFFICE ADMINISTRATORS, SCHOOL SITE ADMINISTRATORS AND OTHER NON-TEACHING PERSONNEL**

- A. Definitions
  - 1. ***Administrators*** – Certificated and Non-certificated personnel not represented by a Bargaining Unit, including those on leaves of absence, but excluding Principals, Assistant Principals, Confidential Clerical Personnel and Security Personnel
  - 2. ***Certificated Administrators*** – Those administrators who hold appropriate teacher's certificates and whose legal employment requires such certificates
  - 3. ***Job Category*** – Administrative positions with interchangeable responsibilities, skills and qualifications as defined by the job descriptions

4. **Layoff** – Separation from active employment as a result of a *Reduction in Force*, persons so affected shall be subject to recall
5. **Qualifications** – Training, experience, credentials and/or degrees, if any, which are required in the job description
6. **Recall** – Action, approved by the Board to fill a budgeted vacancy by returning an administrator to employment who had been laid off, or returning an administrator to his/her former position who had been reduced in position
7. **Reclassification** – The process of reassigning an employee affected by a *Reduction in Force* from one position to another
8. **Reduction-in-Force (RIF)** – Action approved by the Board to abolish positions for reasons of economy because of lack of funds, after all other reductions in cost have been considered
9. **Reduction in Position** – Action approved by the Board which results in an assignment to a lower paying position because of a *Reduction in Force*
10. **School Site Administrators** – Tenured or contracted principals and assistant principals, including those on leaves of absence
11. **Seniority** – Length of full-time service within the specific job category; the second determinant shall be the total period of full-time administrative service in the Orleans Parish School District. If these two (2) factors are equal, the third determinant shall be the length of full-time system-wide service.

B. Reduction-In-Force (RIF) Notices

When the Superintendent/designee determines that a *Reduction in Force* will be required for a balanced budget, the Superintendent/designee shall:

1. Present such information necessitating the reduction in force at a Board Meeting as soon as practicable.
2. Upon approval by the Board that a RIF is necessary, the Superintendent shall make a public announcement of the conditions necessitating the RIF and divisions, departments or programs which may be affected by the RIF.
3. Such information concerning the RIF shall be made available at least through the following means:
  - a. Superintendent's Bulletin
  - b. Meetings with Department Heads

- c. Presentation on television or to media
4. Require the Human Resources Department to maintain lists of administrative positions which are proposed for reduction (or have been approved for reduction) as well as lists of administrative position vacancies. These lists will be available to affected administrators upon request.
5. Require the Human Resources Department to send letters to all administrators affected by RIF. These letters will include the effective date of the RIF action and, if appropriate, reassignment information.

C. Procedures for Reductions in Force

1. After Board approval that a RIF is necessary, the Superintendent/designee shall determine the number and the nature of the administrative positions to be recommended to the Board for reduction.
2. Upon approval by the Board of the positions to be eliminated by RIF, the Superintendent/designee shall have notice mailed to the last address on record for each affected employee, no less than 30 days prior to the effective date of the RIF.
3. If the Superintendent, in conjunction with the Chief Financial Officer of the district, determines that extraordinary circumstances require an immediate RIF, then the Superintendent may present the reasons necessitating the RIF and the proposed positions to be eliminated at the same Board Meeting. In such case, notices shall be mailed to affected employees not less than 45 days prior to the effective date of the RIF.
3. When a number of positions within the same job category are to be reduced, probationary or temporary employees shall be eliminated prior to any permanent employees. Seniority in that job category shall serve as a primary criterion in determining which employees are to be affected by the reduction. However, the Superintendent or designee may retain particular administrators with lesser seniority in that job category because such administrators' unique skills, qualifications or performance are found to be essential to the effectiveness and efficiency of the school system. In such cases, the Superintendent's/designee's shall memorialize such reasons in writing and make them available upon request.
4. Tenured certificated administrators whose position is recommended to be abolished in a *Reduction in Force* shall be entitled to an assignment to a position of equal rank and compensation, if possible. The Superintendent/designee may reclassify such an administrator within the same salary classification on the basis of seniority, job qualifications and performance responsibilities, after the Superintendent or designee confers with the affected administrator. Such reclassification shall be subject to Board approval.

5. Any certificated administrator serving under an administrative contract whose position has been recommended to be abolished may be reassigned or reclassified in accordance with that administrator's contract.
6. If reassignment is available, affected administrators with the longest seniority shall be eligible for reassignment first.
7. When the number of positions within the same job category are to be reduced, the retention of the more senior administrators within that category may cause less senior administrators to be displaced. Such displacement shall be considered as a *Reduction in Force*.
8. An administrator who has been laid off shall be entitled to all accumulated vacation days and other benefits accumulated as of the date of the lay off, all in accordance with Board policy regarding such benefits.

### TEACHING PERSONNEL

Teaching personnel shall be laid off in accordance with the above policy subject to the following.

The following categories of employees will be used for purposes of implementing this policy as it relates to certified teaching personnel:

- Twelve month administrators
- Eleven month administrators
- Ten & Ten and one-half month administrators
- Twelve month teachers
- Eleven month teachers
- Ten month teachers
- Nine month teachers

Reduction of non-certified teaching personnel will be implemented prior to the application of this policy to certified personnel. In addition, when reduction in force is necessary in any certified teaching personnel category, the first layoffs will be made from personnel who have been employed as contract substitutes or on a temporary basis. Layoffs and/or reassignment of teachers and other certified personnel will be based on the following criteria:

- A. *Seniority* – the total, uninterrupted contractual teaching and/or administrative experience within each category in the Orleans Parish School District, including breaks for approved leaves, will be the determining factor. Teachers and/or administrators with the least seniority in the Orleans Parish School District will be the first to be laid off and/or reassigned. For purposes of this section, seniority shall accrue from the first day on which duties are performed after the teacher has obtained an official Louisiana Teaching Certificate at the C certificate level or above.

- B. *Area of certification* – persons not certified to teach in a particular area will be laid off before those who are properly certified.
- C. *Academic preparation, including majors and minors in subject area, grade levels for administrative area, education degrees and additional units of college or university credit* – Where the teachers have equal seniority and certification, those with the lowest amount of academic preparation will be laid off first.
- D. *Total years of teaching experience* – When all the above factors are equal, employees with the least teaching experience including service in other parishes and states, will be laid off first.
- E. In areas where there are an insufficient number of appropriately certified personnel to meet the needs of the school system, certified employees in those areas shall be retained without regard to factors A-D set out above. For instance, teachers employed in areas for which there is a shortage of teachers may be retained despite lesser seniority, academic preparation or total years of experience.

#### NON-CERTIFIED TEACHING PERSONNEL

- A. Reduction in force of non-certified teaching personnel will be based on the following criteria
- B. Seniority in the Orleans Parish school system in present classification, including breaks for approved leave from that job description. For purposes of this section, seniority shall mean the total, uninterrupted teaching experience in the system.
- C. In the event of equal seniority in the job classification, the following shall be used to determine the persons to be laid off:
  - 1. Total years of experience in the system.
  - 2. If total experience is also equal, the date of application shall be used to determine seniority.

#### IMPLEMENTATION GUIDELINES FOR TEACHERS

Initially, all personnel will be placed in one of the two major groups:

- 1. ***Certified teaching personnel*** will consist of all administrators, pupil appraisal personnel, coordinators, facilitators, guidance counselors, teachers and other personnel holding one of the following certificate classes: A, B, C, Level 3, Level 2, Level 1, PL-4, PL-3, PL-2 or PL-1. Employees who have completed their certification requirements will be regarded as certified under the RIF policy upon the receipt of evidence from the Louisiana Department of Education (DOE) or the employees' qualifying university. Any reductions in force that affect certificated



personnel will begin at the PL-1 level and then progress fully to the A level in the ranking previously listed.

2. ***Non-certified teaching personnel*** will consist of all teaching personnel not possessing a standard certificate listed above as well as those holding a TEP, TAT-3, TAT-2, or TAT-1 certificate.

Within each major group listed above, employees will be separated into job categories based on existing job titles, job descriptions, DOE reporting classifications, and federal regulations.

The Superintendent shall determine the number of employees currently working in each job category and the number of positions in each job category that should be eliminated due to reduction in force. *Certified teaching personnel* will be ranked based on the following criteria in the order presented:

- A. The above-mentioned categories of certification;
- B. Seniority;
- C. Area of certification;
- D. Academic preparation;
- E. Total years of teaching experience.

*Certified teaching personnel* who are teaching outside of their area of certification as an *Out of Field Authority to Teach* (OFAT) will be reviewed based on their current areas of certification, if it is determined that there is an insufficient number of appropriately certified personnel to meet the needs of the school system in certain areas.

*Non-certified teaching personnel* will be ranked based on the following criteria in the order presented:

- A. Seniority in the Orleans Parish School District in their present classification as defined herein.
- B. If seniority is found to be equal, the following shall be used to determine the persons to be laid off:
  1. Fewest years of experience in the school system;
  2. Upon a finding that total experience is also equal, the date of the respective employees' applications shall be used to determine seniority.

Each of the categories shall be considered separately for the purposes of RIF. In no case shall approved leave or sabbatical absences count as an interruption in the service of any employee for the purpose of calculating seniority. Dual employees are subject to RIF in any categories in which they hold a position.

After the listing has been gathered, the number of employees in each category to be eliminated shall be determined before the names of the specific employees to be eliminated in each category are determined. After the personnel office has ranked the employees within each job category, the Superintendent will prepare a list of the names of those specific employees who are regarded as surplus in each job category. The School District shall then designate the specific individuals to be terminated as a result of implementation of these guidelines.

*Certified teaching personnel* who are eliminated from their positions as a result of RIF have a right to “bump down” and be considered in any lower level position for which they are certified or otherwise qualified. Employees on promotional contracts shall be paid that salary and benefits established by the Board for new positions to which they may be assigned.

Before actual layoffs occur, the Superintendent will assess staffing needs for certified employees in each category. Any vacant positions at each location will be identified and posted at each worksite. In order of seniority within the system, employees impacted by RIF will be offered positions for which they are certified or otherwise qualified as needed by the District. Employees shall be allowed ten (10) days to accept reassignment once offered. Employees who fail to accept reassignment within that time period or who are unable to be offered employment will be laid off. Such employees will be notified by registered mail as to the effective date of their termination and as to the recall provisions of the District’s RIF policy. Employees refusing reassignment positions will have their names removed from the recall list.

#### NOTIFICATION OF RECALL

- A. If the Superintendent advises the Board that conditions necessitating the reduction in force may improve within the next eighteen (18) months, then *Recall Lists* shall be developed by job classification.
- B. Employees who have been reclassified, reduced in position, or laid off because of a RIF shall be placed on a *Recall List* by job category. Seniority earned as of that time shall be maintained while affected by the RIF eighteen (18) months. As vacancies occur, employees shall be recalled in order of seniority.
- C. Reclassified administrators shall have the right to transfer to positions in their previous job categories for which they are qualified and have greater seniority than those displaced.
- D. If recall list are maintained then no job vacancy can be advertised for a position in a job category affected by a RIF until all persons on the active *Recall List* for that job category have been recalled or when external funding conditions otherwise require.
- E. No administrator can be reclassified to a vacant position until the *Recall List* for that job category has been exhausted.

- F. Employees on the *Recall List* who do not accept a position offer in the same category as that in which they were serving or in that in which they had acquired tenure, shall no longer be considered for recall by the school system.
- G. Laid-off administrators on the active *Recall List* may continue insurance coverage by pre-paying total premiums in accordance with the District's policies and procedures.

## APPEALS

- A. Affected employees shall have the right to appeal decisions obtained pursuant to the foregoing procedures and regulations. This appeal shall be in writing within ten (10) working days from the date of issuance of the Notice to the affected employee. In such appeals, employee may challenge the following or related decisions pertaining to:
1. The propriety of layoff as distinguished from reclassification or reduction in position
  2. The propriety of the classification
  3. The relative standing in seniority for reclassification or recall
  4. The propriety of the employee's selection with regard to employees retained in the same classification
  5. The application of the recall procedures and regulations above.
- B. In pursuing such appeals, administrators may append to their appeal such documents as they may deem appropriate and relevant and shall have the right to representation of their choice during the appeal process. The Superintendent/designee shall hear the aggrieved party.

At the conclusion of the appeal, the Superintendent/designee shall submit written findings and recommendations to the Board.

Ref: La. Rev. Stat. Ann. §§17:81.4; 17:524; Board minutes, 7-20-92.

## **G738 – RESIGNATION**

The Orleans Parish School District shall require any employee who wishes to terminate his/her employment with the School District to submit a letter of resignation to the Director of Human Resources or his/her designee. The Superintendent shall finalize resignations by accepting letters of resignation in the name of the School District and under all judicial and statutory powers accorded to it. Resignations received after July 15<sup>th</sup>, when accepted, shall only be considered for approval by the District, and then only when a suitable replacement is available for employment.

Employees resigning from employment with the District after the end of the school session shall do so as soon as possible.

Resignations should include the reason for the request and the exact date for release.

No final payments will be released until all district property (e.g., access cards, equipment, keys, files, etc.) has been returned to the Human Resource Department and an exit interview has been completed by Human Resources.

## **G739 – RETIREMENT**

### ENROLLMENT IN RETIREMENT SYSTEMS

Upon initial employment, employees are required to enroll in the respective retirement system for which they are eligible. Eligibility requirements for retirement are established by the retirement systems.

All substitute and part-time employees who are eligible for enrollment in a retirement system shall be required to enroll no sooner than their sixty-first (61st) day of continuous employment.

### NOTIFICATION AND EFFECTIVE DATE OF RETIREMENT

It is the policy of the Orleans Parish School District that an employee wishing to retire shall submit written notice of this intent to the School District Department of Human Resources. An employee's retirement shall become effective at the end of the fiscal year or as may be approved by the School District. When the retirement becomes effective, the employee is no longer considered to be in active service with the School District.

No individual shall be discharged or forced to retire because of age.

Ref: La. Rev. Stat. Ann. §§11:133, 11:203, 11:204, 11:701 et seq., 11:778, 11:791, 11:1147, 17:425, 17:1231.

## **G740 – GENERAL EMPLOYEE RESPONSIBILITIES**

### **BOARD POLICIES AND PROCEDURES**

All employees shall have a responsibility to make themselves familiar with, and abide by, the policies of the Orleans Parish School District and the regulations designed to implement them. All employees shall be required annually to sign an acknowledgment of their reading and knowledge of the core district personnel policies.

### **ASSIGNED RESPONSIBILITIES**

All employees shall be expected to carry out their assigned responsibilities in a conscientious and exemplary manner. This includes daily punctual attendance at work, proper care and protection of School Board property, and concern and attention toward their own and the Board's legal responsibility to supervise students for their safety and welfare.

### **POSITIVE ROLE MODELS**

All persons employed by the Orleans Parish School Board are representatives of the school system. As such, they shall be expected to present themselves as positive examples to the students and community they serve.

Employees should dress in a professional manner. They should not engage in inappropriate conduct. The use of abusive or profane language in the presence of students or while representing the school system shall be expressly prohibited.

### **RECORDS AND REPORTS**

All personnel shall keep applicable records, prepare and submit reports on a timely basis as may be required by state law, Board of Elementary and Secondary Education (BESE) directives, Board District policy and administrative regulations or as directed by their supervisors.

### **REPORTING CRIME AND DISRUPTIVE BEHAVIOR**

All employees of the school system shall be required to report to their immediate supervisor, any criminal act and disruptive behavior occurring on school property. The responsible administrator has the obligation to conduct an immediate investigation of the allegation and, upon verification of a criminal act and disruptive behavior, report in a manner consistent with procedures established by the Superintendent to the appropriate law enforcement authorities. Under certain conditions it may be necessary to advise the Legislative Auditor and District Attorney concerning the possible violation of any state laws.

Ref: La. Rev. Stat. Ann. §17:81.

## G741 – EMPLOYEE CONDUCT

The Orleans Parish School District believes the teaching profession occupies a position of public trust involving not only the individual teacher's personal conduct, but also the interaction of the school and the community. Education is most effective when these many relationships operate in a friendly, cooperative, and constructive manner. A teacher's conduct, as well as the conduct of all employees throughout the school district, should meet acceptable standards of the community and show respect for the law and the rights of others.

All employees have the responsibility to be familiar with and abide by the laws of the state, the policies and decisions of the Orleans Parish School District, and the administrative regulations and procedures designed to implement District policies. Employees shall also comply with the standards of conduct set out in this policy and with any other policies, regulations, procedures, or guidelines that impose duties, requirements, or standards of conduct attendant to their status as School District employees.

Employees shall be expected to observe **at least** the following standards of conduct:

- ! Be courteous to students, one another, and the public and conduct themselves in a professional and ethical manner.
- ! Recognize and respect the rights and property of students, other employees, and the public.
- ! Maintain confidentiality of all matters relating to students and other employees.
- ! Demonstrate dependable attendance and punctuality with regard to assigned activities and work schedules.
- ! Observe and adhere to all terms of an employee's contract or job description.
- ! Strive to keep current and knowledgeable about the employee's area of responsibility.
- ! Refrain from promoting personal attitudes and opinions for matters other than general discussion.
- ! Refrain from using undue influence to gain, or attempt to gain, promotion, leave, favorable assignments, or other individual benefit or advantage.
- ! Advocate positive personal behavior on or off campus and attempt to avoid improprieties or the appearance of improprieties.

While the operation of the Orleans Parish School District and its schools is governed by the provisions of this and all other District policies, regulations, and procedures, as well as procedures



of the individual schools, no policy manual can list each and every instance of misconduct that is precluded. Accordingly, employees are cautioned that the appropriateness of certain action or behavior must necessarily be dictated by the nature of the position held by the employee and standards of common sense. By virtue of one's education and experience, an employee knows and understands that certain actions or conducts are unacceptable even in the absence of formal District policy. For instance, without the need of a specific prohibition or warning, a classroom teacher should be aware of the impropriety of certain practices such as leaving students unattended, using profanity or sexually suggestive language, or bringing a firearm onto campus. Such conduct constitutes both incompetence and willful neglect of duty. Such conduct, as well as violation of any state or federal law or District policies, regulations, or procedures, or school regulations or procedures, shall result in the imposition of discipline up to and including termination.

#### NOTICE OF CRIMINAL PROCEEDINGS INVOLVING EMPLOYEES

A. When an employee is arrested for committing a criminal offense (other than a minor traffic violation), that employee\* shall be required to notify the Director of Human Resources of the arrest, in writing, within five (5) calendar days of the arrest. The notice must include the following information if then known:

1. the date and place of the arrest
2. the name of the arresting agency: e.g., Police Department, the FBI, etc.
3. the number assigned to the arrest report
4. the laws and/or ordinances allegedly violated
5. the location and duration of initial incarceration, if any

\*Any incarcerated employee may authorize another person to act on that employee's behalf in notifying or providing documents to the Director of Human Resources.

B. When a criminal prosecution is initiated in court against any employee by way of indictment, bill of information, or affidavit for committing any offense (other than a minor traffic violation), that employee shall provide the Superintendent with a copy of the indictment, bill of information, or affidavit within five (5) calendar days of his or her arrest or service of summons. In lieu of such document(s), that employee may notify the Director of Human Resources of the following information in writing, within the same timeline.

1. the date of the arrest or service of summons
2. the name of the court in which the proceedings are pending
3. the docket number assigned to the court proceedings

4. the laws and/or ordinances allegedly violated
- C. Within five (5) calendar days of the scheduling of any court hearing or trial in connection with the criminal prosecution, the affected employee shall give written notice to the Superintendent of the nature or purpose of hearing or trial and the date and time the hearing or trial has been scheduled. The affected employee shall also notify the Superintendent, in writing, within five (5) calendar days of the disposition of the matter made subject of the hearing or the trial and of what was its disposition. The affected employee shall also provide, in writing, any additional information and documents concerning the criminal prosecution, which the Director of Human Resources may require.
  - D. The Superintendent may place the affected employee on leave considering the nature of the offense.
  - E. Failure to comply with any and all sections of this policy will result in disciplinary action, up to and including termination.

Ref: La. Rev. Stat. Ann. §17:81; Sylvester v. Cancienne, 95-0789 (La. App. 1 Cir. 11/9/95), 664 So.2d 1259; Howard v. West Baton Rouge Parish School Board, 2000-3234 (La. 6/29/01), 793 So.2d 153; Board minutes, 4-22-91.

## G742 – THEFT

It shall be a violation of the Orleans Parish School District policy for an employee to:

1. Intentionally misappropriate or take anything of value which belongs to another with the intent to deprive the other of a thing of value by means of fraudulent conduct, practices, or representations;
2. Intentionally fail or refuse to return to the owner, anything of value obtained through error, within a reasonable time after the person obtaining the thing of value learns or is informed of the error; including checks issued in error or the dollar equivalent thereof;
3. Remove Board property without prior authorization from the designated unit head. Such property includes, but is not limited to, school/department files, records, materials, food, and supplies;
4. Fail to notify the appropriate unit head immediately, when he/she becomes aware, witnesses or discovers that a theft has taken place.

The Director of Human Resources or his/her designee shall develop procedures for implementation of this policy. Said procedures shall include but are not limited to the following topics:

- timelines for submission of oral and written reports to appropriate administrative offices;
- reporting/handling thefts perpetrated by non-employees;
- internal investigations;
- due process for employees;
- notification to law enforcement agencies; return of records, files, equipment, materials, etc., removed without proper authorization;
- restitution of stolen property/funds;
- employee return of checks issued in error, or the dollar equivalent thereof.

For employees, violation of this policy may result in termination and referral to law enforcement authorities.

Non-employees engaging in acts of theft will be reported to the police.

Ref: La. Rev. Stat. Ann. §§14:67, 17:81; Board minutes, 3-24-03.

## **G743 – STAFF SCHEDULES**

The Orleans Parish School District shall require all personnel to follow the school calendar and holiday schedule, during the school term. The Superintendent shall establish office hours and work schedules outside the normal school calendar as necessary. Normal business hours shall be officially designated as 8:00 a.m. to 4:30 p.m. Central Standard Time Monday through Friday for the central office.

Principals and the administrative staff should be in their buildings ahead of pupils or teachers, and should remain in their buildings until pupils and teachers have gone from school. Principals who leave their buildings for any purpose, other than attendance at civic clubs, principals' meetings, going to the administrative offices of the School District, or other routine business affairs connected with the schools shall secure prior approval of the Superintendent or his/her designee for such absence.

All employees shall personally record their arrival and departure time each day in the *Employee Attendance Record*.

Teachers are expected to be at school at least 15 minutes before school starts and shall generally remain at least 15 minutes after the close of school each day.

Principals and department heads shall be authorized to adjust staff personnel schedules during the work week in order to prevent any employee incurring overtime work, unless properly authorized.

All supervisors are responsible for ensuring that appropriate numbers of staff are available during peak periods (i.e., fiscal year beginning/end, fiscal accounting close, budgeting season, etc.) to ensure continuous and effective operations.

All school-based employees are required to ensure the proper closing of schools to which they are employed. This would include, but no limited to, such activities as reconciling school-based back accounts and records, properly inventorying all assets, and securing the school site for summer activities and programs.

Ref: La. Rev. Stat. Ann. §17:81.

## **G744 – STAFF MEETINGS**

The Orleans Parish School District considers school faculty meetings and administrative departmental meetings to be essential to efficient and effective school operation and often provide a mechanism for problem solving and input to the decision making process. The number, time, place and subject matter to be communicated or discussed shall be determined by each principal. Teacher attendance shall be required by the principal.

Prior to each staff meeting held, the principal of each school or department head of each administrative department shall send a copy of the agenda to the Superintendent.

Teachers and administrative staff shall also be expected to attend all regular and special meetings called by the Superintendent, supervisors, or principals, unless previously excused from attendance.

Ref: La. Rev. Stat. Ann. §17:81.

## **G745 – EXTRA DUTY**

Teachers of the Orleans Parish School District are expected to assume reasonable duties over and above their regular classroom responsibilities. The principal shall have authority to make such assignments, which shall be distributed as equitably as possible among teachers.

This extra duty may include aspects of student accounting, supervision of students in the cafeteria, halls, playground, or bus loading area during non-instructional periods, and activity sponsorship.

Extra responsibilities that make major demands on a teacher's time, such as coaching, band direction, choral direction, and other extracurricular activities, shall receive extra compensation. Such assignments shall be approved by the Superintendent and Chief Financial Officer in accordance with Human Resources and shall be compensated for in accordance with District-approved schedules. All extra compensation will only be approved provided District policy relative to stipend compensation is followed and budgeted funds are available for such extra compensation.

## **G746 – NON-SCHOOL EMPLOYMENT**

The Orleans Parish School District shall expect full-time employees to exhibit proper attention to their employment responsibilities. Employees shall not engage in other employment that would affect or detract from their usefulness as employees in the school system. No teacher shall engage in private instruction of students for compensation during the official school day. As part of the evaluation process, employees should report all affiliations to his/her supervisor to ensure compliance with all ethics requirements.

Ref: La. Rev. Stat. Ann. §17:81.

## **G747 – PROFESSIONAL LEAVE**

The Orleans Parish School Board recognizes the value of attending regional and/or national educational meetings in order to become exposed to new ideas and developments in various areas of public education. Any employee who wishes to be absent from regularly assigned duties for one-half day or more within the city or for any period of time outside of the city in order to attend professional educational activities, shall be required to request advance written permission from his/her immediate supervisor.

Teachers and other school-site personnel, other than the principal, shall be required to write a letter requesting permission to attend a professional activity. Principals and all other administrative personnel will be required to complete the form, *Request for Permission to Attend Conferences and Conventions*.

### APPROVAL OF REQUESTS

<u>Requester(s)</u>	<u>Required Signature(s)*</u>
Teachers and Other School –Site Personnel	Principal and Assistant Superintendent
Principals	Assistant Superintendent
Central Office Administrators	Immediate Supervisor and the Associate Superintendent in charge of the division
Associate Superintendents	Immediate Supervisor, as designated by the Superintendent of Schools

\*Rental Car reimbursements require prior approval of the Superintendent or his/her designee.

All such requests, with the exception of requests to attend conventions, shall be submitted in writing five (5) working days in advance of the meeting. Requests to attend local, state and national conventions shall be filed in writing twenty (20) working days in advance of the opening date of the convention. No overtime will be approved or paid for the attendance of conferences or conventions.

When requests are approved, the employee's absence shall be appropriately coded on the proper payroll form. Such absences shall be without loss of pay and no charge made to the sick or emergency leave account.

Approval of requests shall be acknowledged, through the return of the same letter (or the same form, as in the case of administrators) by the employee's immediate supervisor. A copy shall be maintained in the files of each administrator who authorizes approval.

Ref: La. Rev. Stat. Ann. §17:81; Board minutes, 9-79, 6-10-91.



## **G748 – SABBATICAL LEAVE**

The Orleans Parish School District shall grant sabbatical leave for the purpose of professional or cultural improvement or for medical leave to all teaching personnel in accordance with statutory provisions. *Teaching personnel* shall include any person employed by the District who holds a valid teaching certificate issued by the Louisiana Board of Elementary and Secondary Education and any social worker, guidance counselor, or school psychologist employed by the District who holds, as applicable, a valid professional ancillary certificate in school social work, guidance counseling, or school psychology issued by the Louisiana Department of Education

### **ELIGIBILITY**

Sabbatical leave may be granted on the ratio of two (2) semesters for twelve (12) or more consecutive semesters of active service within the employ of this School District or one (1) semester for six (6) or more consecutive semesters of such service.

At no time may more than five percent (5%) of the total number of teachers employed in a school system be on leave. Selection of employees among those who qualify for sabbatical leave must be based on years of continuous service and other criteria as specified by statute.

### **MEDICAL SABBATICAL LEAVE**

A teacher may make application for *medical sabbatical leave*, which shall be accompanied by a statement from a licensed physician certifying that the leave is medically necessary.

If the District, upon review of the application, questions the validity or accuracy of the certification, the District may require the applicant, as a condition for continued consideration of the application, to be examined by a licensed physician selected by the District. In such a case, the District shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the District finds a medical necessity, the leave application shall be granted.

If the physician selected by the District disagrees with the certification of the physician selected by the applicant, then the District may require the applicant, as a condition for continued consideration of the application, to be examined by a third licensed appropriate physician whose name appears next in the rotation of physicians on a list established by the local medical society for such purpose and maintained by the School District. All costs of an examination and any required tests by a third physician shall be paid by the District. The opinion of the third physician shall decide the issue.

The opinion of all physicians consulted shall be submitted to the District in the form of a sworn statement. All information contained in any statement from a physician shall be confidential and shall not be subject to the public records law.

## SABBATICAL LEAVE FOR PROFESSIONAL OR CULTURAL IMPROVEMENT

Every person on sabbatical leave for the purpose of professional or cultural improvement, shall during each semester of leave, pursue a program of study, earning at least nine (9) undergraduate credit hours, provided such hours directly improve the person's skills and knowledge as a teacher, or six (6) graduate credit hours, or be certified as a full-time student at an institution of higher learning accredited by the respective State Board of Education or territorial board in which such institution is located. If less than fifteen (15) weeks is spent as specified above, the number of weeks less than fifteen (15) shall be spent in either of the two (2) alternatives specified below:

1. Pursue a program of independent study, research, authorship or investigation which involves an approximately equivalent amount of work and which is *approved by the District*.
2. Engage in travel which is so planned as to be of definite educational value and which has been *approved by the District*.

## PROCEDURE FOR APPLICATION

- A. Application for sabbatical leave shall be made on a form provided by the Director of Human Resources. Applications shall be sent to the Director of Human Resources by registered mail at least sixty (60) days preceding the beginning of the semester of the scholastic year for which leave is requested, with the following exception; if a teacher or other professional employee has become sick during a semester and requests medical sabbatical leave, it shall be sufficient to mail said application to the Director of Human Resources thirty (30) days prior to the date upon which the requested leave is to commence.

With the final review of the Superintendent, the Director of Human Resources shall inform the teacher of the approval or denial of sabbatical leave at least thirty (30) days preceding the beginning of the semester of the school year for which the leave is requested, except that, where a teacher has become sick during a semester and has requested medical sabbatical leave, the Director of Human Resources shall inform the teacher of approval or denial of such leave as soon as possible after receipt of his/her request for leave.

- B. Whenever in accordance with statutory provisions some of the applications cannot be granted, from among those which would otherwise be granted, those to be granted shall be determined in the following manner:
  1. Preference in every case shall be given to the applicant who has rendered active service in the school system for the greatest number of consecutive semesters immediately preceding the period for which leave is requested.
  2. Where any two (2) applicants rank equally in point of continuous service, preference in every case shall be given to the applicant who has rendered service in the school system for the greater total number of semesters.

3. Where any two (2) applicants rank equally in both point of continuous service and in point of total service, preference in every case shall be given to the applicant whose date of birth is earlier.
  4. In cases where all factors are equal, the tie shall be broken by the drawing of lots in the presence of the employees.
- C. Applicants whose applications are filed in the first thirty (30) days of the semester shall be given a preference over those who seek sabbatical leave under the special provision relating to sickness during a school semester.
- D. Every application for sabbatical leave shall specify **all** of the following:
1. The period for which leave is requested;
  2. Whether leave is requested for the purpose of professional or cultural improvement, or for the purpose of medical leave;
  3. The precise manner, insofar as possible, in which such leave, if granted, shall be spent;
  4. The semesters spent in active service in the school system from which leave is requested; and
  5. The date of birth of the applicant.

The application shall contain a statement, over the signature of the applicant, that he/she shall agree to comply with all sabbatical leave provisions.

### COMPENSATION

A teacher granted sabbatical leave shall be paid compensation at the rate of **sixty-five percent (65%)** of the person's salary at the time the sabbatical leave begins. A teacher on sabbatical leave with pay must continue his/her retirement contribution and healthcare premium, if enrolled in the district healthcare program. Time spent on such leave is considered as active service for retirement purposes.

### CONDITIONS OF SABBATICAL

- A. Each person granted sabbatical leave, as a condition of the sabbatical leave, shall be prohibited from being employed during the sabbatical leave by any public or private elementary or secondary school in Louisiana or any other state.
- B. Every person on *medical sabbatical leave* shall be prohibited from undertaking any gainful employment during such leave unless all of the following conditions are met:

1. The teacher can demonstrate that he/she will be working not more than twenty (20) hours a week in a part-time job that he/she has been working for not less than one hundred and twenty (120) days prior to the beginning of such leave.
2. The doctor certifying the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the leave is granted.
3. The District authorizes such part-time work.

Violation of the part-time work provisions shall result in the medical sabbatical leave being rescinded.

- C. Each person granted sabbatical leave shall sign an agreement or contract as specified with the District stipulating that, as a condition of sabbatical leave and in order to be eligible for compensation during such leave, he or she will return to service for one (1) semester for each semester of leave upon completion of the sabbatical leave. Said service shall ordinarily be performed in this School District. No person who, upon the expiration of his/her sabbatical leave, immediately begins employment with a state-operated educational agency, city, parish, or other local school board, department, school, college or university instead of returning to the school system which granted him/her such leave, shall be required to forfeit that portion of compensation paid to him/her by the State while he/she was on such leave. However, such person shall be required to reimburse the school system any salary paid to him/her by the District while he/she was on leave, unless the District opts to exercise the waiver provision as explained herein.

As per statutory requirement, any employee taking sabbatical leave who fails to return to service in this District upon expiration of the leave as specified above for any reason other than incapacitating illness as certified by two (2) physicians, shall forfeit all salary compensation received during the leave period. The District shall have the authority to waive this requirement in accordance with its pre-published criteria, as noted below, if it deems such to be in the best interest of the School District, provided that such a waiver shall not be of a discriminatory nature against any employee or applicant because of his or her job description, age, race, or sex.

- D. An employee on professional sabbatical leave shall observe the above stipulations concerning graduate or undergraduate credit hours to be earned and/or alternatives such as productive research or travel. The Superintendent shall have the authority to require written reports of work done and work to be done at any time during the period of leave, and shall apprise the Board periodically concerning such reports. In addition, written reports are required within thirty (30) days after the beginning of each semester of leave and within thirty (30) days after the end of leave.
- E. Any employee who fails to comply with statutory provisions may have his/her leave terminated by the Superintendent at any time.

- F. Every person on sabbatical leave shall notify the Director of Human Resources of his/her intention to return to work not less than thirty (30) days prior to the beginning of the semester in which he/she expects to return.

An employee who has been granted sabbatical leave shall, upon expiration of the leave, be returned to the same position in the same school held at the time of said sabbatical leave was granted unless otherwise agreed to by the individual.

#### GUIDELINES FOR WAIVING INTENTION TO RETURN TO SERVICE CLAUSE

The return to service provision, as stated in *Conditions of Sabbatical*, Item C above, may be waived by the District, after careful review and recommendation of the Superintendent, in any of the following instances:

- A. Any person whose spouse is transferred out of the parish (job requirement not anticipated before leave) during the time the teacher is on leave or within one (1) year immediately following the termination of such leave (certification must be provided by spouse's employer).
- B. Any person who receives a position to the Louisiana Department of Education, to another public school system within the State of Louisiana, or to a state-operated educational agency. In such instances, the person granted sabbatical leave, upon the expiration of leave, shall be permitted to retain that portion of compensation paid by the state while he/she was on leave. However, such person shall be required to reimburse the District any compensation paid by the District while on leave.
- C. Incapacitating illness, as certified by two (2) physicians.
- D. Whenever, in the District's opinion, such a waiver would be in the best interest of the School District.

## **G749 – EMPLOYEE LEAVES AND ABSENCES**

The Orleans Parish School District may grant leaves of absence to teachers and other employees upon application for leave, subject to such rules and regulations that may be established for the various types of leave.

All leaves must be requested in writing on the *Request for Leave* form for that purpose. Application for leave must be submitted to the Superintendent or designee well in advance of the anticipated beginning date of leave, whenever possible.

All leaves granted shall be conducted in accordance with state law and pertinent regulations. Any employee on leave, who does not comply fully with the stated intentions and administrative regulations of said leave, may be subject to disciplinary action.

If an employee is absent from duty under circumstances in which he/she is not entitled to any kind of leave, such employee shall be considered to be in violation of his/her contract, is not entitled to be paid for the days of unauthorized absence and non-performance of duties, and may be subject to disciplinary action. Employees whose tardiness and/or absenteeism are excessive may be subject to dismissal.

Under no circumstances shall any type leave be granted for purposes of seeking or accepting employment.

### **ABSENCES**

No teacher or other employee shall leave the school campus without having first obtained permission from the principal or designee. Teachers shall be required to sign out, stating the reason for leaving school. Upon returning, the teacher shall sign back in and note the time of his/her return. An employee's immediate supervisor may authorize an absence during the business day. The Superintendent or designee must grant permission for a period of one day or more.

### **EXCESSIVE TARDINESS OR ABSENTEEISM**

Tardiness or absenteeism is excessive after the fifteenth (15<sup>th</sup>) full day of absence or the fifteenth (15<sup>th</sup>) occurrence of tardiness and partial attendance in any work year, unless:

1. the employee has sought and obtained from the School Board, a leave of absence for the days during which the employee has been absent, or
2. the reason(s) for the tardiness, partial attendance or absence(s) is (are) valid and sufficient, and
3. the cause(s) of the tardiness, partial attendance or absence(s) has (have) been eliminated or otherwise corrected.

The foregoing applies even if the employee's current sick leave days are not exhausted.

### UNAUTHORIZED ABSENCE

An employee whose absence has not been specifically authorized is, in fact, absent without authority and the Orleans Parish School Board may not pay such employees for work not performed when absent without authority. All such unauthorized absences beyond three (3) work days shall be immediately reported to the Superintendent or designee and must be entered on the regular school or department payroll. Appropriate deductions for such days' absence must be made from the employee's salary. Records of such unauthorized absences shall be maintained in the Payroll Department on each employee, and may be used to support recommendations for disciplinary action against such employees. Failure to "call-in" without valid cause, prior to an absence constitutes an unauthorized absence.

### TARDINESS AND PARTIAL ATTENDANCE

*Tardiness* is defined as any occasion in which the employee reports late to his/her work location for officially assigned duties (which includes out of class duties for teaching personnel).

*Partial Attendance* is defined as any occasion in which an employee is absent for only a portion of a work day.

### REPORTING TARDINESS AND ABSENCES

Each Orleans Parish School Board employee shall personally record in the required *Employee Attendance Record*, daily and immediately, the hour and minute of the time of his/her arrival and/or early departure from work as shown by the official (office) clock. When such an employee is tardy or absent for a portion of the work day, the information from the required *Employee Attendance Record* shall be posted each pay period to the payroll form prepared by designated personnel and approved by the principal/supervisor, indicating the number of times tardy and partial workdays recorded and the total time lost for tardiness/early departure from work by minutes. It is the responsibility of the principal/supervisor to assure that each employee under his/her direct supervision is actively carrying out the duties assigned to him/her, working the required day, and arriving at work at the proper time.

No employee shall suffer any loss or deduction of pay for tardiness, unless such tardiness has caused loss of time from official duties, on more than two (2) occasions and for a period of one hour or more, during one work year. In all cases where deduction of pay may be made as herein provided, the amount of pay deducted shall be based on one day's pay in proportion to the period of tardiness daily and immediately, the hour and minute of the time of his/her arrival as shown by the official (office) clock.

Tardiness for administrative employees who qualify for overtime or compensatory time, shall be recorded each pay period on the appropriate form prepared by the department and approved by the department or division head, indicating the number of times tardy and the time lost for tardiness by minutes. Deductions of pay for tardiness shall be made as indicated above.

### RETURN FROM LEAVES OF ABSENCE

A leave of absence granted by the School Board is official permission for an employee to be absent from regular employment duties. Such a leave protects certain employment rights only for the duration of the leave. In order to retain those rights, an employee shall return to duty on the next work day following the expiration of the leave, unless the employee has applied for and has received an extension of that leave prior to its expiration date.

Any employee who does not return at the expiration of the leave shall not be reinstated until there is an appropriate vacancy to be filled. If such an employee makes no attempt to return within thirty (3) calendar days of the expiration date of the leave, or its extension, the employee shall be deemed to have voluntarily removed himself/herself from employment.

### SCHOOL AND DAY CARE CONFERENCE AND ACTIVITIES LEAVE

The School District may grant any employee of the school system leave from work of up to a total of sixteen (16) hours during any twelve (12) month period to attend, observe, or participate in conferences or classroom activities related to the employee's dependent children for whom he/she is the legal guardian that are conducted at the child's school or day care center, if the conferences or classroom activities cannot reasonably be scheduled during the non-work hours of the employee. An employee who wishes to request such leave shall provide a reasonable notice to the employer prior to the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer.

The District is not required to pay an employee for any time taken as leave for conferences and school activities. However, an employee shall be permitted to substitute any accrued vacation time or other appropriate paid leave for any leave taken as provided here.

Ref: La. Rev. Stat. Ann. §§17:81, 17:1186, 17:1201, 17:1202, 17:1203; Board minutes, 1-26-81, 5-14-90, 9-23-02, 10-14-02.



## **G750 – PERSONAL LEAVE**

Teachers and other employees of the Orleans Parish School District, except those who receive annual leave (vacation time), shall be allowed up to two (2) days absence without loss of pay during each school year to be used for such purposes as may be determined by the individual employee. Personal leave shall be charged to and deducted from current and/or accumulated sick leave as of the date personal leave is taken. Personal leave shall not be accumulated from year to year, nor shall personal leave be compensated for upon death or retirement or paid in any other manner except as provided by law.

Persons wishing to take personal leave shall notify the principal of the school in which he/she is employed or his/her staff supervisor of his/her intention to take such personal leave at least twenty-four (24) hours before personal leave will be taken. All employees requesting personal leave must submit a *Request for Leave* form to the principal/ immediate supervisor for approval.

## G751 – SICK LEAVE

The Orleans Parish School District shall grant all employees hired for the school year or longer a minimum of ten (10) days absence per year because of personal illness or other emergencies without loss of pay. Sick leave shall be granted according to the following:

Nine and ten month employees	10 days per year
Eleven month employees	10 days per year
Twelve month employees	10 days per year

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

The minimum of ten days of sick leave for an employee shall be based on the employee beginning work at the beginning of the school year. In the case of an employee beginning work in the first month of the school year, *ten days* sick leave shall be allowed. If an employee begins work in the second month of the school year, *nine days* of sick leave shall be allowed. If an employee begins work in the third month of the school year, *eight days* of sick leave shall be allowed; if an employee begins work in the fourth month of the school year, *seven days* of sick leave shall be allowed; if an employee begins work in the fifth month of the school year, *six days* of sick leave shall be allowed; if the employee begins in the sixth month of the school year, *five days* of sick leave shall be allowed; if an employee begins work in the seventh month of the school year, *four days* of sick leave shall be allowed; and if the employee begins work in the eighth month of the school year or thereafter, *three days* of sick leave shall be allowed. The Superintendent shall be responsible for developing and maintaining pertinent regulations and procedures governing sick leave.

An employee who is absent for six (6) or more consecutive days shall be required to present a certificate from a physician certifying such absence upon return to work. All sick leaves taken from accumulated sick leave shall be accounted for by a physician's statement.

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

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

### SICK LEAVE FOR EMERGENCIES

**Emergencies** for sick leave purposes shall be defined by the District as:

1. The serious illness or death of the employee or member of his/her immediate family (husband, wife, father, mother, grandmother, grandfather, son, daughter, brother,

sister or a person living and being cared for under the same roof as that of the employee).

2. Circumstances of such a nature as to be beyond control, such as fire, flood, other natural disasters, and summons to appear in court (other than for School District cases).
3. Other Emergencies – There may be other circumstances which may necessitate the presence of the teacher such as to attend the funeral of a family member or close friend not covered as the immediate family. There may be other legitimate reasons for being absent which should be classified as emergency. In all such cases, the teacher shall confer with the principal. The principal shall present the case to the Superintendent, at which time an agreement shall be reached. The principal will have an attachment on the absence monthly report noting the circumstance and agreement reached.

### EXTENDED SICK LEAVE

The District shall permit each *teacher* and *bus driver* to take up to ninety (90) days of extended sick leave in each six-year period of employment which may be used for personal illness or illness of an immediate family member at any time the *teacher* or *bus driver* has **no** remaining regular sick leave balance at the time the extended sick leave is set to begin. *Immediate family member* means a spouse, parent, or child of the teacher or bus driver.

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

Interruptions of service between periods of employment with a public school employer shall be included in any calculation of a six-year period, i.e. any employment with any public school employer, regardless of when it occurs, shall be included in any determination of the balance of days of extended sick leave available to the *teacher* or *bus driver*.

Any *teacher* or *bus driver* on extended sick leave shall be paid **sixty-five percent** (65%) of the salary paid the *teacher* or *bus driver* at the time the extended sick leave begins. Except for extenuating circumstances, a doctor's certificate shall be presented upon return to work.

A *teacher* or *bus driver* may not undertake additional gainful employment while on extended sick leave.

### Application Process

On every occasion when a *teacher* or *bus driver* uses extended sick leave, a statement from a licensed physician certifying that the leave is medically necessary for the teacher or bus driver or

that the immediate family member's illness is serious and requires the presence of the teacher or bus driver shall be presented prior to extended sick leave being taken, whenever possible.

1. If the District, upon review of the application, questions the validity or accuracy of the certification, the District may require the teacher, bus driver, or the immediate family member, as a condition for continued extended sick leave, to be examined by a licensed physician selected by the District.
2. If the District selected physician disagrees with the original medical certification, then the employer may require the teacher, bus driver, or immediate family member, as a condition for continued extension of sick leave, to be examined by a *third* licensed physician, whose name appears next in the rotation of physicians on a list established by the local medical society and maintained by the District. All costs of an examination and any required tests by a third doctor shall be paid by the District. The opinion of the third physician shall decide the issue.
3. The opinion of *all* physicians consulted in determining medical necessity of the extended sick leave shall be submitted to the District in the form of a *sworn statement*. All information contained in any statement from a physician shall be confidential and shall not be subject to the public records law.

The required physician's statement may be presented along with the request for extended sick leave after the teacher's return to service. In such a case, the extended sick leave shall be granted for all days for which extended sick leave is requested, provided the request and required documentation is presented within three (3) days after the teacher returns to service. The School District, however, reserves the right to question the validity of the medical certification after the three day period.

#### SICK LEAVE FOR ASSAULT OR BATTERY

Any employee of the public schools who is injured and disabled while acting in his or her official capacity as a result of assault or battery by any student or person shall receive sick leave without reduction in pay, and without reduction in accrued sick leave days while disabled as a result of such assault and battery. As required by state law, the employee shall be required to provide a certificate from a physician certifying such injury and incapacitation.

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

#### SICK LEAVE FOR PHYSICAL CONTACT WITH A STUDENT

Any *teacher* who is injured or disabled while acting in his/her official capacity as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student, shall receive sick leave for a period of up to one (1) calendar year without reduction in pay and without reduction in accrued sick leave days while injured or disabled as a result of rendering such assistance. Any *school employee*, but not a bus operator,

injured or disabled in a similar manner shall receive up to ninety (90) days of such sick leave. The teacher or employee shall be required to present a certificate from a physician certifying such injury or disability. The District may extend the period of sick leave beyond the allowable period at its discretion.

If the School District questions the validity or accuracy of the physician's certification, the School District may require the *teacher* to be examined by a licensed physician selected by the District. Any further review of medical certification shall proceed in the same manner as requests for extended sick leave, which is outlined under *Application Process* above. The District shall pay all costs of any examinations and tests determined to be necessary.

#### SICK LEAVE/WORKERS' COMPENSATION

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

#### VESTING OF SICK LEAVE

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

Ref: La. Rev. Stat. Ann. §§14:125, 17:425, 17:500, 17:500.1, 17:1200, 17:1201, 17:1202, 17:1205, 17:1206, 17:1206.1.

## **G752 – FAMILY AND MEDICAL LEAVE**

The Orleans Parish School District shall permit qualified employees to take up to twelve (12) workweeks of unpaid leave in a twelve (12) month period for family and medical reasons. Employees qualifying for family and temporary medical leave shall have been employed by the District for the previous twelve (12) months prior to the date of the leave to be taken. For the purposes of this policy, the 12 month period shall be the same as the fiscal year, July 1 to June 30. Such unpaid leave may only be taken for the following reasons:

1. For the birth of the employee's child and subsequent care;
2. For the placement of a child with the employee for adoption or foster care;
3. In order to care for the spouse, child or parent of the employee who has a serious health condition; or
4. When the serious health condition of the employee renders the employee unable to perform the function of the position of such employee.

Leave may be taken for birth or placement of a child only within twelve (12) months of the birth or placement.

Generally, the time taken for family and medical leave shall be on a continuous basis. However, the employee shall be permitted to take leave on an intermittent or reduced basis to care for a seriously ill family member or the employee's own illness when medically necessary. An employee may take intermittent leave for the birth or adoption of a child only with District approval.

If a teacher's period of absence on intermittent leave amounts to more than 20% of classroom time, the teacher may be required to take continuous leave throughout the treatment period or be placed temporarily in an equivalent position, for which the teacher is qualified and which has equivalent status, pay and benefits, and which would not be so disruptive to the classroom.

In any case in which the necessity of leave is for the birth of the employee's child and subsequent care; or for the placement of a child with the employee for adoption or foster care, and said necessity of leave is foreseeable based on the expected birth or placement, the employee is required to provide the District with at least thirty (30) days notice, before the date the leave is to begin. If the date of birth or placement requires the leave to begin in less than thirty (30) days, notice shall be given as soon as possible.

In any case in which the necessity of leave is in order to care for the spouse, child or parent of the employee who has a serious health condition; or when the serious health condition of the employee renders the employee unable to work, and the need to take such leave is foreseeable based on planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt school operations.

The District may require an employee to provide medical certification to support the request for family and medical leave. Such certification shall be provided in a timely manner.

The employee shall be permitted to substitute any accumulated sick leave and/or annual leave for any family and medical leave time requested. The District shall require an employee to first use any accumulated sick, personal and/or annual leave time for any part of the twelve (12) week period. If paid leave is used by an employee, the District shall provide only enough unpaid family and medical leave time to total the allowed 12-week period.

Any employee taking family and medical leave shall have the right to return to his/her previous position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An employee returning to service at the end of his/her leave period for personal medical reasons shall be required to present to the School District a letter from his/her doctor certifying that the employee is able to return to work.

Ref: 29 USCA §2601 et seq. (The Family and Medical Leave Act of 1993); Board minutes, 10-9-00.

## **G753 – CATASTROPHIC SICK LEAVE BANK**

The purpose of the Orleans Parish School Board Catastrophic Sick Leave Bank is to provide additional sick leave benefits to persons who suffer a catastrophic illness or injury at no additional cost to the school district. Participating employees may request a minimum of twenty (20) days and a maximum of ninety (90) days after they have exhausted their accumulated sick leave during a given fiscal year. In order to be eligible for participation, eligible employees voluntarily shall contribute one (1) sick day to the bank. Continued participation in the program requires the donation of one (1) sick day for the following school year.

Applicants receiving sick leave shall present a completed *Sick Leave Bank Request Form*, accompanied by a physician's statement, verifying the seriousness of the illness and attesting to the employee's inability to return to work, to the Human Resources department for review by the *Sick Leave Bank Committee*. The *Sick Leave Bank Committee* shall meet on the last Wednesday of each month to review any requests received during that month and notify applicants of committee decisions within a reasonable timeframe.

Certain illnesses and surgical procedures, listed on the *Sick Leave Bank Request Form*, shall require a second opinion at the employee's expense. All medical statements will be subject to review by the Medical Department of the Orleans Parish School Board.

Employees receiving Workers' Compensation benefits shall not be eligible to request Sick Leave Bank benefits. Leave from the Sick Leave Bank may not be used to cover intermittent absences for anything other than the employee's own personal illness.



## **G754 – MATERNITY LEAVE**

The Orleans Parish School District declares that any employee who becomes pregnant shall be eligible for maternity leave (leave without pay). The expectant employee shall be given the option of choosing maternity leave or using current and accumulated sick leave for the period of medical disability occasioned by pregnancy and childbirth. Employees who use current and/or accumulated sick leave for maternity leave purposes shall be subject to all policy provisions, regulations and procedures affecting sick leave.

An employee who becomes pregnant must notify the Director of Human Resources or his/her designee in writing (by completing the *Request for Maternity Leave* form) at least thirty (30) days prior to the beginning of the date of leave, except in emergency situations. The form must be accompanied by a statement from a physician verifying the stage of pregnancy and the expected dates of disability due to pregnancy. Failure to comply with the notice and other requirements of this policy may be considered willful neglect of duty and may result in termination of employment.

Maternity leave of absence (leave without pay) may be granted to regularly employed women for a reasonable time before and after childbirth for a maximum of one year. Maternity leave without pay does not affect tenure, teaching or working experience acquired prior to the leave. Maternity leave granted only for the period of disability occasioned by pregnancy and/or childbirth shall not interrupt the consecutive service for sabbatical leave purposes.

Ref: La. Rev. Stat. Ann. §§17:1171, 17:1211, 23:1007.

## **G755 – MILITARY LEAVE**

The Orleans Parish School District shall grant military leave to employees of the District upon proper submission of an application for such leave in accordance with the following:

- A. Compensation – An employee called into involuntary military service shall be paid an amount equal to his/her regular School Board salary less his/her military base pay for a period not to exceed twenty-six (26) calendar weeks. (This does not include payment for up to fifteen (15) days military leave authorized in La. Rev. Stat. Ann. §42:394.)
  
- B. Life and Health Insurance – If a person elects to continue coverage (after all pay and/or military leave has been exhausted) the employee must notify the Human Resources Department of his/her intention. The employee shall be responsible for his/her portion of the insurance premium and the School Board will pay the employer portion in accord with state law (*Military Service Relief Act*, La. Rev. Stat. Ann. §29:401, et seq.)
  
- C. Retirement – An employee has two options under the *Military Service Relief Act* (after all pay and/or military leave has been exhausted):
  - 1. The employee may pay his/her portion monthly to the School District. The School District will remit the employee and employer portion to the appropriate retirement system. (This option will avoid the payment of interest.)
  
  - 2. Or, an employee who elects not to make monthly employee contributions shall be entitled to purchase his/her military service time for retirement credit upon payment to the School District an amount equal to the employee contributions that would have been paid had the employee continued in employment and not been called to service in the military, together with interest. The contributions shall be based on the salary, including any increases in compensation that the employee would have received had he/she remained in employment. The School District shall then pay the employer portion plus interest.
  
- D. Other Benefits – Employees called into Military Service shall retain tenure rights, continue to accrue sick leave, vacation and service credit toward sabbatical leave.
  
- E. Notice of Call to Military Service – Employees ordered to Active Duty shall notify their immediate Supervisor as soon as possible. A copy of their orders must be submitted to the Director of Human Resources within three (3) working days of receipt of their orders.

Ref: La. Rev. Stat. Ann. §§17:1215, 29:401 et seq., 42:394, 42:401, 42:403.

## **G756 – BEREAVEMENT LEAVE**

Absences of employees due to death in the family shall be granted for bereavement leave in accordance with any collective bargaining agreement with the Orleans Parish School Board for those employees covered by said agreement.

All employees shall be granted bereavement leave of two (2) work days, within the five (5) calendar days following a death in the immediate family. For the purpose of this policy, *immediate family* shall be defined to mean parent, brother, sister, spouse, children, mother-in-law, father-in-law, grandparent or grandchild. If requested, verification of the death shall be provided.

If the death of a member of the immediate family occurs in another city which is greater than two-hundred (200) AAA miles from New Orleans, an additional leave of one (1) school day shall be allowed with no reduction in pay. If requested, verification of the death shall be provided.

In cases where the funeral is not held within five (5) calendar days of the death, one (1) of the two (2) excused days may be used at the time the funeral is held.

Ref: La. Rev. Stat. Ann. §§17:81, 17:1208; Board minutes, 8-4-69, 9-11-89, 1-29-90.

## **G757 – PUBLIC SERVICE**

### ELECTION COMMISSIONERS

An Orleans Parish School District employee who is appointed to serve as an election commissioner or clerk during any authorized city, state, or national election, may be granted a leave of absence for that purpose. The employee shall notify the Superintendent within five (5) days following the publication of the official list of commissioners and clerks and request that a leave of absence be granted. Such leave when approved shall be without pay. All requests of this type should be submitted sufficiently in advance of the required date of absence to enable administrative consideration and action on request.

Ref: La. Rev. Stat. Ann. §§17:81, 17:1171.

## **G758 – JURY DUTY OR SUBPOENAS**

The Orleans Parish School District shall grant a leave of absence to any regularly employed person of the school district who has been called to serve jury duty, or subpoenaed to serve as a witness in a court proceeding, including depositions, on school business. Such leave shall be granted for the period of time required to serve such jury duty without loss of sick, emergency, or personal leave or any other benefit. Jury duty shall not be deemed to interrupt service accumulated toward sabbatical leave.

Employees shall be required to return to work sites immediately upon release by the courts.

All legal matters requiring an employee's presence (i.e. deposition, hearing, etc.) not in connection with the employee's official duties shall be charged against the employee's sick leave or annual leave (if applicable).

Anyone serving on jury duty shall receive his/her regular salary less any compensation he/she receives as a juror. Said employee shall be responsible for submitting verification of call or subpoena for jury duty and reporting any compensation received as juror to the Superintendent or designee to be eligible to receive leave for jury duty. Any employee abusing said leave shall be subject to disciplinary action.

The amount of remuneration received by an employee for serving as juror shall be reported by the employee in writing to the Director of Human Resources within five (5) days of receipt of remuneration. An adjustment to the employee's salary will be made by the School District payroll department office as soon as possible thereafter. Failure to report remuneration received within the listed time shall be cause for deduction from the employee's salary for the days absent.

Teachers authorized to serve jury duty must leave lesson plans for the substitutes with their principal.

Ref: La. Rev. Stat. Ann. §§17:81, 17:1210.

## **G759 – MARRIAGE LEAVE**

The Orleans Parish School Board shall permit employees who marry to be absent from employment duties for up to two (2) consecutive calendar days, including the day of marriage. Such absence shall be charged to the employee's sick leave.

Requests for absence for the purpose of marriage beyond that authorized above shall be submitted, in writing, to the department of Human Resources. If approved, the employee may be authorized to use available accumulated annual leave days. However, if no annual leave days are available, such requests may be approved, but shall be without pay.

Ref: La. Rev. Stat. Ann. §17:81, Board minutes, 8-4-69.

## **G760 – LEAVE WITHOUT PAY**

The Orleans Parish School District may grant leaves of absence without pay for periods not exceeding one (1) year to any regularly employed teacher or other employee, who requests such leave in writing, whenever in the discretion of the District such leave is in the best interest of the public school system. The granting of such leaves shall not affect any tenure rights which the applicant may have acquired.

Requests for leave of absence without pay shall be submitted to the Superintendent or his/her designee, in writing, at least fifteen (15) days prior to the effective date of the leave, whenever possible. The leave request shall be administered by the Human Resource department and presented to the District for its consideration.

The District may reassign an employee taking leave without pay to a teaching, administrative, or similar position within the person's area of certification or job responsibility if a vacancy occurs. Such reassignment shall be effected in accordance with the District's transfer policy and procedures.

Ref: La. Rev. Stat. Ann. §§17:81, 17:1186; Board minutes, 8-4-69, 6-20-79.

## **G761 – SUBSTITUTE PERSONNEL**

### SUBSTITUTE TEACHERS

The Orleans Parish School District shall require the compilation of a list of qualified individuals to serve as day-by-day substitute teachers within the school district. The Human Resources department shall prepare the list assuring that all those listed possess appropriate employment criteria, including verification of teachers' qualifications and certification.

Principals or their designated representatives shall call substitute teachers from the approved list in case of absence of a regular teacher. It shall be the responsibility of the principal and the regular teacher to ensure that the substitute teacher has the necessary instructions and materials to teach effectively, including textbooks, lesson plans, class rolls, schedules and an outline of local school procedures.

Retired teachers may be employed as substitute teachers provided that use of retired teachers as substitutes is in accordance with the rules and regulations established by the Teacher's Retirement System of Louisiana and pertinent statutory provisions.

Qualified teachers may also be selected to substitute for teachers who plan to be absent for long periods of time. Provisions shall be made for the hiring of, or contracting with applicable substitute teachers in these instances as developed by the Superintendent and staff.

### Substitute Teacher Pay

Compensation paid to substitutes shall be determined in accordance with a pay schedule as set by the District. It shall be incumbent upon the substitute teacher, however, to properly notify the Human Resources department of such continuous employment.

When a substitute teacher teaches more than twenty (20) consecutive days for the same teacher, the substitute shall be paid in accordance with the *Temporary and Substitute Teachers' Salary Schedule* for all days taught beyond the twentieth (20th) day

### SUBSTITUTES FOR SUPPORT PERSONNEL

The District shall require the maintenance of a list of properly qualified and approved substitute personnel eligible to substitute for support personnel absent from work. Only persons approved by the Board shall be eligible for employment as substitutes.

Appropriate judgment as to actual need should be exercised before employment of a substitute for support personnel.



### Substitute Personnel Pay

*School Employees* – A substitute school employee shall be paid a daily rate as approved by the Board, but in no case *more than sixty-five percent* (65%) of the daily rate of pay for the beginning level of the salary schedule, corresponding to the classification of the regular school employee. In no case shall the rate be less than the federal minimum wage.

No substitutes shall be hired for janitors or secretaries without authorization from the Director of Human Resources.

Ref: La. Rev. Stat. Ann. §§17:81, 17:84, 17:500, 17:1202, 17:1207, 17:1212, 17:1213, 17:1216.

## **G762 – VACATION**

All full-time twelve-month employees of the Orleans Parish School Board shall earn vacation with pay in accordance with the following schedules:

### ADMINISTRATIVE AND PROFESSIONAL:

Administrators and professional personnel working 77.5 hours per pay period:

0 – 3 years of service	3.1 hours per pay period
3 – 7 years of service	4.65 hours per pay period
8 – + years of service	6.82 hours per pay period

### EXECUTIVE SECRETARIES:

Confidential secretaries working 75 hours per pay period:

0 – 3 years of service	3 hours per pay period
4 – 7 years of service	4.5 hours per pay period
8 – + years of service	6.6 hours per pay period

### CLERICALS:

Clericals working 75 hours per pay period

0 – 4 years of service	3 hours per pay period
5 – 7 years of service	4.5 hours per pay period
8 – + years of service	6 hours per pay period

Orleans Parish School Board determines the vacation accrual rate depending upon the years of service with the school district. Vacation time is accrued each two week pay period and is noted on the payroll advice.

Except for extraordinary work demands of a particular division, employees shall be expected to take vacation time earned during each fiscal year, as approved by the Division Head, on or before December 31 of the following fiscal year. Unused vacation time may **not** be accumulated and carried over for accrual purposes from one fiscal year to the next. The Superintendent and/or his/her designee may authorize, in writing, accumulated or newly accrued days to be carried over when unusual circumstances prevent their timely utilization. Any request for extension shall be submitted, in writing, through the appropriate Division Head.

Upon termination, resignation, or retirement, any unused vacation time shall be paid at the employee's current rate of pay. Payment shall be made to the employee or his/her heirs on or before the next regular payday for the pay cycle during which the employee was working at the time of separation or no later than fifteen (15) days following the date of separation, whichever occurs first.

Ref: La. Rev. Stat. Ann. §§11:754, 17:81, 17:425.1, 23:631; Board minutes, 8-4-69, 2-17-75, 7-1-79, 4-13-87, 2-27-89, 6-24-91.

## G763 – HOLIDAYS

A schedule of holidays shall be adopted annually by the Orleans Parish School Board for its personnel. Once adopted, calendars shall be distributed to all schools and offices for the year indicated. The following list of holidays shall be observed by the School Board for all employees:

New Year's Day	July 4 <sup>th</sup> (12-month employees only)	Christmas Eve
Martin Luther King Day	Labor Day	Christmas Day
Mardi Gras (3 days)	Thanksgiving Day	New Years Eve
Good Friday		

In the event a Board-approved holiday such as Independence Day (July 4<sup>th</sup>) falls on a Saturday or a Sunday, Board employees shall be granted either the preceding or the following work day as the day of observance. If the holiday occurs on a Sunday, Board employees shall observe the following Monday.

Special authority for excusal of certain groups of employees may also be authorized by the Superintendent. Employees requesting such additional leave time for religious or patriotic observance may apply, in writing, to the Division Head for review and approval. The Division Head, in turn, shall forward all approved requests to the Human Resources Department.

Approved excusal days shall be deducted from the employee's accumulated sick leave account. In the event that said employee has exhausted his/her available leave time, he/she may apply for a leave of absence without pay. The employee's request shall be denied if it is determined that his/her absence would adversely affect school system operations or place an undue burden on other School Board employees.

General election day shall be designated by the Board as a holiday every four (4) years for the presidential election.

Ref: La. Rev. Stat. Ann. §1:55; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education; Board minutes, 7-12-65, 8-4-69, 9-76, 11-27-89.

## **G764 – GRANT FUNDED POSITIONS**

It is the policy of the Orleans Parish School Board to ensure that proper controls and procedures are in place relative to personnel and position control to ensure the fiscal solvency of the district. The Orleans Parish School Board encourages the development of proposals to federal, state and private funding agencies for the supplementing and funding of innovative educational strategies, long range planning, and special supportive services. The Orleans Parish School Board recognizes that grants may fund staff positions to achieve the goals and objectives set forth in the proposal. The Board also recognizes that it is necessary to set policy relative to grant funded positions and their relationship to the overall district staff compliment. To that end, the Orleans Parish School Board adopted a personnel classification for grant funded positions.

Grant funded positions are full-time or part-time positions established for a specific period of time not to exceed the scheduled termination date of the grant. The letter of appointment for grant funded positions shall state continuation of the employee's service in that position is contingent upon the continuing availability of funds from the grant funding source. The grant-funded employee shall be issued a written notice of termination at a minimum of thirty (30) days prior to the effective date of the grant termination.

The Superintendent and his/her designee shall develop all necessary procedures to support the implementation of this policy.

Ref.: OPSB Board Resolution 15-07

## **G-765 – EMPLOYEES’ SOCIAL SECURITY NUMBERS**

Except as required by applicable law, regulation, or policy of the Louisiana Board of Elementary and Secondary Education (BESE), the School District shall not use the social security number of a teacher or school employee as a means of identification for such teacher or employee. The teacher or employee shall not be required to include or provide his/her social security number on any form or other written document unless:

1. A social security number is required by any applicable law, regulation or policy of BESE; or
2. The form or written document is required for employment, retirement, application for leave or an individualized education plan.

The School Board or any school official or employee shall not provide access to any form or document on which the social security number of a teacher or school employee appears to any person other than the following:

1. Any official or employee of the school at which the teacher or school employee works, the School Board, or the Louisiana Department of Education, when such access is necessary for the performance of the duties and responsibilities of the official or employee.
2. Any person authorized to have such access by the teacher or school employee.

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## **I800 – STUDENT ACHIEVEMENT**

Recognizing academic achievement as the highest priority, the Orleans Parish School Board is compelled to provide its students world-class educational programs at the elementary and secondary levels. The Orleans Parish School Board shall devote substantial emphasis and allocate the necessary resources to ensure the academic achievement of all students.

Each content area shall have an articulated curriculum pre-K through twelfth grade that will support high levels of achievement. Course guides will be developed for each level of the curriculum as well as every course taught in the Orleans Parish School System. While instructional variance is expected to occur in addressing the unique need of specific students, instruction shall be derived from a curriculum that is common to all students. The Curriculum and Instruction, Exceptional Children's Services and Information Technology Departments shall develop and recommend approved programs of education designed to improve academic achievement while meeting the needs of all students. A variety of approaches shall be used to deliver educational services and to establish the condition under which each student's opportunity to achieve academically is maximized—different methodologies, materials, technology and testing may be used.

The Board shall require all teachers to teach the curriculum. The principal shall be responsible for monitoring the delivery of instruction based on the System's published curriculum guides. Curriculum guides are to serve as the framework from which a teacher will develop units of study, individual lesson plans, strategies for instruction, and assessments. Teachers must adhere to the guides' objectives and required assessments and use the guides to map the logical sequence of instruction. Instruction must focus on teaching that which is assessed and assessing that which is taught.

The Board also recognizes the need to provide students with opportunities for acceleration of their formal academic programs through post-secondary, career and vocational skills options. Therefore, the Board endorses student participation in early admissions, joint enrollment, dual enrollment, technical and vocational programs as established by the Board of Secondary and Elementary education, and made available by public and private universities, colleges and technical institutes.

Ref: La. Rev. Stat. Ann. §§17:181 to :189, 17:261 to :268; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

## **I801 – BASIC INSTRUCTIONAL PROGRAM**

In keeping with its commitment to provide equal educational opportunities for each child, the Orleans Parish School District recognizes that the basic instructional program in the district's schools consist of those required courses that lead to high school graduation, including students in special and alternative schools as listed in the *Louisiana Handbook for School Administrators*, Bulletin 741. A variety of other courses and programs shall also be offered. Regardless of the high school they attend, students throughout the district shall be given equal opportunity in course and program selection.

Although particular course offerings and teaching approaches may vary school to school and area to area, programs in basic curriculum areas shall be coordinated and sequenced to grade level so that students can make satisfactory progress throughout their school careers. In all instances, the elementary curriculum, middle school curriculum, and senior high curriculum shall meet the educational requirements established by state statute and the Louisiana Department of Education.

Ref: La. Rev. Stat. Ann. §§17:181 to :189, 17:261 to :268; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

## **I802 – EDUCATIONAL ASSESSMENT PROGRAM**

The Orleans Parish School District, in the implementation of statewide curriculum standards, has developed and adopted the *Pupil Progression Plan for the Orleans Parish School District* in accordance with statutory provisions. The plan contains District policy, regulations, and/or procedures as they relate to the promotion, retention, acceleration and similar actions regarding students' performance within the schools of the school district. The Superintendent shall be responsible for the implementation of the *Pupil Progression Plan* as outlined by guidelines of the Louisiana Department of Education.

The policies, regulations, and procedures developed and revised periodically in the *Pupil Progression Plan* shall be considered as District policy, regulations, and/or procedures and treated as if part of this policy manual.

The District shall be apprised periodically concerning implementation of all regulations contained in the Plan, and an annual report shall be submitted to the staff outlining the progress of the programs, promotions affected, and similar transactions.

Ref: La. Rev. Stat. Ann. §17:24.4; *Guidelines for Pupil Progression*, Bulletin 1566, Louisiana Department of Education.

## **I803 – CLASS SIZE**

The Orleans Parish School District is aware that class size may have bearing on effective teaching. Therefore, the District shall work with principals in establishing a reasonable and equitable class enrollment for each teacher.

State law requires the system-wide pupil-classroom-teacher ratio in grades kindergarten through third grade to be no greater than twenty (20) students. The maximum enrollment in a class or section in grades K-3 shall be 26 students and in grades 4-12, 33 students except in certain activity types of classes in which the teaching approach and the materials and equipment are appropriate for large groups. No teachers at the secondary level shall instruct more than 750 student hours per week, except those who teach the above classes.

Ref: La. Rev. Stat. Ann. §§17:151, 17:174; Bulletin 741, Louisiana Handbook for School Administrators, Louisiana Department of Education.

## **I804 – LESSON PLANS**

The Orleans Parish School District shall require the development of lesson plans by each teacher. The plans shall be developed on a unit or report period and on a daily basis. It shall be the responsibility of each principal or designee to see that the teachers under his/her supervision prepare lesson plans. Supervisors of instruction shall be available to assist teachers in developing effective and acceptable plans when this service is requested.

Lesson plans shall be available for inspection by the principal or designee. The Superintendent shall instruct principals and other supervisory personnel to review lesson plans periodically.

Ref: La. Rev. Stat. Ann. §17:81.

## **1805 – INSTRUCTIONAL MATERIALS**

The Orleans Parish School District strongly encourages the utilization of a wide variety of materials and equipment in the instructional program. The selection of media shall be determined by the objectives of the course and the experiences and activities to be provided to meet such objectives. Instructional personnel shall keep abreast of the types of materials and equipment which can contribute toward meeting the goals and objectives of courses. Instructional personnel shall also assist the administration in the selection and purchase of such materials and equipment for the school.

The District believes that appropriate personnel and materials must be available for each student. It shall be the policy of the District that available system resources be allocated in a manner to ensure equivalence among schools of a similar type and enrollment in: (1) teachers, administrators and auxiliary personnel; and (2) curriculum materials and instructional supplies.

### **PROCEDURE FOR HANDLING CRITICISM OF MATERIAL**

Criticism of specific materials should be handled by the building principal whenever possible. If the criticism cannot be resolved by the principal to the satisfaction of the complainant, then the following procedures shall be followed.

1. The criticism shall be presented in writing and directed to the principal and shall include specific information as to author, title, publisher, and the reason for the criticism, giving specific examples of objectionable aspects or sections of the book.
2. The statement must be signed and identified so that a reply may be given.
3. The material shall be reviewed in the light of the objections by a committee appointed by the Superintendent or his/her designee.
4. The report of the special committee shall be forwarded to the Superintendent for action as rapidly as possible. The Superintendent may choose to refer the problem to the Orleans Parish School District.
5. The decision of the Superintendent and/or the Orleans Parish School District shall be sent in writing to the complainant. Copies of the decision shall also be sent to all staff personnel affected by the decision.

Ref: La. Const. Art. VII, §13; La. Rev. Stat. Ann. §17:81.



## **I806 – TEXTBOOK SELECTION AND ADOPTION**

The Orleans Parish School District shall authorize the Superintendent to select, according to Louisiana Department of Education guidelines, all textbooks and supplementary instructional materials. In the preparation of such courses of study and in the selection of textbooks, he/she shall have the cooperation of other officers of instruction and of such special committees of teachers, principals, supervisors and representatives for students and community groups as he/she may appoint.

Ref: La. Rev. Stat. Ann. §§17:351, 17:352.

## **1807 – SUPPLEMENTARY MATERIALS SELECTION AND ADOPTION**

The Orleans Parish School District encourages teachers to discuss their instructional supply needs with their librarian, principal, or principal's designee. The principal and teachers will determine an appropriate list of supplemental material based on quality, reputation and significance of author, readability and appeal, format and price.

### **SELECTION AND USE OF AUDIO/VISUAL MATERIALS**

The primary objective in using instructional technology materials is to implement, enrich, and support the instructional program of the school. All such material should be shown with a purpose and relate specifically to stated goals and objectives of as it relates to the comprehensive curriculum.

The School District recognizes that the teachers have the primary responsibility for the selection and use of materials in the classroom. In exercising responsible judgment and selecting appropriate materials for use from among the array of such materials available, teachers should assure that the materials appropriately implement or enrich the course of study and relate to the stated objectives of the lesson, comprehension and that the content appropriate to the age level of the students.

All instructional technology material shall be previewed by the teacher before use with students. This includes any audio-visual material brought in from outside sources (or presenters) for presentation to students. Use of any instructional technology materials shall be documented in lesson plans, including title and type of instructional technology, and must directly relate to objectives of the lesson.

No member of any school staff shall use the instructional technology for his/her own recreation during the school day.

The implementation of this policy shall be monitored by the building principal. Violation of this policy shall result in a disciplinary hearing including the employee and principal and/or Superintendent.

Ref: *Standards and Guidelines for Library Media Programs in Louisiana Schools*, Bulletin 1134, Louisiana Department of Education.

## **I808 – INSTRUCTIONAL MEDIA CENTERS**

The Orleans Parish School District recognizes the importance of adequate and appropriate instructional materials to complement and augment the educational process. Instructional media centers serve to enhance the learning activities of students and also serve as an essential instructional resource for teachers.

Therefore, in establishing and maintaining well-organized libraries and media centers for students, the District subscribes to the following:

1. To provide a comprehensive collection of instructional materials selected in compliance with basic, written selection principles, and to provide maximum accessibility to these materials.
2. To provide materials that will support the curriculum, taking into consideration the individual's needs, and the varied interests, abilities, socio-economic backgrounds, and maturity levels of the students served.
3. To provide materials for teachers and students that will encourage growth in knowledge and that will develop literary, cultural, and aesthetic appreciation and ethical standards.
4. To provide materials which reflect the ideas and beliefs of religious, social, political, historical, and ethnic groups and their contributions to the American and world heritage and culture, thereby enabling students to develop an intellectual integrity in forming judgments.
5. To provide qualified professional personnel to serve teachers and students.

Ref: American Library Association, *School Library Bill of Rights*.

# I809 – COMPUTER ACCESS AND USE – STUDENTS

## Introduction

The Orleans Parish School Board provides its students the privilege of accessing the Internet over the district's computer network. The computer network is intended to promote educational excellence and to locally and globally share educational resources. Students will access and transmit information over the Internet or network for educational purposes. It is the intent of the Orleans Parish School Board to:

- a) prevent the transmission of or access to inappropriate material by means of Internet, electronic mail, or other forms of electronic communications;
- b) prevent unauthorized and malicious attempts to access valuable network resources;
- c) prevent unauthorized disclosure, use and dissemination of personal identification information regarding minors; and
- d) abide by the rules established in the [Children's Internet Protection Act](#).

## I. Access to Inappropriate Material

The Orleans Parish School Board shall use technology protection measures (or "Internet filters") to prevent access to inappropriate material. The technology protection measures shall be applied to avoid visual depictions of material deemed obscene or pornographic, or any material deemed harmful to minors.

Authorized personnel may disable or minimize technology protection measures for bona fide research or other lawful purposes.

## II. Student Behavior

### While using the computer network, students:

1. **SHOULD NOT** give out names, phone numbers, addresses or any personal information about themselves or others.
2. **SHOULD NOT** engage in activities that initiate or participate in any activities that are prohibited by local, state or federal laws.
3. **SHOULD NOT** use the Internet to send or receive messages that discriminate against others.
4. **SHOULD NOT** use abusive language or profanity over the Internet.
5. **SHOULD** always be polite and respectful of others.
6. **SHOULD** communicate with caution. Keep in mind:

- privacy cannot be guaranteed in a network environment.
- you cannot see the person with whom you are communicating.
- you cannot tell the age or the sex of the person with whom you are communicating.
- you cannot always be sure you are being told the truth
- you should think carefully about what you say and how you say it.

7. **SHOULD** report any problems to their teacher.

Orleans Parish School Board's Acceptable Use Policy

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### **III. Inappropriate Network Usage**

Accessing the Internet through the Orleans Parish School Board's network is a privilege, not a right, and inappropriate network usage will result in disciplinary actions. The Orleans Parish School Board shall take actions to uphold the safety and security of users on the Orleans Parish School Board's network.

**Any student can be found in violation of acceptable network usage if he or she:**

1. uses the Internet or network for illegal, inappropriate, or obscene purposes, or supports such activities. Illegal activities shall be defined as those which violate local, state, and/or federal laws.
2. violates copyrights, license agreements or other contracts.
3. intentionally disrupts information network traffic or crashes the network and connected systems.
4. uses Orleans Parish School Board's Internet or network for commercial or financial gain, fraud, political campaigning or solicitation.
5. steals or damages data, equipment, or intellectual property.
6. gains or seeks to gain unauthorized access to the network system.
7. forges electronic mail messages or posts anonymous messages.
8. uses an account owned by another user or invades the privacy of individuals.
9. changes or deletes another user's account information.
10. discloses personal information about anyone.

Students shall be made aware that any use of the network or of personal digital devices while on school property or at school events, regardless of whether the device is owned by the district, the school, or by the individual user, is subject to all the provisions of the Acceptable Use Policy of the Orleans Parish School Board. At no time within any property of the district, school, or off premises but engaged in activities connected to the educational efforts of the district or school, is any student to violate the provisions of the Acceptable Use Policy of the Board.



## Orleans Parish School Board Acceptable Use Policy - Students Consent and Waiver Form

### Consequences of network use violations include but are not limited to:

1. Suspension or revocation of network privileges;
  - a. First offense
    - i. Counseling with teacher and parent
    - ii. Three day loss of network privilege
  - b. Second offense
    - i. Counseling with teacher, parent, and site leadership
    - ii. Loss of network privileges for balance of school year
2. Suspension or revocation of computer access;
3. School suspension or expulsion;
4. Legal action and prosecution by the authorities.

### IV. Legal Issues

- **Copyright/Trademark** - According to the Copyright Act of 1976, "Fair Use" means that you may freely use any information that you legally find on the network as long as you do so only for scholarly purposes.
- **Plagiarism** - Plagiarism is "taking ideas or writings from another person and offering them as your own." Credit should always be given to the person who created the article or the idea. The student who leads readers to believe that what they are reading is the student's original work when it is not is guilty of plagiarism.

**The Law** – Students are advised that they are subject to all federal, state, and local laws if they access the computer network for inappropriate or illegal purposes. (See section III of this **policy** for inappropriate network usage violations).

### V. Recourses

Anyone accused of any of the violations has all of the rights that would normally apply if such person were accused of school vandalism or any other illegal activity.

My parents and I have read the Orleans Parish School Board's Acceptable Use Policy. By signing the Acceptable Use Policy Consent and Waiver Form, I agree to abide by the rules stated in this policy. I understand that the use of the Internet or network is a privilege and if found in violation of any of the rules stated in this policy, regardless of whether the device I use is owned by the district, the school, or is my personal property, I will be subject to any of the disciplinary actions listed in Section III of this policy. I understand that the Orleans Parish School Board will, to the fullest extent, try to block or filter harmful information from being accessed over the network, but is not responsible for any inappropriate content accessed while using the network.

Student Name: \_\_\_\_\_  
(Print)

Student Signature: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_  
(Print)

Parent/Guardian Signature: \_\_\_\_\_

## **I810 – TESTING PROGRAM**

The Orleans Parish School District shall take every precaution to assure that all tests administered within the school system shall be conducted in such a manner so as not to compromise in any way the testing results. For criterion-referenced 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 District. In addition, all secure tests and test documents shall be stored under lock and key at the School Board office when not in use.

Any teacher or other school personnel who allows or breaches test security shall be disciplined in accordance with state law, District policy and regulations adopted by the Louisiana Board of Elementary and Secondary Education, and any and all laws that may be enacted by the state.

### **TESTING SECURITY**

1. It shall be a violation of test security for any person to do any of the following:
  - a. Administer tests in a manner that is inconsistent with the administrative instructions provided by the Louisiana Department of Education and the School District which would give students an unfair advantage or disadvantage;
  - b. Give examinees access to test questions prior to testing;
  - c. Examine any test item at any time (except the student during the test or test administrators while providing the accommodations “Tests Read Aloud” or “Communication Assistance” for students determined to be eligible for those accommodations);
  - d. Copy, reproduce, discuss, or use at any time in a manner inconsistent with test regulations all or part of any secure test booklet, answer document, or supplementary secure materials;
  - e. Coach examinees in any manner during testing or alter or interfere with examinees’ responses in any manner;
  - f. Provide answers to students in any manner during the test, including provision of cues, clues, hints, and/or actual answers in any form—written, printed, verbal or nonverbal;
  - g. Administer unapproved published parallel, previously administered, or current forms of any statewide assessment as a practice test or study guide;
  - h. Fail to follow security regulations for distribution and return of secure test booklets, answer documents, supplementary secure materials, as well as overages as directed; or fail to account for and secure test materials before, during, or after testing;



- i. Conduct testing in environments that differ from the usual classroom environment without prior written permission from the *Louisiana Department of Education, Division of Student Standards and Assessments*;
  - j. Fail to report any testing irregularities to the District Test Coordinator (a *testing irregularity* is 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), who must report such incidents to the *Division of Student Standards and Assessments*;
  - k. Participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in this section.
2. A *Statement of Assurance* regarding the District's test security policy shall be submitted annually to the *Louisiana Department of Education, Division of Student Standards and Assessments*. This statement shall include the name of the individual designated by the Superintendent to procure test materials.
  3. Test materials, including all test booklets, answer documents, supplementary secure materials containing secure test questions, video tapes, and completed observation sheets, shall be kept secure and accounted for in accordance with the procedure specified in the examination program administration manuals and other communications provided by the Louisiana Department of Education. *Secure test materials* include test administrators' manuals, test booklets, answer documents, and any supplementary secure materials.
    - a. All test materials, except district and school test coordinator manuals, shall be kept in a predetermined, secured, locked storage area prior to, during, and after administration of any test; all secure materials, including test booklets, answer documents, supplementary secure materials, and any parallel forms of a test, shall be kept in a locked storage at both the district and school levels; secure materials must never be left in open areas or unattended; test administrators are to be given access to the tests and any supplementary secure materials only on the day the test is to be administered, and these are to be retrieved immediately after testing is completed for the day and stored in a locked, secure location each day of testing.
    - b. All test booklets, answer documents, and supplementary secure materials shall be accounted for and written documentation kept by test administrators and proctors for each point at which test materials are distributed and returned.
    - c. Any discrepancies noted in the number of serial numbers of test booklets, answer documents, and supplementary secure materials, or the quantity received from contractors shall be reported to the *Division of Student Standards and Assessments* (LDE) by the school district's Test Coordinator prior to the administration of the test.
    - d. In the event the test booklets, answer documents, or supplementary secure materials are determined to be missing while in the possession of the school district or in the

event of any other testing irregularities or breaches of security, the District Test Coordinator shall immediately notify by telephone the *Division of Student Standards and Assessments* (LDE) and follow the detailed procedures for investigating and reporting specified in BESE's *Test Security Policy*.

4. ***Only personnel trained in test security and administration*** shall be allowed to have access to or administer any standardized tests.
5. The Superintendent shall designate annually one individual in the district authorized to procure test materials which are utilized in testing programs administered by or through the Louisiana Board of Elementary and Secondary Education or the Louisiana Department of Education. The name of the individual designated shall be provided in writing to the *Division of Student Standards and Assessment, Louisiana Department of Education*, and included on the *Statement of Assurance*.
6. Testing shall be conducted in class-sized groups. Permission for testing in environments that differ from the usual classroom setting must be obtained in writing from the *Louisiana Department of Education, Division of Student Standards and Assessments* at least thirty (30) days **prior** to testing. If testing outside the usual classroom setting is approved by the *Division of Student Standards and Assessments*, the School District shall provide at least one proctor for every thirty (30) students.
7. The State Superintendent of Education may disallow test results which may have been achieved in any manner which is in violation of test security.
8. In cases where test results are not accepted because of breach of test security or action by the Louisiana Department of Education, any programmatic, evaluative, or graduation criteria dependent upon the data shall be deemed not to have been met, but individuals will be allowed to retake the test at the next test administration.
9. Individuals shall adhere to all procedures specified in all operational manuals that govern the mandated testing programs, as well as any access to electronically shared student test data.
10. Any individual who knowingly engages in any activities during testing which results in invalidation of scores derived from the LEAP , Graduation Exit Examination (GEE 21), or Graduation Exit Examination (old GEE) shall forfeit the test results but will be allowed to retake the test at the next test administration.
11. Anyone known to be involved in the presentation of forged, counterfeit, or altered identification for the purposes of obtaining admission to a test administration site for any test administered by or through the Louisiana Board of Elementary and Secondary Education or the Louisiana Department of Education shall have breached test security. Any individual who knowingly causes or allows the presentation of forged, counterfeit or altered identification for the purpose of obtaining admission to any test administration site shall forfeit all test scores but will be allowed to retake the test at the next test administration.

12. Any teacher or other school personnel who allows or breaches test security, including unauthorized access to electronic data, shall be disciplined in accordance with statutory provisions, policy and regulations adopted by the Board of Elementary and Secondary Education, and the School District, and any and all laws that may be enacted by the Louisiana Legislature.
13. The District Test Coordinator shall coordinate the investigation of all reports of testing irregularities, including anonymous complaints, access to electronic data, missing test materials, or instances of excessive wrong-to-right erasures on a test, in accordance with procedures outlined by the Louisiana Department of Education and/or the School District. The District Test Coordinator may elicit the assistance of school district administrative personnel as well as other persons deemed appropriate to assist in any investigation. Once the investigation has been completed, a report of the results of the investigation shall be submitted to the *Division of Student Standards and Assessment, Louisiana Department of Education*, and the Superintendent of the school district.

### **Investigation Process**

Procedures for investigating **any** testing irregularity shall include the following:

- a. In instances where any testing irregularities may have occurred, an initial written report of the alleged irregularity shall be prepared by the site administrator where the instance occurred. Said documentation shall then be forwarded to the building principal, school test coordinator, the District Test Coordinator, and the Superintendent.
- b. The District Test Coordinator shall review the allegation of test security violation and conduct an investigation of any such allegations, documenting all investigative activities. The formal investigation will include, but not be limited to, interviews/statements from witnesses and key players involved in the questioned activity, and compilation of any documents to support or to refute allegations made. A written summary of the findings of the investigation shall be provided the Superintendent.
- c. A determination of the credibility of allegations of test security violation shall be made by the Superintendent and the District Test Coordinator.
- d. If the investigation conducted provides evidence to indicate that a breach of test security did indeed occur, individuals involved in such security breach shall be identified, and depending upon the nature of the violation, appropriate corrective and/or punitive action may be pursued.
  - (1) Students found to have purposefully violated test security shall have test results voided and will be referred to the site administrator for appropriate disciplinary action in accordance with provisions of the Orleans Parish School District *Policy Manual*.

- (2) Any school employee found to have purposefully violated test security shall be charged with violation of state and/or parish policy and disciplinary action shall be pursued in accordance with the provisions of state statutes, with direction from the Orleans Parish School District.
- e. After completion of the investigation, the School District shall provide a report of the investigation *and* a written plan of action to the State Superintendent within thirty (30) calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence.
14. All persons involved in the administration of tests shall annually receive proper training and development for handling and securing all testing materials, as well as proper security maintenance and access to electronic data. A record of such activities shall be maintained by the District. Such activities shall be coordinated and supervised by the District Test Coordinator. School testing coordinators shall in turn in-service all school level personnel having access to testing materials on security, administration, and confidentiality of individual or aggregated student test data.
15. A list of personnel authorized to have access to the locked, secure storage area where all test materials are stored shall be maintained by the District. School personnel authorized to have access to the locked secure storage area shall only include the School Test Coordinator, principal, or assistant principal of each school. Additionally, a list of all individuals who have access to student level test data shall be maintained.
16. The School District shall ensure that individual student test data are protected from unauthorized access and disclosure. The District Test Coordinator and other authorized users of the LEAP<sup>web</sup> Reporting System and LEAP<sup>data</sup> System shall be responsible for ensuring the security of all passwords, any disks or CD's with downloaded individual student test data, and student-level data open on a computer screen. School level passwords for access to individual school data will be provided to school principals by the District Test Coordinator as requested. Principals shall be responsible for distributing the password as needed to school personnel and to provide for security and confidentiality of the school level password.

All users shall be required to sign a statement guaranteeing they will not share any password with unauthorized individuals and maintain the confidentiality of student data. A copy of the signed statement shall be sent to the District Test Coordinator to be kept on file. Users who have access to these systems and leave their positions at a district or school site shall not use or share any passwords.

Ref: La. Rev. Stat. Ann. §§17:81, 17:81.6, 49:953; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## I811 – GRADING SYSTEMS

The Orleans Parish School District directs that evaluation of student progress be based on various aspects of performance as measured against standards for the respective grade or subject. The requirements for evaluation shall take into consideration the ability, aptitude, and other characteristics of the student. Grading shall be based on achievement as it reflects a reasonable and conscientious effort on the part of the pupil to fulfill in the requirements of the course, and the ability of the pupil as it relates to the pupil's demonstrated effort.

Grades shall be determined and reported in accordance with procedures outlined in the *Pupil Progression Plan for the Orleans Parish School District*. Grading and reporting shall serve to show those concerned how a pupil is doing in his/her work. Grades shall not be used with the intent of rewarding or punishing a pupil, including the deducting of points from a student's grades as a means of discipline.

### GRADE ALTERATION

No School Board member, Superintendent, or school employee, including administrative and supervisory personnel, shall attempt, directly or indirectly, to influence, alter, or otherwise affect the grade received by a student from his/her teacher. However, a teacher's determination of a student's grade may be changed or altered when the building level administrator has determined that the grade is in error, or that the grade is demonstrably inconsistent with the teacher's grading policy. Upon a complaint made by a student, parent/guardian, or child advocate, the building level administrator shall review the complaint with the teacher issuing the grade and make a judicious determination of the validity of the grade. The teacher, parent/guardian, or child advocate may appeal the decision of the school building level administrator to the Superintendent or his/her designee. Further appeal may be made to the School Board.

Ref: La. Rev. Stat. Ann. §§17:24.4, 17:81, 17:414.2; *Guidelines for Pupil Progression*, Bulletin 1566, Louisiana Department of Education; *Pupil Progression Plan for the Orleans Parish School Board*.

## **I812 – REPORT CARDS**

It is the policy of the Orleans Parish School District that reports concerning student progress shall be made to the parent or legal guardian or custodian of all students on a regularly scheduled basis. Individual schools shall make additional reports to the parent or legal guardian of a student when, in the opinion of the principal and professional staff members, the situation warrants such reports. Such situations may include, but are not limited to, outstanding academic achievement, outstanding citizenship, poor academic performance and continuing inappropriate behavior.

Report cards may be given to the student's parent, legal guardian or custodian. Documentation shall be kept on file regarding the issuance of the report card.

### **PROGRESS REPORTS**

Progress reports may be sent home at frequent intervals during each grading period to keep parents informed of their child's academic progress. The progress reports shall indicate when the teachers may be available for conferences. Documentation shall be kept on file regarding the issuance of the report card.

Ref: La. Rev. Stat. Ann. §§17:24.4, 17:81, 17:414.2; *Guidelines for Pupil Progression*, Bulletin 1566, Louisiana Department of Education; *Pupil Progression Plan for the Orleans Parish School Board*.

## I813 – PROMOTION AND RETENTION

The Orleans Parish School District shall require pupil promotion and retention in the district schools to be based upon an evaluation of each pupil's achievement in terms of appropriate instructional goals. District-wide standards for promotion and retention of students have been established in the Orleans Parish School District's *Pupil Progression Plan* and shall govern the placement of students. Pupils meeting the standards and other criteria established in this plan shall be eligible for promotion and/or credit. Regulations set by the District and the State Board of Elementary and Secondary Education shall also be met in order to receive credit.

Ref: La. Rev. Stat. Ann. §17:24.4; *Pupil Progression Plan for the Orleans Parish School District.*

## **I814 – GRADUATION REQUIREMENTS**

The Orleans Parish School District, in accordance with the regulations set forth by the Louisiana Board of Elementary and Secondary Education (BESE), shall require students, in order to be eligible for graduation, to successfully complete at a minimum the requirements mandated by BESE and outlined in the *Louisiana Handbook for School Administrators*, Bulletin 741. The School District may impose additional requirements as it deems appropriate.

### **GRADUATION EXIT EXAMINATION**

In addition to completing the minimum Carnegie Units of credit, the students shall also be required to pass the Graduation Exit Examination. Remediation and retake opportunities shall be provided for students who do not pass the test.

Each student and his/her parent or guardian shall be notified of the requirement of passing the Graduation Exit Examination prior to or upon the student entering the 10th grade, or upon entering the system when transferring to any high school within the system.

Ref: La. Rev. Stat. Ann. §17:81; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.



## **I815 – GRADUATION EXERCISES**

No student of the Orleans Parish School District shall be allowed to participate in commencement exercises until he/she has successfully completed all graduation requirements as prescribed by the Louisiana Board of Elementary and Secondary Education and passed all required components of the state *Graduation Exit Examination*. Special Education students must meet all program requirements to receive a certificate of completion and participate in commencement exercises.

Students who complete their work at midterm, but in doing so shall end their careers at the local high school. However, students who graduate at midterm may participate in the spring activities and graduation. The principal may determine that students with established patterns of behavior may not participate in end of year activities including but not limited to graduation.

All graduation ceremonies shall be conducted in a dignified manner. Any person guest or participant shall be removed from the ceremony if the behavior is contrary to established graduation rules and regulations.

## I816 – SUMMER SESSION

The Orleans Parish School District under the direction of the Superintendent or designee shall provide summer school sessions as an extension of the instructional schedule for the school district. The schedule for the summer session may provide for remedial instruction, additional instruction, and repeat and enhancement courses including (Carnegie Units) for students who have failed. In particular, a summer school remediation program shall be offered to all students who failed the Louisiana Educational Assessment Program (LEAP) test administered in the spring of each year to 4th 8thgrade students. Operation of schools in the summer session shall be in accordance with regulations established by the Louisiana Board of Elementary and Secondary Education, guidelines of the Louisiana Department of Education, and directives of the Superintendent and staff.

Except for those students attending 4<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> grade remediation (LEAP/GEE) classes, fees may be charged students for attending summer school session, which shall be set by the District upon the recommendation of the Superintendent and his/her administrative staff.

Ref: La. Rev. Stat. Ann. §17:24.4; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

## I817 – SPECIAL EDUCATION

Special education is a system of specially designed instructional, behavioral and student support and /or related services which ensures that the Orleans Parish School District is able to offer a full continuum of educational services to exceptional students ages three (3) through twenty-one (21). Children suspected of having a disability may be screened and evaluated for eligibility to receive special education services while receiving educational support in the regular classroom. Children who are suspected of being gifted and or talented are also identified and served through special education. Based on the results of the screening and evaluation, the child will be classified according to Bulletin 1508, *Pupil Appraisal Handbook* guidelines and becomes eligible to receive special educational services for their disabling condition or for gifted and/or talented services. All special education services are performed in accordance with the regulations outlined in Bulletin 1706, *Regulations for the Implementation of the Exceptional Children's Act, Subpart A Regulations for Students With Disabilities and Subpart B Regulations for Students Gifted/Talented Students.*

### SPECIAL EDUCATION ASSURANCES

Policies and assurances of the Orleans Parish School District regarding the education programs for students with disabilities include the following:

- A. Full Education Opportunity Goal  
It shall be the goal of the Orleans Parish School District to provide full educational opportunities to all exceptional children ages three through twenty-one within its jurisdiction.
  
- B. Free Appropriate Public Education (FAPE)  
It shall be the policy of the Orleans Parish School District to provide, or cause to be provided, a free appropriate public education to each eligible exceptional child, ages three through twenty-one, residing within its jurisdiction who is not voluntarily enrolled in a public school program.
  
- C. Adult Education Opportunities  
It shall be the policy of the Orleans Parish School District that no person shall be denied access into the adult education program regardless of race, sex, creed, or disabling condition and shall take into account the needs of these persons in determining services to be provided and Competitive Employment Opportunities.  
  
It shall be the policy of the Orleans Parish School District that all disabled children, after appropriate vocational assessment, are afforded the opportunity to profit from vocational programs that are designed to meet their needs.
  
- E. Alternative to Direct Services  
If a service for an exceptional child is not provided by the Orleans Parish School District, these services will be sought through interagency collaboration.

F. Interagency Agreements

The Orleans Parish School District assures that interagency agreements essential to full compliance for the provision of a free appropriate public education and to ensure fiscal and human resources are developed, signed, and implemented as needed. The school system assures that each interagency agreement will be designed to achieve or accelerate the achievement of FAPE for all exceptional children. Nothing in any such agreement may be construed to reduce assistance available or to alter eligibility.

TECHNOLOGY ASSISTIVE DEVICES FOR DISABLED STUDENTS

The School District recognizes that, consistent with federal and state statutes, assistive technology devices that are determined necessary by the child's individualized education plan (IEP) committee to ensure a free, appropriate public education (FAPE) shall be provided by the District to a child with a disability or parent or guardian of a child with a disability at no cost to the parents. However, the School District shall not be required to replace or repair any assistive technology device provided if such device is lost, stolen, damaged, broken, destroyed, or otherwise misused while in the possession of the child, parent, or guardian. This provision does not apply to repair or replacement of such a device which needs repair or replacement as a result of ordinary wear.

Ref: 20 U.S.C.A. §1400 et seq. (Individuals With Disabilities Education Act of 2004); 34 CFR §300.308; P.L. 94-142; La. Rev. Stat. Ann. §17:1941 to :1958; Pupil Appraisal Handbook Bulletin 1508; Bulletin 1706 Regulations for the Implementation of the Exceptional Children's Act Parts A and B, Louisiana Department of Education.

## **I818 – LIMITED ENGLISH PROFICIENCY PROGRAM**

The Orleans Parish School District recognizes that the inability to speak and understand the English language limits the student's effective participation in the educational programs of the School District. Students whose primary languages are languages other than English shall be provided special assistance, in conformity with applicable Federal and State statutes and regulations, until they are able to use English in a manner that allows effective, relevant participation in regular classroom instruction.

Parents shall be notified of their children's eligibility for the limited English proficiency program no later than thirty (30) days after the start of school. Notification shall include their child's level of proficiency and how it was assessed, program components and expectations, parental rights, and any other information required by the *No Child Left Behind Act of 2001*. All written communications to parents shall be in a uniform format that is comprehensible to families and in a language the parents can understand.

Ref: 20 U.S.C. 6801 et seq., 20 U.S.C. §7401 et seq.

## **I819 – HOME STUDY PROGRAM**

Students of the Orleans Parish School District may be permitted to have their educational skills developed through a home study program, or in an in-home private school program, if such a program offers a sustained curriculum of quality at least equal to that offered by public schools at the same grade level. The parent or legal guardian shall submit an application to the Louisiana Department of Education for approval together with a copy of the child's birth certificate. An initial application shall be made within fifteen (15) days after commencement of the program. A renewal application shall be submitted to the Louisiana Department of Education by October 1 of the school year, or within twelve (12) months of approval of the initial application, whichever is later.

Any child eligible by law to attend elementary or secondary school shall be eligible to participate in a home study program.

Secondary students who are home schooled shall not earn a regular high school diploma unless they return to an approved school and meet all the necessary credits and requirements needed for high school graduation. Home study students shall be eligible to take the General Educational Development (GED) test upon completion of the home study program, upon proper application.

### **TEXTBOOKS**

The School District may supply textbooks to home study students who have been approved by the State Department of Education, if extra copies are available. A deposit equal to fifty percent (50%) of the replacement costs shall be required. Such deposit shall be returned when the books are returned. No refunds shall be made for lost or damaged textbooks. If books are not returned or paid for, the parent or legal guardian shall not be eligible to continue participation in the textbook rental program until all textbook debts have been cleared.

Textbooks should be issued from the school of the student's assigned attendance zone for no longer than the length of the current school term. Principals may require periodic inspection of the textbooks. Workbooks and supplementary materials shall not be provided by the District.

### **READMISSION**

Students seeking admission or readmission to Orleans Parish School District schools shall be required to fulfill such screening and evaluation requirements as the Board of Elementary and Secondary Education (BESE) and/or the School District may establish, including the taking of tests and diagnostic instruments used to determine appropriate grade levels or Carnegie units. The requirements and procedures for admission or readmission shall be made a part of the District's *Pupil Progression Plan*. Students in *grades 5 and 9* transferring to the public school system shall be required to take the 4<sup>th</sup> and 8<sup>th</sup> grade LEAP 21 tests and register an acceptable score prior to enrollment. The School District may charge a fee, not to exceed \$100 per student, for the testing of home study students. The testing fee shall be refunded upon the student's enrollment in the public school system the semester immediately following the testing.

## ACHIEVEMENT TESTING

In May and September of each year and on such other dates as the School District may determine, the School District shall, upon the request of a parent whose child is participating in a home study program, administer the competency-based education examination to the child. A thirty-five dollar (\$35) testing fee shall be charged for each test.

Ref: La. Rev. Stat. Ann. §§17:236, 17:236.1, 17:236.2, 17:351; Home Study Guidelines, Louisiana Board of Elementary and Secondary Education; Pupil Progression Plan for Orleans Parish School Board.

## **1820 – HOMEBOUND INSTRUCTION**

Students of the Orleans Parish School District who are unable to attend school because of physical disability may be assigned a teacher who will instruct them at home or in a hospital. In order for a student to be considered for homebound instruction, the student, as a result of illness, accident, emotional crisis or the treatment thereof, is unable to be moved from the hospital or home environment for the provision of regular educational services. Such incapacitation shall require verification on the application by a physician. The homebound instruction program is a continuation of the regular school instructional program, designed to help the child return to school without falling too far behind in assigned work. The student shall be under the same state and local regulations as any other student. A responsible adult must be present where instruction is provided.

### **CRITERIA FOR ELIGIBILITY**

A regular education student is eligible to be a hospital or homebound student if the following criteria are met:

1. There is certification by a physician that the student is expected to be at home or hospitalized for at least 15 operational days and will be able to participate in and benefit from an instructional program.
2. The student is under constant medical care for an illness or injury which is acute or catastrophic in nature, or chronic physical condition which has acute phases and which requires homebound instruction during the acute phases. If the student is pregnant, a medical evaluation must verify that there are complications in the pregnancy or recovery which could be detrimental to the health of the student.
3. The student is free of infectious or communicable disease. If the student is not free of such diseases, other appropriate instructional arrangements must be made.
4. The parent or guardian signs a parental agreement concerning homebound or hospital policies and parental cooperation.

### **CONTINUITY OF INSTRUCTION**

A review of the student's educational program conducted by the student's regular education teacher(s) should be provided to the hospital/homebound teacher to permit continuity in instruction. Periodic conferences between the student's regular teacher and homebound instructor should be conducted as well.



## EVALUATION

The minimal evaluation to determine a student's eligibility shall be:

- A. A medical assessment by a physician qualified by training or experience to assess the health problems, including a description of the condition, with any medical implication for instruction. This report shall state that the student is unable to attend school, whether or not he/she is free of communicable disease, and give an estimated duration of the condition.
- B. Periodic physical re-examination and a medical report by a physician as requested by the Special Education Supervisor.

Ref: La. Rev. Stat. Ann. §17:1946; Regulations for Implementation of the Exceptional Children's Act, Bulletin 1706, Louisiana Department of Education.

## **I821 – ALTERNATIVE SCHOOLS EDUCATION PROGRAM**

The Orleans Parish School District recognizes that exclusion from the educational program of the schools, whether by suspension or expulsion, is the most severe sanction that can be imposed on a pupil in this parish and one that cannot be imposed without due process, since expulsion deprives a pupil of the right to an education.

Pupils suspended or expelled/excluded from school may remain under the supervision of the school system using an alternative education program designed to continue the educational process at an alternative school site. An alternative setting may be located on or off the school site. The alternative education program is designed to offer variations of traditional instructional programs and strategies for the purpose of increasing the likelihood that pupils who are unmotivated or unsuccessful in the traditional programs or who are disruptive in the traditional school environment remain in school and obtain a high school diploma. Any expelled pupils attending the alternative education program and exhibiting disorderly conduct shall be dismissed from that program and shall not be permitted to return to any school program until the period of expulsion has ended.

Upon the request of the student's parent, tutor, or other person responsible for the student's school attendance, a student enrolled in school between ages of sixteen (16) and eighteen (18) years may be allowed, with approval of the School District, to attend an alternative education program.

## I822 – ADULT EDUCATION

The Orleans Parish School District shall operate an Adult Education and Family Literacy Program which is designed to allow eligible individuals to continue their education to at least the level of completion of secondary school and to make available to them an opportunity to acquire basic literacy skills necessary to function in society and become more employable, productive, and responsible citizens and family members. The adult education program shall be administered and conducted in accordance with regulations established by the Board of Elementary and Secondary Education (BESE).

### I. Enrollment Requirements

The parent, tutor, or other person responsible for the school attendance of a child who is under the age of eighteen (18) and who is enrolled in school beyond his/her sixteenth (16<sup>th</sup>) birthday may request a waiver from the Superintendent for the child to exit school to enroll and attend an adult education program approved by the Board of Elementary and Secondary Education if one or more of the following hardships exist and if appropriate documentation is on file at the School District office:

- pregnant or actively parenting
- incarcerated or adjudicated
- institutionalized or living in a residential facility
- chronic physical or mental illness
- family and/or economic hardships

In the case of a child with no parent, tutor, or other person responsible for his/her school attendance, the Superintendent may act on behalf of the student in making the request.

The Superintendent or his/her designee may approve the request without requesting action from BESE. If the request to exit school to enroll in a State approved adult education program is denied by the Superintendent, a student may request the waiver from the Department of Education for approval by BESE with documentation of reason for denial at the local level.

### II. Subject Matter Area

The adult education program shall operate one or more projects that provide services or instruction in one or more of the following:

Adult Basic Education (ABE)  
Adult Secondary Education (ASE)/GED  
English Literacy  
Workplace Literacy  
Family Literacy

III. The School District shall attempt to provide equitable access and participation in adult education programs to ensure that all students develop the knowledge and skills needed to participate effectively on the job and in the family and to obtain satisfaction in one's personal life. Adult education programs and activities shall strive for high educational standards by organizing academic, life, and job curricular offerings around student diversity.

Steps for addressing equitable access to and participation in adult education programs, while at the same time seeking high standards for students with participation barriers, shall include those outlined in the Louisiana State Plan for Adult Education and Family Literacy.

IV. GED Testing

Students attending Adult Education Programs may be recommended by the site of instruction to take the General Educational Development (GED) test.

Ref: 29 U.S.C. 2801 et sq.; La. Rev. Stat. Ann. §§17:221; Louisiana Handbook for School Administrators, Bulletin 741; Louisiana State Plan for Adult Education and Family Literacy, Louisiana Department of Education

## **I823 – SEX EDUCATION**

In order to better educate and meet the growing awareness of today's youth, school boards have been granted the discretion, if so desired, of conducting classes in subject matter designated as sex education. Said subject matter shall be integrated into an existing course of study in grades seven through twelve. When offered, such instruction shall be offered to non-graded special education students at age appropriate levels. Whenever instruction in sex education is offered by a school, such instruction shall be available also to any student in such school regardless of the student's grade level who is pregnant or who is a mother or father.

No religious beliefs, values, customs, practices in human sexuality nor the subjective moral and ethical judgment of any person shall be included in the study of sex education. Students shall not be tested, quizzed, or surveyed about their personal or family beliefs or practices in sex, morality, or religion.

All instructional materials used during the course of study of sex education shall be submitted to and approved by the Orleans Parish School District and by a parental review committee, whose membership shall be determined by the District. The major emphasis of any sex education institution offered in this parish shall be to encourage sexual abstinence between unmarried persons and any instruction shall:

1. Emphasize abstinence from sexual activity outside of marriage as the expected standard for all school children.
2. Emphasize that abstinence from sexual activity is a way to avoid unwanted pregnancy, sexually transmitted disease, including Acquired Immune Deficiency Syndrome and other associated health problems.
3. Emphasize that each student has the power to control personal behavior and to encourage students to base action on reasoning, self-esteem and respect of others.

Any child may be excused from receiving instruction in sex education at the option and discretion of his/her parent or guardian.

Ref: La. Rev. Stat. Ann §17:281.

## **1824 – ALCOHOL, TOBACCO, DRUG, AND SUBSTANCE ABUSE EDUCATION PROGRAM**

The Orleans Parish School District shall require a comprehensive alcohol, tobacco, drug, and substance abuse prevention education program to be incorporated into every school of the district that shall include grade appropriate programs on the education, prevention, and counseling of alcohol, tobacco, drug, and substance abuse. Such programs shall be included in the school program so that every student in grades kindergarten through nine is involved for a minimum of sixteen (16) contact hours every school year, and every student in grades ten through twelve is involved for a minimum of eight (8) contact hours every school year. The required minimum contact hours shall be incorporated into a comprehensive school health program.

As part of the alcohol, tobacco, drug, and substance abuse program, substance abuse counselors shall be appointed who shall visit every school regularly for the purpose of counseling students who have been identified as having an alcohol, drug, or substance abuse problem.

Any student enrolled in school that is identified as having a substance abuse problem, including manufacture or distribution, shall be required to participate in the school drug counseling program, or an equivalent approved by the District.

Each school shall have a *substance abuse prevention team*, whose membership shall be in accordance with statutory provisions that shall investigate, research, and report on all instances or reports of possession of controlled dangerous substances or alcoholic beverages. The team shall adequately report their findings in writing and make appropriate recommendations for treatment, counseling, or other appropriate action to the principal of the school.

### **DRUG-FREE ZONES**

It is unlawful for anyone to use, distribute, be under the influence of, manufacture or possess any controlled substances as defined by statute on or around school property or an area within 1000 feet of any property used for school purposes by any school, or on a school bus. These areas shall be designated as *Drug-Free Zones*. The School District, in cooperation with local governmental agencies, and the Louisiana Department of Education, shall designate and mark *Drug-Free Zones* which surround all schools and school property.

Ref: La. Rev. Stat. Ann. §§14:403.1, 17:154, 17:402, 17:403, 17:404, 17:405, 17:416.

## **1825 – CO-CURRICULAR ACTIVITIES AND EXTRACURRICULAR ACTIVITIES**

The Orleans Parish School District shall be committed to providing for each of its schools a program of co-curricular activities and extracurricular activities to all students in a manner which allows students equal opportunity to participate in services and activities pending appropriate behavior in school. All activities shall be in compliance with pertinent regulations of the State Board of Elementary and Secondary Education.

### CO-CURRICULAR ACTIVITIES

Students may participate in those activities that are relevant, supportive, and are an integral part of the structured program of studies and which are under the supervision and/or coordination of the school instructional staff. Such co-curricular activities may include: field trips, festivals, conventions, assemblies, and organizations (science clubs, student councils) and others directly related to programs of study.

### EXTRACURRICULAR ACTIVITIES

Extracurricular activities are those activities which are not directly related to the program of studies, but are under the supervision of school instructional staff and are considered valuable for the overall development of the student. Activities not directly related to programs of study may include: field trips (entertainment in nature), assemblies (pep rallies, beauty contests). In order to remain eligible for organizational activities (athletic teams, cheerleaders, pep squads) the student shall be required to successfully pass five (5) subjects and maintain at least a 1.5 grade point average.

1. Extracurricular activities shall not be scheduled during instructional time.
2. Eligibility Requirements for Extracurricular and Co-curricular Activities:
  - a. No student shall be allowed to participate in any event on the day or night while the student is under suspension from school.
  - b. All work missed by students while on co-curricular or extracurricular events must be made up and completed in a manner that would be required of any other students.

### Special Education Student Participation

All non-academic and extracurricular services and activities shall be offered to each exceptional child in a way which allows equal opportunity to participate in such services and activities.

Ref: *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education; *Official Handbook*, Louisiana High School Athletic Association.

## **1826 – INTERSCHOLASTIC ATHLETICS**

The Orleans Parish School District believes that the competitive athletic program is a part of the overall educational program of the school system. It also believes that the athletic program should be closely coordinated with the general instructional program of the school, and that the aims achieved through athletics should justify its inclusion in the overall educational program. The athletic program shall also be based on a spirit of non-professionalism and appropriate behavior in school so that participation is regarded as a privileged opportunity.

### **ATHLETIC PROGRAM**

Interscholastic athletics may be made available for students in the schools of the school district. The Superintendent or designee shall develop and maintain an athletic program in the school district that emphasizes participation of all students. The conduction of all athletic programs within the school district shall comply fully with regulations of the *Louisiana High School Athletic Association* (LHSAA) and policies of the District. The District shall allow students to participate in as many sports activities and academic activities as he/she is capable of participating in without fear of reprisal.

### **PARTICIPATION REQUIREMENTS**

No student shall be permitted to practice or participate in any interscholastic athletic program in any public school of the Orleans Parish School District until such student shall have furnished to the principal of the school documentation that he/she has met the following requirements:

1. Evidence of having had a physical examination by a licensed physician who shall have completed documentation as required by the Louisiana High School Athletic Association (LHSAA).
2. Properly complete a LHSAA Medical History Form and pass a medical examination by a licensed physician prior to the first time he/she participates in a sport in a LHSAA school.
3. Once a student passes the initial medical examination and completes an LHSAA Medical History Form prior to the sports season in which he/she participates, he/she shall annually pass any medical screening or medical examination required by a licensed physician and shall update his/her LHSAA Medical History Form as required.
4. A copy of the completed and signed LHSAA Medical History Form and the medical examination form must be on file at the school for every student before he/she practices or participates in interscholastic athletics during that school year.
5. An agreement signed by the student's parent(s) or legal guardian(s) to hold the School District and its members, employees, agents, assigns and insurers harmless from and against any liability for any accidents involving the student while participating in such athletic activities and any injuries suffered by the student during, or as a result of, such participation.



The agreement shall also authorize team physicians to treat the student in the event of an injury requiring emergency treatment.

6. An election by the student's parent(s) or legal guardian(s) either: (a) to decline student insurance and be fully responsible for all bills associated with any injuries suffered by the student as a result of participating in any Orleans Parish School District public school interscholastic athletic programs, or (b) to purchase student insurance and be responsible for any bills not covered by such insurance.
7. Students shall sign a form consenting to random drug screening and must obtain the written consent of their parent(s) or guardian(s) for said tests in order to be eligible to participate in any athletic activity. (See Policy I827 – *Drug Screening of Student Athletes*)

### RULES VIOLATION

Adherence to the rules of athletic representation and participation shall be strictly enforced by the District. Any violations of athletic rules shall be immediately reported to the Superintendent by the principal. In the event that a member school, member school principal, or member school coach is penalized or cited by the LHSAA due to a violation, the athletic director, principal, and coach involved shall provide a full report to the Superintendent. If found warranted, the Superintendent in turn shall make a report to the School District with pertinent recommendations for disciplinary action.

### ELIGIBILITY

The School District endorses the eligibility requirements as a condition for participation in high school extracurricular activities as stipulated by the LHSAA. In order to remain eligible for athletic participation, the participating student shall be required to successfully pass five (5) subjects and maintain at least a 1.5 grade point average. In the case of a senior, the student shall be required to take and successfully pass the minimum number of courses required and enumerated in the eligibility rules of the LHSAA.

### SAFETY

The Superintendent or designee shall have the responsibility in the school district to identify risks to students participating in athletic activities. Participants in the various sports shall be instructed in proper techniques to practice for maximum safety in the contact phase of a game.

The Orleans Parish School District shall require injury prevention techniques be promoted by all coaches to all athletes. All players and parents of players shall be provided information concerning the physical risks to students participating in varsity athletic programs. Before any student shall be allowed to participate in athletics the athlete and his/her parents shall sign a statement certifying that they have been provided the safety information required.

Ref: *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education; *Official Handbook*, Louisiana High School Athletic Association.

## **1827 – DRUG SCREENING OF STUDENT ATHLETES**

The Orleans Parish School District acknowledges that extracurricular activities are not an essential aspect of the educational process in Louisiana. Therefore, student participation is not an absolute right but a privilege afforded to eligible students on an equal opportunity basis and thus is voluntary and not required by District policy or state and/or federal law.

Therefore, the Orleans Parish School District, in an effort to further protect the health and safety of student athletes, and in an effort to preserve and maintain a positive learning environment, has adopted a policy for *Drug Screening of Student Athletes*. The express purpose of this policy is (1) to help prevent student athletes from using drugs, (2) to help protect their health and safety, (3) to provide drug users with an educational assistance program, and (4) to try to preserve and maintain a positive learning environment for the children who have been committed to the temporary custody of the state as schoolmaster.

As a part of the drug screening policy, the Orleans Parish School District authorizes random drug testing of students who participate in the schools' athletic programs.

### **PROCEDURES**

Prior to participating in any *Louisiana High School Athletic Association* (LHSAA) sanctioned sport, the student athlete and parent/guardian shall be required to sign the *LHSAA Substance Abuse/Misuse Contract* and the *Orleans Parish School District Student Athlete Drug Testing Consent* form. These arrangements state that all student athletes shall be subject to random drug testing. These tests shall be strictly enforced and participation shall be mandatory, since the parents/guardians have freely chosen to allow their son(s)/daughter(s) to participate in athletic programs. No athlete shall be tested unless the parent(s)/guardian(s) and the athlete sign both the LHSAA and Orleans Parish School District forms giving permission to have the tests performed. Refusal to allow these tests to be administered shall immediately serve notice that the student may not participate in any interscholastic athletics.

All student athletes shall be subject to random selection and testing throughout the school year. All drug testing shall be performed by a professional NIDA approved laboratory to be selected by the Superintendent and approved by the District. The tests shall ascertain if there is present any controlled substance as may be specified by the District or Superintendent. All costs associated with the administration of the athletic drug testing program shall be the responsibility of the Orleans Parish School District. However, any evaluation or counseling services which may be mandated as a result of positive tests shall **not**, under any circumstances, be the responsibility of the Orleans Parish School District.

### **RESULTS OF TESTS**

The following procedures shall be followed upon receipt of a positive result from the drug testing described herein:

Both the individual who has tested positive and his/her parents/guardians shall be immediately notified. The student athlete shall be excluded from participation in interscholastic athletics for a period of one school semester. The student shall submit to drug evaluation in an effort to determine the necessity of drug counseling and/or treatment, which, if needed shall be at his/her expense. At the end of the athletic suspension, the student may return to any school athletic program if he/she submits to another drug test and submits written evidence that the test was negative. This test must be performed at a certified laboratory or testing agency approved by the Orleans Parish School District, but at the expense of the student and his/her parent(s) or guardian(s).

A *second positive* test result shall result in the student being excluded from participation in all interscholastic athletics for a period of twelve (12) months. A *third positive* test result shall result in the student being excluded from participation in all interscholastic athletics for the remainder of his/her high school career.

All test results shall be received by the Superintendent or his/her designee. The parent(s) and/or guardian(s) of a student testing positive shall be immediately notified by the responsible person and/or medical review officer. Such notification shall be confirmed in writing. Further, the Superintendent or his/her designee shall immediately notify the principal of the student's school who will then, without delay, notify the school's athletic director. The latter shall then advise the student as soon as possible.

A student or his/her parent(s) or guardian(s) may request a verification test from the specified testing agency, the cost of which shall be borne by the student and parent(s) or guardian(s), and shall be a test of the same specimen. Should the student request a verification test from another laboratory or testing agency, the cost of the verification test shall be the responsibility of the student and his/her parent(s) or guardians(s), and shall be administered by a laboratory or testing agency approved by the Orleans Parish School District. Further, the verification test must be of the same specimen previously tested. Moreover, the verification test shall be administered in accordance with the terms, conditions, and provisions of this drug testing policy. Verification of test results will act as the only appeal to the conditions set forth in this policy.

#### OTHER GUIDELINES

The Superintendent or his/her designee shall implement guidelines that ensure the fair enforcement of this policy and maintain strict confidentiality. The drug testing guidelines established herein are to be employed in conjunction with and in addition to other School District policies which prescribe penalties for the possession of, use of, consumption of, being under the influence of, and/or distribution of illegal or prohibited substances on school grounds or at any school related functions.

#### PARENTAL RELEASE

The parent(s) or guardians) and the student shall release the Orleans Parish School District, its members (both individually and in their official capacity), as well as any employee, teacher, principal or other school administrator or personnel from any liability in connection with this policy,

the administration of the testing procedures and/or test results, any warranties addressing the accuracy of said tests and any and all medical or laboratory procedures employed by the referring laboratory. It is expressly understood the Orleans Parish School District assumes no responsibility for the diagnosis or treatment of any disease or condition that may become known as a result of any laboratory test(s) conducted in the implementation of this drug testing program.

Ref: La. Rev. Stat. Ann. §§17:81, 40:961, 49:1111 et seq.; Veronia School District 47J vs. Action, 115 S.Ct. 2386 (1995); *Louisiana High School Athletic Association, Rule 1.17.2.*

## **I828 – FIELD TRIPS AND EXCURSIONS**

The Orleans Parish School District recognizes that educational field trips and excursions for instructional purposes help provide desirable learning experiences. The Superintendent has the responsibility for the development of administrative criteria governing field trips and excursions. Only those field trips, however, that grow out of the instructional program or are otherwise related to the program are to be permitted on school time. Other trips such as those involving band and athletic activities should be confined to non-school time, except where the school is engaged in competition or a contest that requires use of school time.

Teachers planning on conducting out-of-parish field trips or learning experiences shall submit, through the principal, an application in writing to the Superintendent or his/her designee for approval at least two (2) weeks prior to the field trip. Before any trip or excursion is taken, *written parental permission* shall be secured for every pupil planning to take the trip. Students who have not submitted signed parental permission forms shall not be allowed to make the trip. In town field trips will require a 1:25 pupil-teacher ratio and 1:10 pupil-teacher ratio for out of town field trips. Volunteers must complete approved screening by the Orleans Parish School Board.

Before approval of any field trip is given, it shall be determined whether the trip is covered by the District's liability insurance. No travel shall be authorized where coverage cannot be secured prior to the trip commencing. Only buses, owned by or contracted to the school district, and driven by certified drivers shall be permitted.

The District does not endorse the use of private vehicles to transport students to and/or from interscholastic activities.

### **STUDENT EXCURSIONS**

Whenever any student trip or excursion utilizes the services of a travel agent or booking agent to provide or arrange for transportation or lodging, the School District shall require the travel agent or booking agent to provide proof of adequate insurance and present to the District a *surety bond* sufficient to insure recovery of all monetary advances as a result of nonperformance.

The amount of the bond shall be at least equal to any payments made to the travel agent agency or booking agent prior to the date of travel. In addition, any bond issued shall be from a surety company licensed to do business in Louisiana and approved by the District. A *certified check* from the travel agency covering the full amount of advanced payment may be accepted by the District, but only when a bond is not available.

Additional regulations governing field trips or excursions for students that involve travel or lodging may be maintained by the Superintendent and staff.

The principal of any New Orleans Public School, junior high, middle school, or high school shall be prohibited from approving any field trip or extracurricular activity promoted by any

individual, organization, or entity which plans, promotes, or organizes travel arrangements, unless the trip or activity is in accordance with all District and staff established criteria, and is covered by proper insurance and an acceptable surety bond.

Ref: La. Rev. Stat. Ann. §§17:81, 17:176.1.

## **I829 – PLEDGE OF ALLEGIANCE**

At the beginning of each Orleans Parish School District school day, time shall be permitted for those students and teachers desiring to do so to observe a brief time in silent meditation (not intended or identified as a religious exercise), which shall not exceed five minutes, and for reciting the Pledge of Allegiance to the Flag.

Every assembly or meeting in each school should begin with the Pledge of Allegiance to the Flag and with the playing or the singing of the National Anthem, and all students shall be encouraged to learn the words of the National Anthem. Throughout the playing (singing) of the National Anthem and/or the recitation of the Pledge of Allegiance to the Flag, all students shall stand at respectful attention. During recitation of the “pledge”, each student shall place his/her right hand over his/her heart.

If a student, due to a conscientiously and sincerely held religious belief, feels entitled to an exemption to the requirement to recite the pledge, such student shall still be required to stand.

## **I830 – PARENTAL INVOLVEMENT IN EDUCATION**

The Orleans Parish School District recognizes that parental involvement must be a priority of the District for children to learn and achieve academic success. Parents and families provide the primary educational environment for children; consequently, parents are vital and necessary partners with the District throughout their children's elementary and secondary school careers. The term *parent* shall refer to any caregiver who assumes responsibility for nurturing and caring for children, and includes parents, grandparents, aunts, uncles, foster parents, stepparents, and others. The concept of *parental involvement* shall include programs, services, and/or activities on the school site, as well as contributions of parents outside the normal school setting.

It shall be the policy of the School District and each public school in Orleans Parish, in collaboration with parents, teachers, students, administrators, and other educational resources, to establish, develop, and maintain strategies and programs that are intended to enhance the involvement of parents and other caregivers that reflect the needs of students, parents, and families served by the District, in accordance with applicable state and federal laws and regulations. As part of the parental involvement program, it shall be the responsibility of every school to create a welcoming environment, conducive to learning and supportive for comprehensive family involvement programs that have been developed jointly with parents/families.

### **DISTRICT LEVEL RESPONSIBILITIES**

At the district level, the School District shall:

1. Involve parents in the joint development and amendment of the school district's plan, which includes components of the district's parental involvement program, to be submitted to the Louisiana Department of Education. Such involvement shall involve, but not be limited to, the following:
  - a) appointing to, and interacting with, each school's *School Improvement Team*, which is actively involved with assessing needs and addressing these needs in the school;
  - b) conducting open public workshops on major issues;
  - c) holding regular School Board meetings, with opportunities for the Board to receive public input and comments;
  - d) requiring each school to conduct an annual open house meeting;
  - e) encouraging school based parental organizations, such as PTA, PTO, TEAM, etc.



2. Provide coordination of various programs which involve parents, technical assistance, and other support necessary to assist every public school in Orleans Parish in planning and implementing effective parental involvement programs and strategies.
3. Coordinate and integrate parental involvement programs with other programs that promote parental involvement.
4. Conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of components and strategies of the District's parental involvement program and assess the components' and strategies' usefulness. The evaluation shall attempt to identify ways of improving the academic quality of the schools served by the District, including identifying barriers to greater participation by parents in educational and parental involvement activities; particular attention shall be directed to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background. The School District and each school shall use findings of such evaluation to design strategies for more effective parental involvement, and to revise, if necessary, the parental involvement policies and procedures.
5. Distribute to parents information about the Orleans Parish School District's parental involvement program, as well as provide proper notification to parents about specific services or special programs, as required by state or federal law. Notification shall also include, at the start of school each year, the right of parents to request and receive timely information on the professional qualifications of their children's classroom teachers.
6. Submit with the *No Child Left Behind (NCLB) Consolidated Application* plan to the Louisiana Department of Education comments of parents of participating children who are not satisfied with components of the parental involvement program.
7. Inform and notify parents and organizations of the existence of a parental information and resource center established by the state to provide training, information, and support to parents and individuals who work with parents, School Boards, and schools.

## SCHOOL LEVEL RESPONSIBILITIES

As part of the parental involvement program, the School District shall encourage each public school and require those schools receiving federal Title I funds under the jurisdiction of the Orleans Parish School District to:

1. Convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's educational programs and to explain components of the parental involvement program, and the right of the parents to be involved.
2. Offer a flexible number of meetings, services, and/or activities, on or off school campuses, at various times of the day to maximize parental participation, and may provide transportation, child care, appropriate refreshments, and/or home visits, as such services relate to parental involvement.
3. Involve parents in an organized, ongoing, and timely way, in the planning, review, and improvement of parental involvement programs, including the planning, development, review, and improvement of the school parental involvement policy and the joint development of the school-wide parental involvement program plan.
4. Provide parents, especially those of participating children in NCLB programs:
  - a) timely information about educational and parental involvement programs;
  - b) a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency level students are expected to meet;
  - c) if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and
  - d) the community of school's written parental involvement policy
5. If the school-wide parental involvement program plan is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to school district level personnel.

## SHARED RESPONSIBILITIES

As part of the parental involvement program, to build a capacity for involvement, the School District *and* each public school under the jurisdiction of the School District:

1. Shall provide assistance to parents of children served by the school or District, as appropriate, in understanding such topics as the state's academic content standards, state and local academic assessments, the components of the District's parental involvement program, and how to monitor a child's progress and work with educators to improve the achievement of their children.
2. Shall provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement.
3. Shall educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school.
4. Shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other outreach educational programs, such as Head Start, and public pre-school and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children.
5. Shall ensure that information related to school and parent programs, meetings, and other activities is sent to parents in a format and, to the extent practicable, in a language the parents can understand.
6. May involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training.
7. May provide necessary literacy training from federal and state funds received if the District has exhausted all other reasonably available sources of funding for such training.
8. May pay reasonable and necessary expenses associated with parental involvement activities, including transportation, appropriate refreshments, and/or child care costs, to enable parents to participate in school-related meetings and training sessions.
9. May train parents to enhance the involvement of other parents.
10. May arrange school meetings, at a variety of times and places, or conduct in-home conferences between teachers or other educators who work directly with children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation.
11. May adopt and implement model approaches to improving parental involvement.

12. Shall recognize parental activities and/or contributions outside the normal school setting that enhance student academic achievement, such as tutoring, improving attendance, and contributing and preparing school/classroom support materials and services.
13. May establish a district-wide parent advisory council to provide advice on all matters related to parental involvement in programs.
14. May develop appropriate roles for community-based organizations and businesses in parental involvement activities.
15. Shall provide such other reasonable support for parental involvement activities as parents may request.
16. Shall provide, to the extent practicable, full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing necessary information and school reports required in a format, and to the extent practicable, in a language such parents understand.

#### PARENTS' RESPONSIBILITIES

The School District realizes that a child's education begins at birth. Parents and family members, as their child's primary teachers, play a vital role in the intellectual, social, and emotional growth of their children. A child's development and success is dependent on the direct support a child receives at home. In an effort to promote responsible and successful parenting skills, the District expects parents to:

1. Make sure children attend school regularly and arrive at school on time.
2. Supervise completion of all homework assignments.
3. Assure proper hygiene and daily cleanliness of their children.
4. Make sure children are dressed properly, in accordance with the uniform or dress code.
5. Make sure that children get adequate amounts of sleep nightly.
6. Visit and discuss their child's academic progress regularly with teachers.
7. Discuss academic progress and school events regularly with their child.
8. Instill proper respect for parents, teachers, and other adults.

9. Volunteer in child's classroom, school, or related activities to the extent feasible and appropriate.
10. When feasible, attend school-sponsored programs in which their child may participate.
11. When feasible, join and be active in parent/teacher organizations.

### Statement of Compliance

Each student in grades 4-12 and each parent or guardian of a student in grades 4-12, shall annually sign a *Statement of Compliance*, in accordance with state law. For students, the *Statement of Compliance* shall state that the student agrees to attend school regularly, arrive at school on time, demonstrate significant effort toward completion of homework assignments, and follow school and classroom rules. For parents, the *Statement of Compliance* shall state that the parent or legal guardian agrees to ensure his/her child's daily attendance at school, ensure his/her child's arrival at school on time each day, ensure his/her child completes all assigned homework, and attend all required parent/teacher/principal conferences.

### SCHOOL-PARENT COMPACT

Each school shall jointly develop with parents a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall:

1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children to meet the state's student academic achievement standards, and the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television watching; volunteering in their child's classroom; contributing services outside the normal school setting; and participating, as appropriate, in decisions relating to the education of their children, and positive use of extracurricular time.
2. Address the importance of communication between teachers and parents on an ongoing basis through, at a minimum:
  - a) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
  - b) frequent reports to parents on their children's progress;
  - c) reasonable access to staff, opportunities to volunteer and participate in their child's class, and scheduled observation of classroom activities; and

- d) parental activities and/or contributions away from the school site that enhance academic achievement.

#### OTHER PROGRAMS

In conjunction with the district services rendered under the District's parental involvement program, the School District shall maintain contact and communication with social service and health agencies, faith-based institutions, and community groups to support key family and community services and issues. In particular, the Orleans Parish School District has a strong relationship with and support from community and/or governmental organizations such as Families in Need of Services (FINS), Partners in Education, and District Parent/Teacher Association (PTA). One of the primary goals of these groups is to support, supplement, and assist in improving involvement of parents of children in Orleans Parish public schools.

## **I831 – PARENTAL RIGHTS/STUDENT RIGHTS OF PRIVACY**

The Orleans Parish School District recognizes the rights of parental access to certain information regarding their children and the importance of notifying parents of children enrolled in the district's schools of these rights.

At least annually at the beginning of each school year, parents of each child enrolled in the public schools of Orleans Parish shall be notified of:

- Their right to view any instructional material used in the curriculum for the student
- Their right to view any 3<sup>rd</sup> party surveys (including evaluations) before they are administered to their child, and to opt out of participation for surveys that delve into sensitive subjects identified by the *Protection of Children's Rights* of the *No Child Left Behind Act of 2001* (NCLB)
- The collection or use of any personal information for the purpose of marketing the information (except for the development of educational products or services) and their right to opt their child out of participation
- The administration of any non-emergency, invasive physical examination or screening otherwise not permitted or required by state law, including those without parental notification, and their right to opt their child out of participation
- Their rights under the *Family Educational Rights and Privacy Act of 1974* (FERPA), including the right to refuse to allow the District to designate any or all of the types of information about their child as directory information thus prohibiting its release to the public

In addition, the School District shall encourage each public school and require those schools receiving federal Title I funds under the jurisdiction of the Orleans Parish School District to notify parents:

- Annually, of their right to request from the school district information regarding the professional qualifications of the student's classroom teachers, including the following:
  - Whether their child's teacher has met state licensing criteria for the grade level and subject taught
  - Whether their child's teacher is teaching under emergency or provisional status whereby state licensing criteria have been waived

- The undergraduate degree major of their child's teacher and any graduation certification or degree and field of discipline
- Qualifications of any paraprofessional providing services to their child
- Annually, of the availability of services for students in schools failing to make *Adequate Yearly Progress* (AYP)
- Whenever their child has been taught for four (4) or more consecutive weeks by a teacher who is not *highly qualified* as defined by the NCLB
- The achievement level of their child on each of the state academic assessments
- The identification of their child's school as needing improvement, corrective action, or restructuring
- Contents of programs such as safe and drug-free schools funded by federal funds

The School District shall also follow NCLB guidelines regarding rights of parents of homeless students and children identified as *Limited English Proficiency*.

Ref: 20 U.S.C. 1221 et seq. (*General Education Provisions Act*); 20 U.S.C. 1232 (h); 20 U.S.C. 1232 (g-i) (*Family Educational Rights and Privacy Act*).



## **I832 – PARENT CONFERENCES**

The Orleans Parish School District realizes that close communication between home and school is an important factor in establishing a highly effective school program. Planned conferences between parents and teachers are an important way to bring about understanding and close cooperation between the home and school. Close communication should be maintained through conferences with all parents, not just with those where academic or other problems suggest the need for closer communication.

Conferences between parents and teachers regarding a child should be treated by the teacher as an opportunity to help the child and every effort should be made to make the conference constructive, objective, and pleasant. Conferences should provide an opportunity for a mutual exchange of information and ideas for the welfare of the child.

Occasionally parents will call on a teacher during the time the teacher has responsibilities for class instruction. Although the purpose of such a visit may be worthy, teachers should discourage the practice and suggest that the parent arrange for a conference outside of regular school time. Teachers should be prepared to give after-school, before-school or planning period time for conferences when desirable. Teachers shall be expected to request additional conferences with parents as the needs may indicate.

The principal or supervisor should be present at any parent-teacher conference when there is reason to anticipate an atmosphere of hostility.

### REQUIRED PARENT CONFERENCES

Parents may be required to attend a conference with their student's teacher/principal/ guidance counselor under the following circumstances:

1. When a pupil is removed from a classroom by the principal, the principal may require that the parent, tutor, or legal guardian of the pupil have a conference with the teacher in the presence of the principal or his/her designee before the pupil is readmitted to the classroom.
2. Upon the *third* removal from the same classroom during the school year, a conference between the teacher or other appropriate school employee and the pupil's parent, tutor, or legal guardian shall be required prior to the pupil being readmitted to the classroom.

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

3. Prior to the suspension or recommendation for expulsion of a student, a conference shall be scheduled with the student's parent, tutor, or legal guardian and the principal, as a requirement for readmitting the student to school. Notification of the conference shall be by telephone, or in certain cases, by certified letter. Such conference shall be held within five (5) school days of mailing the certified letter or other contact. On not more than one occasion each school year when the parent, tutor, or legal guardian refuses to respond, the principal may recommend to the Superintendent or designee whether readmitting the pupil is in the best interest of the student. On any subsequent occasions in the same school year, the pupil shall not be readmitted unless the parent, tutor, legal guardian, court, or other appointed representative responds.
  
4. When a pupil is suspended a second time within one school year, the principal may require that a counseling session be held with the parent and pupil by the school counselor. If no counselor is available, the principal may require a conference between the parent, pupil, and all the pupil's teachers and the principal or other administrator.

Ref: La. Rev. Stat. Ann. §17:416; La. Children's Code, §730, §731.



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## **J901 – ATTENDANCE**

The Orleans Parish School District believes regular attendance in school accompanied by the responsibility to study and participate in school activities is essential to the learning process. Once a pupil arrives at school, he/she is expected to remain and attend each class throughout the day.

Elementary and secondary students shall be present the minimum number of days as required by the Louisiana Board of Elementary and Secondary Education and enumerated in the *Louisiana Handbook for School Administrators*, Bulletin 741, to receive credit for courses taken. Exception can be made only in the event of extended personal illness verified by a physician's or dentist's statement or if other extenuating circumstances exist and are approved by the Supervisor of Child Welfare and Attendance in consultation with the school principal. Exception may also be made for schools operating on other than the traditional 182-day school calendar. Currently, the state's attendance policies require high school students to be in attendance a minimum of 83.5 days or 30,060 minutes per semester or 167 days or 60,120 minutes a school year for schools not operating on a semester basis. Elementary students shall be in attendance a minimum of 167 days or 60,120 minutes a school year.

When a child has been absent from school for three (3) consecutive school days or in excess a total of five (5) nonconsecutive days the school shall attempt to provide verbal notification and, if such verbal notification cannot be provided, then shall provide written notification to a child's parent, tutor, or legal guardian.

All students shall be under the jurisdiction of the school during normal school hours, from the time the student arrives at school each day until he or she leaves the school campus in the afternoon. In case a student rides a bus, he or she shall be under the jurisdiction of the school from the time he or she boards the bus until the student exits the bus in the afternoon. Students shall be under the jurisdiction of the school while attending any school sponsored activity either at school or away from school. This shall apply to all students, including athletic teams, pep clubs, band and other student organizations. In disciplinary matters, the District's authority may extend beyond the limits set forth above, in accordance with state law.

Ref: La. Rev. Stat. Ann. §§17:221, 17:226, 17:227; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education. *Amended 11/2010*

## **J902 – COMPULSORY SCHOOL ATTENDANCE AGES**

Except as provided by law, every child in the state is required by state law to attend public or private school from the child's seventh (7th) birthday until his/her eighteenth (18th) birthday, unless the child graduates prior to his/her eighteenth (18th) birthday. Any child below the age of seven (7) who legally enrolls in school shall also be required to attend school. If a child in these age brackets was a resident of this parish when school opened and enters school late without having attended another public or private school or approved home study program during the current school session within or without the parish, a statement should be secured from the parents or guardian giving the reasons why the child has not been in school. If these reasons are not satisfactory, the matter should be referred to the Supervisor of Child Welfare and Attendance, or designee, who may find it necessary to refer it to the proper court. The only exceptions to the compulsory school attendance provisions of state law are as follows:

1. Children mentally, physically, or emotionally incapacitated to perform school duties, and children unable to profit from further school experience, such exceptions to be certified in writing by a psychiatrist, psychologist, recognized evaluation centers or clinics, or other professionally qualified person or agency designated by the Board.
2. Children temporarily excused from school, as follows:
  - a. Children who are ill and whose attendance in school would endanger their own health or that of their classmates, and who have a certificate of a physician or nurse practitioner licensed to practice in Louisiana verifying said illness;
  - b. Children in whose families there is serious illness which would reasonably necessitate the absence from school, if in the judgment of the Supervisor of Child Welfare and Attendance, such absence is justified, or if the illness is substantiated in writing by a licensed Louisiana physician or nurse practitioner;
  - c. Children in whose immediate family (parent, legal guardian, grandparent, sibling) a death has occurred, such absence is not to exceed one week because of and at the time of such death;
  - d. Children whose religious faith requires absence for the observance of a special and recognized holyday of the child's own faith.

A child between the ages of sixteen (16) and eighteen (18) may withdraw from school prior to graduation with the written consent of his/her parent or guardian. Such consent must be submitted to the principal or designee.



The parent, tutor, or other person responsible for the school attendance of a child between the ages of sixteen (16) and eighteen (18) who is enrolled in school may request that the student be allowed to attend an alternative education program or a vocational-technical education program.

Compulsory attendance does not apply to any child who is under the age of seventeen (17) and is attending or seeking admission to a National Guard Youth Challenge Program in Louisiana.

The principal may require certificates from practicing physicians, dentists, or nurse practitioners substantiating all illness. The principal may also require written evidence from church authorities relative to requiring religious observances.

Children granted excused absences for the above reasons shall be allowed to make up any school work which was missed or failed to be completed during the prescribed time. In such instances, the student's grade will not be given until the makeup work has been completed.

Revised: August, 2005

Ref: La. Rev. Stat. Ann. §§17:221, 17:226, 17:226.1; Bulletin 741, *Louisiana Handbook for School Administrators*, Louisiana Department of Education.

## **J903 – ENTRANCE AGE**

The Orleans Parish School District shall require children entering kindergarten at the beginning of the school session for the first time to be at least five (5) years of age on or before September 30 of the calendar year in which the school year begins. For students entering first grade for the first time at the beginning of the school session, they shall be six (6) years on or before September 30 of the calendar year in which the school year begins.

A child younger than the above may be permitted to enter school provided the child has been evaluated and identified as gifted in accordance with the regulations of the Louisiana Department of Education for such evaluation. A child admitted to kindergarten shall be eligible to enter first grade upon successful completion of kindergarten, provided all other applicable entrance requirements have been fulfilled.

Ref: La. Rev. Stat. Ann. §§17:151.3, 17:222.

## **J904 – SCHOOL ADMISSION**

The Orleans Parish School Board shall admit students to the schools of the school district once the student has been registered for school by the parent or legal guardian, under such rules and regulations as the District may prescribe.

All schools operated by the Orleans Parish School Board shall be open admissions. No student may be excluded from the appropriate school within the school district except by due process or failure to meet specifications of District policies. The District fully recognizes that providing equality of educational opportunities for all children requires objectivity. The District is equally concerned that all admission policies adhere strictly to applicable legal requirements.

No child shall be admitted to school for the first time until his/her parents do the following:

1. Present to school officials an official birth certificate. A short-form birth certification card shall be acceptable. Only records from the local or state registrar of vital statistics shall be accepted for children born in Louisiana, except as otherwise provided herein. Children born in Louisiana will be given a fifteen (15) day grace period to secure a copy of their birth record. Children born out of this state will be given thirty (30) days grace in which to produce a copy of their birth record. In cases where birth certificates and/or birth verification forms cannot be obtained, the school principal may accept whatever positive proof of age, race and parentage is available. It shall be left to the discretion of the Superintendent or designee as to whether or not a child shall continue in school upon failure to comply herewith.
2. Present to school officials evidence of being or having been immunized against diphtheria, tetanus, whooping cough, poliomyelitis and measles and other vaccine-preventable diseases according to a schedule approved by the Office of Public Health, Department of Health and Hospitals.
3. Present to school officials all official school records of school previously attended or information needed to access such records when transferring from another school to one inside the School District.
4. Present to school officials as a prerequisite to enrolling in the first grade, evidence of having attended at least a full-day public or private kindergarten for a full school year; or satisfactorily passed academic readiness screening administered by the school system prior to the time of enrollment in first grade.
5. Present to school officials evidence of being bona fide residents of the school district, with limited exception. However, children temporarily residing within the jurisdiction of the District who have no permanent address, who have been abandoned by their parents, or who are in foster care shall be admitted to school, except as may be allowed by statute.

6. Present to school officials satisfactory evidence that at least one of the child's parents or guardians has completed a parent orientation course conducted by the School District. However, no child shall be denied entry into school because of parent or guardian has not attended an orientation session.

#### ADMISSION OF EXPELLED STUDENTS

No student who has been expelled in accordance with state law from any school in the state shall be admitted to any school in the school system except upon the review and approval of the School Board.

No student who has been expelled from any school outside the state of Louisiana or any nonpublic school within Louisiana for committing any of the offenses enumerated in state law shall be admitted to any school in the school system except upon the review and approval of the governing body of the admitting school.

#### ADMISSION OF HOMELESS STUDENTS

Except as provided above with regard to students who have been expelled, no provision in this or any other Orleans Parish School District policy shall be interpreted to impede the immediate or continued enrollment of homeless youth, as addressed in *Homeless Students* policy.

Ref: 42 U.S.C. 11431; La. Rev. Stat. Ann. §§17:151.3, 17:167, 17:221, 17:221.2, 17:222, 17:235.1, 17:238, 17:416; Singleton v. Jackson Municipal Separate School District, 419 F. 2d 1211 (5th Cir., 1970); Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## **J905 – PUBLIC SCHOOL CHOICE**

The Orleans Parish School District is required by both Federal law and the Louisiana School Accountability Program to develop and maintain a *Public School Choice* policy for any school with a *School Performance Score* (SPS) below levels set by the Board of Elementary and Secondary Education (BESE) and considered in School Improvement Level II or higher. Additionally, those Title I schools that have failed the subgroup component of the state's accountability system for one year or are in School Improvement II or higher shall also be a part of a School Choice program. *School Choice* allows eligible students to transfer to an academically acceptable school. *Subgroup component* refers to the testing performance within a specified subgroup of students.

Once schools eligible to receive students have been identified, a school-site utilization study shall be conducted as needed in all schools to determine the extent to which capacity exists to possibly accommodate students from schools offering choice, including students with special needs and/or students with disabilities. Only those schools that are labeled *academically acceptable* shall be considered eligible to receive students.

The Superintendent and staff shall be responsible for developing and managing a *School Choice Plan*, which shall determine the schools to which students may transfer, which students shall have priority in transferring, and all other regulations and procedures for supervising school choice within the school district.

### **NOTIFICATION**

Notification of parents of their school choice options shall be sent as early as possible, but not later than the first day of the school year for the schools that are required to offer choice. If there are no choice options available, this information shall be included in the notification sent parents and such schools shall provide supplemental educational services.

### **ELIGIBILITY OF STUDENTS**

All students in a school required to offer choice shall be eligible to transfer. However, the School District shall give priority to the lowest achieving students from low-income families, as determined by the School District.

Ref: 20 U.S.C. 6316 (*No Child Left Behind*, Section 1116); *Louisiana School, District, and State Accountability System*, Bulletin 111, Louisiana Department of Education.

## **J906 – HOMELESS STUDENTS**

The Orleans Parish School District shall provide a free appropriate public education, including preschool education, to any homeless child or youth within the jurisdiction of the School Board.

For the purpose of this policy, the term *homeless* includes an individual who lacks a fixed, regular or adequate residence; or has a primary nighttime residence in a shelter, an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings; or is sharing the housing of other persons. The term does not include any individual imprisoned or adjudicated.

Homeless students requesting enrollment will be placed in school immediately, even if required registration documents are unavailable. School documents needed should be requested after the student has been enrolled. There will be no barriers to homeless children and youth entering school.

In addition to the above, the Orleans Parish School District shall:

1. Maintain and have immediately available, any records ordinarily kept by the school of each homeless child or youth (immunization records, academic records, birth certificates, guardianship records, evaluations for special services or programs, etc.). Students meeting the definition of *homeless* will not be denied entry into a school due to the lack of records or documentation normally required for entry into a school.
2. Continue the education of homeless children or youth in the school of origin for the remainder of the academic year, or for the following academic year if the family becomes homeless between academic years, or enroll the child or youth in any school in which other students living in the attendance area in which the child or youth is actually residing are eligible to attend, whichever is in their best interest.
3. Ensure school placement of the homeless child or youth according to the School District's admission policy.
4. Provide services comparable to services offered to other students in the school of attendance, including transportation services, educational services for which the child or youth meets the eligibility criteria (Title I programs, special education, limited English proficiency), programs in vocational education, programs for the gifted and talented, and school meals programs.
5. Designate a homeless liaison to coordinate services and ensure that there are no barriers to the enrollment, transportation, attendance, and success in school for

homeless children and youth. Additionally, the homeless liaison will promptly solve disputes regarding educational placement.

Ref: 42 U.S.C. 11431, *Stewart B. McKinney Homeless Assistance Act*; Plyler v. Doe 457 U.S. 202 (1982); La. Rev. Stat. Ann. §§17:81, 17:151.3, 17:221, 17:221.2, 17:222, 17:235.1, 17:238, 17:416; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## **J907 – LANGUAGE MINORITY STUDENTS**

All schools with language minority students shall be obligated to provide written or verbal communications with these students and parents or guardians in a language they can best understand.

Ref: 29 U.S.C. 6801 et seq.; 20 U.S.C. 7401 et seq.



## J908 – STUDENT ASSIGNMENT

The Orleans Parish School District shall have authority and responsibility for the assignment, placement, transfer, and continued education of all students attending schools within its jurisdiction. Students in the Orleans Parish School District shall attend school in the attendance zone in which they actually reside. Each student shall have only one residence which is determined to be the place where he/she predominantly sleeps, takes meals, and maintains personal belongings, or when legal custody has been awarded by court of law, the principal residence of the parent awarded primary or domiciliary custody or by provisional custody by mandate, or if he/she is eighteen years old or has been emancipated by a court order, by the student's own domicile, if not specifically contrary to the provisions of an order of a court of competent jurisdiction providing for the assignment of students. However, the District reserves the authority to assign a student living in one school district to attend school in another district, if circumstances warrant. The parent or legal guardian of a pupil may file in writing to the District an objection to the assignment of the pupil, in which case the District shall review the assignment and investigate the circumstances in order to render a decision. Parents or legal guardians may otherwise obtain permission for a student to attend school in a neighborhood zone when the school is less than one mile from the student's principal residence.

**Legal custody** is defined as the legal status created by a court order that establishes in a custodian the right to have physical custody of the child or minor. *Legal custody* shall also include cases where provisional custody of a minor student has been granted to a person of legal age by the child's parents, or the natural tutor, in the event of separation or divorce. Provisional custody shall be verified by submitting a properly executed and notarized form attesting to the granting of provisional custody for a period of time not to exceed one year. The school principal or his/her designee shall be responsible for monitoring the school enrollment list and shall immediately refer to the Supervisor of Child Welfare and Attendance the determination of proper school assignment.

Any child temporarily residing within the district who has no permanent address or who has been abandoned by his/her parent or who is in foster care shall be enrolled and allowed to attend school in the zone appropriate to the special circumstance of the child.

A student who does not actually reside in the geographical boundaries of the Orleans Parish School District shall not attend a school in the school district.

### Attendance Out of Zone

Attendance out of zone is allowable whenever a mental or physical impairment, medical condition, or other exceptional condition requires services which are unavailable at the school in the child's regular attendance zone, provided that a student requesting transfer for medical reasons and taking elective courses not offered at his/her regular school satisfies the following criteria:

- A. Transfers requested for medical reasons must be verified by a physician's statement.
- B. The parent or legal guardian must provide transportation.
- C. The transfer must not create an overcrowded condition.

## VERIFICATION OF DOMICILE

The principal shall be responsible for monitoring school enrollment and shall have authority to remove or transfer any student attending school out of district or out of zone. When investigating the domicile of a student, the School District, through the principal, shall attempt to verify the primary place of residence of the legal parent or legal or provisional guardian. Such verification of domicile shall be based on such items as the following:

- A. Certified copy of any judicially ordered tutorship, custody or guardianship of any minor child student not domiciled or in the custody of their natural and/or legal parents. Verification of the physical residency of the legal custodian, tutor/tutrix or non-parent shall also be required, or
- B. Any other documentation as may be stipulated by the District.

## ASSIGNMENTS FOR DISABLED STUDENTS

The District shall require that disabled students be assigned to programs within their attendance zones, if possible. However, if an appropriate program is unavailable within a student's attendance zone, the student may be placed in a school specifically designed to provide for the appropriate needs of the student.

## CLASS ASSIGNMENT

Student assignments in K through 8 will be made by the principal of the school with teacher input. The placement of a student shall be based on grades, achievement test scores, and participation in special programs and be made in accordance with the *Pupil Progression Plan*.

Selection of courses of study in grades 9 through 12 shall be made by individual students. Assistance in planning course of study and selection of classes shall be provided by teachers, counselors, parents, and administrators. Each student shall be furnished a schedule of classes offered and requirements for graduation. Some classes may have prerequisites for enrollment.

Ref: La. Rev. Stat. Ann. §§9:951 et seq., 13:1569, 17:81, 17:101, et seq., 17:104.1, 17:221.2.

## **J909 – STUDENT TRANSFER AND WITHDRAWAL**

### TRANSFER

Students of the Orleans Parish School District shall be required to attend the school in the attendance area in which their residence is located. Students who wish to attend a school other than the one designated for their attendance zone of residence may apply for transfer when circumstances warrant. All requests for transfer shall be in writing, and shall include reasons for the transfer as well as other pertinent information that the District may require. The Superintendent shall consider for approval all requests for student transfer if such transfer is determined to be in the best interests of the student and the school system. No school shall accept a student not residing in that school's attendance zone unless the student has an approved transfer request on file. Any decision made by the Superintendent regarding the transfer of a student may be appealed to the School Board for a final determination in accordance with state law.

Any student permitted to transfer shall provide his/her own transportation to school.

### WITHDRAWAL

Students shall be required to attend school in accordance with statutory provisions. Students may be permitted to withdraw from school if in accordance with such rules and regulations as may be prescribed by the District.

A child between the ages of seventeen (17) and eighteen (18) may withdraw from school prior to graduation with the written consent of his/her parent, tutor or legal guardian.

Ref: La. Rev. Stat. Ann. §§13:1569, 17:81, 17:101 et seq., 17:221, 17:226, 17:227; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## J910 – STUDENT ABSENCES AND EXCUSES

The Orleans Parish School District recognizes that the fundamental right to attend the public schools places upon students the accompanying responsibility to be faithful in attendance. Regular attendance can be assumed to be essential for a student's successful progress in the instructional program. A student is considered to be in attendance when he or she (1) is physically present at a school site or is participating in an authorized school activity and (2) is under the supervision of authorized personnel.

This definition for attendance would extend to students who are homebound, assigned to and participating in drug rehabilitation programs that contain a state-approved education component, or participating in school-authorized field trips.

- ! ***Half-day attendance*** - A student is considered to be in attendance for one-half day when he or she (1) is physically present at a school site or is participating in an authorized school activity and (2) is under the supervision of authorized personnel for more than 25% but not more than half (26%-50%) of the student's instructional day.
- ! ***Whole-day attendance*** - A student is considered to be in attendance for a whole day when he or she (1) is physically present at a school site or is participating in an authorized school activity and (2) is under the supervision of authorized personnel for more than 50% (51%-100%) of the student's instructional day.

Compulsory attendance laws and Board of Elementary and Secondary Education regulations require elementary students to be present a minimum of 160 days to be eligible to receive credit for courses taken. Secondary students shall be required to be present a minimum of 80 days per semester to be eligible to receive credit for courses taken.

All schools shall keep daily records of attendance. Each school shall attempt to provide verbal notification to a child's parent, tutor, or legal guardian, and, if such verbal notification cannot be provided, then the school shall provide written notification to a child's parent, tutor, or legal guardian when that child has been absent from school for five (5) school days in schools operating on a semester basis, and for ten (10) days in schools not operating on a semester basis. The accumulation of days absent need not be consecutive.

For a student to be eligible to receive credit and make up work during an absence, the student shall be required in each instance to submit parental confirmation of the reasons for the absence. Students not excused shall be given failing grades in those subjects for those days missed, provided a graded activity was conducted during the unexcused absence, and shall not be given an opportunity to make up the work missed.

Students shall be considered temporarily excused from school for personal illness, serious illness in the family, death in the family (not to exceed one week), or for recognized religious holidays of the

student's own faith and shall be given the opportunity to make up work provided that in each instance parental confirmation has been received, giving the reason for the absence.

Excused absences can only be granted in the event of extenuating circumstances as outlined below. School personnel may require certificates from participating physicians and dentists substantiating all illnesses. Written evidence from church authorities relative to requiring religious observances may also be required.

Students missing school as result of any out of school suspension shall be counted as absent, shall be given failing grades for those days suspended, provided a graded activity was conducted during the suspension, and shall not be given an opportunity to make up work missed during the suspension.

No public elementary or secondary school pupil shall be permitted for any reason to absent himself/herself from school attendance during the school day upon his/her own authority unless legally emancipated. The principal or designee shall make all reasonable efforts to verbally notify the parent or other person responsible for the pupil's school attendance of any such prohibited absence by a pupil.

#### EXTENUATING CIRCUMSTANCES

Only the following shall be considered extenuating circumstances under which absences shall be exempt from provisions of compulsory attendance laws:

1. Extended personal physical or emotional illness as verified by a physician or dentist
2. Extended hospital stay as verified by a physician or dentist
3. Extended recuperation from an accident as verified by a physician or dentist
4. Extended contagious disease within a family as verified by a physician or dentist
5. Prior school system approved travel for education
6. Death in the family (not to exceed one week)
7. Natural catastrophe and/or disaster
8. For any other extenuating circumstances, parents must make a formal appeal in accordance with the due process procedures established by the school system.

In accordance with state law, students absent for other reasons besides those listed as excused shall be given unexcused absences and shall not be given opportunities to make up work.

## ABSENCES DUE TO SCHOOL APPROVED ACTIVITIES

Students participating in school approved activities which necessitate their being away from school shall be considered to be present and shall be given the opportunity to make up work.

## TYPES OF ABSENCES

The days absent for elementary and secondary school students shall include temporarily excused absences, unexcused absences, and suspensions.

### *Temporarily Excused Absences*

Students shall be considered temporarily excused from school for personal illness, serious illness in the family, death in the family (not to exceed one week), or for recognized religious holidays of the student's own faith and shall be given the opportunity to make up work.

### *Unexcused Absences*

Students shall not be excused for any absence other than those listed under *temporarily excused absences* above, and shall be given failing grades in those subjects for those days missed, and shall not be given an opportunity to make up work.

Students shall not be excused from school to work on any job including agriculture and domestic service, even in their own homes or for their own parents or tutors.

### *Absences Due to Suspensions*

Students missing school as a result of any suspension shall be counted as absent, shall be given failing grades for those days suspended, and shall not be given an opportunity to make up work.

## EXCUSES

If a student is tardy or absent, the parent or guardian must submit a written excuse, signed and dated, to school authorities upon the student's return to classes, stating the reason for the student's absence from school. A doctor's written statement of student's incapacity to attend school is acceptable. All excuses for a student's absence, including physician's verification of extended personal illness, must be presented within five (5) school days of the student's return to school, or the student's absence shall be considered unexcused and the student not allowed to make up work missed.

Ref: La. Rev. Stat. Ann. §§17:221, 17:226, 17:227, 17:232; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

## **J911 – TRUANCY**

The Orleans Parish School District recognizes truancy as absence from class or school for any portion of a period or day without permission from home or school. Students shall not be allowed to leave the campus without proper permission at any time during the school day, including before school begins, or after school while waiting for their bus. Students shall remain on the campus at all times unless granted permission to be off-campus, or be subject to disciplinary action. Violations of attendance laws and regulations may lead to suspension and/or expulsion from school.

School personnel shall be expected to make every reasonable effort to assist a child who is habitually absent from or tardy to school or class. A student shall be considered habitually absent or habitually tardy when either condition continues to exist after all reasonable efforts by the principal and teacher have failed to correct the condition after the fifth (5<sup>th</sup>) unexcused absence or fifth (5<sup>th</sup>) unexcused occurrence of being tardy within any month or if a pattern of five (5) absences a month is established. The principal or designee, with the aid of the teachers, shall file a report of the school's efforts to effect regular attendance by the student with the Supervisor of Child Welfare and Attendance or designee. Any student who is a juvenile and who is habitually absent from school or habitually tardy shall be reported by Supervisors of Child Welfare and Attendance or designee to the family or juvenile court of the parish or city as a truant child.

Ref: La. Rev. Stat. Ann. §§17:221, 17:221.1, 17:223, 17:228, 17:233.

## **J912 – STUDENT IDENTIFICATION**

Students shall be required to present their social security cards to school officials upon initial enrollment in school. The social security number shall be the student's identification number while enrolled in school. If a social security number is not available, the student shall be given a state identification number in accordance with Louisiana Board of Elementary and Secondary Education requirements.

Ref: La. Rev. Stat. Ann. §17:81; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.



## **J913 – STUDENT HEALTH SERVICES**

### HEALTH CARE CENTERS

In order to provide adequate health care and services to students, the Orleans Parish School District may authorize the establishment of student health care centers in the schools of the parish. Any health clinic established shall be supervised by a school nurse, who shall be licensed in accordance with state law. Health care centers shall provide services which include, but are not limited to the following: treatment of minor illness and injury, routine physical examinations, immunizations, referrals to alcohol and drug abuse prevention program counselors, and mental health services. No student shall receive any type of service unless the *Parent/Legal Guardian Consent Form* has been signed, returned to school, and has been filed in the clinic.

### HEARING AND VISION SCREENING

The School District, during the first semester of the school year, or within thirty (30) days after the admission of students entering school late in the session, shall test the sight, including color screening for all first grade students, and hearing of each and every student under their jurisdiction, except those students whose parents or guardians may object to such tests.

A record of such examination shall be kept and the administrators shall be required to follow up on the deficiencies within sixty (60) days, and shall notify in writing the parent or tutor of every pupil found to have any defect of sight or hearing. A written report of all such examinations shall be made to the state superintendent of education but shall not be made available to the public.

### TESTING FOR DYSLEXIA

Upon the request of a parent, student, school nurse, classroom teacher, or other school personnel who has reason to believe that a student has a need to be tested for dyslexia, that student shall be referred to the school building level committee for additional testing. The Board may provide for additional training for school nurses to aid in identifying dyslexic students.

For purposes of this policy, *dyslexia* shall be defined as difficulty with the alphabet, reading, reading comprehension, writing, and spelling in spite of adequate intelligence, exposure, and cultural opportunity.

### ADMINISTERING CATHETERS

The Board does not require any employee other than a registered nurse or a licensed medical physician to catheterize any student until all of the following conditions have been met:

1. A registered nurse or licensed medical physician, employed by the District, has assessed the health status of the specific child in his specific educational setting. The registered nurse has determined that the procedure could be safely performed,

the results are predictable and could be delegated to someone other than a registered nurse following documented training.

2. The registered nurse or licensed medical physician shall train at least two (2) employees to catheterize the specific child in his educational setting. The employees shall be given not less than eight (8) hours of training in the area of catheterization of students.
3. Following the training provided for in #2, no catheterization may be performed unless prescribed in writing by a licensed medical physician. The employee, other than the registered nurse or licensed medical physician, shall be required to complete, under the direct supervision of a registered nurse, a minimum of five (5) catheterizations. Upon one hundred percent successful completion of these catheterizations, the registered nurse or licensed medical physician and the trainee shall sign a standard form indicating that the trainee has attained the prescribed level of competency. A copy of this form shall be kept on file by the school system.
4. Individuals who are required to perform catheterizations and have been trained according to statutory provisions, may not decline to perform such service except as exempted by a licensed medical physician or a registered nurse. The reasons for such exemption shall be documented and certified by the licensed medical physician or a registered nurse within seventy-two (72) hours.
5. Any employee shall have the right to request that another School District employee be present while catheterizing the student, to serve as a witness to the procedure. After making such a request, the employee shall not be required to catheterize a student without such a witness.

The provisions of this part of the policy shall be restricted to those students who have had intermittent catheterization prescribed as a treatment for urinary or neurological dysfunction and not for continuous bladder drainage or to obtain urine specimens for diagnostic purposes. No employee shall be requested to catheterize any student for continuous bladder drainage or to obtain urine specimens for diagnostic purposes.

#### PERFORMING NONCOMPLEX HEALTH PROCEDURES

The term *noncomplex health procedure* shall mean a task which is safely performed according to exact directions, with no need to alter the standard procedure, and which yields predictable results. It shall include the following:

1. Modified activities of daily living which require special instruction such as toileting/diapering, bowel/bladder training, toilet training, oral/dental hygiene, lifting/positioning, and oral feeding.

2. Health maintenance procedures such as postural drainage, percussion, tracheotomy and oral pharyngeal suctioning, gastrostomy feeding and monitoring of these procedures.
3. Screenings such as growth, vital signs, hearing, vision, and scoliosis.

The School District does not require any employee other than a registered nurse, licensed medical physician, or an appropriate licensed health professional to perform noncomplex health procedures until all the following conditions have been met:

1. A registered nurse or a licensed medical physician and, when appropriate, another licensed health professional employed by the District, has assessed the health status of the specific child in his specific educational setting and has determined that, according to the legal standards of the respective licensed health professional performing such procedure, the procedure can be safely performed, the results are predictable, and the procedure can be delegated to someone other than a licensed health professional following documented training.
2. The registered nurse or the licensed medical physician and, when appropriate, another licensed health professional shall train, in his or her area of expertise, at least two (2) such employees to perform noncomplex health procedures on the specific child in his educational setting. The employees shall be given not less than four (4) hours of training in the area of noncomplex health procedures.
3. Following the training provided for in #2, no noncomplex health procedure, except screenings and activities of daily living such as toileting/diapering, toilet training, oral/dental hygiene, oral feeding, lifting, and positioning may be performed unless prescribed in writing by a physician licensed to practice medicine in the state of Louisiana or an adjacent state.

The employee, other than the registered nurse, licensed medical physician, or appropriate licensed health professional shall be required to complete, under the direct supervision or coordination of a registered nurse, a minimum of three (3) satisfactory demonstrations. Upon satisfactory completion of these noncomplex health procedures, the registered nurse, licensed medical physician, or appropriate licensed health professional and the trainee shall sign a standard form indicating that the trainee has attained the prescribed level of competency. A copy of this form shall be kept on file by the school system.

4. Individuals who are required to perform noncomplex health procedures and have been trained according to the provisions of this section may not decline to perform such service at the time indicated except as exempted for reasons as noted by the licensed medical physician or registered nurse. The reasons for such exemption shall be documented and certified by the licensed medical physician or a registered nurse within seventy-two (72) hours.

5. An employee shall have the right to request that another District employee be present while he/she is performing noncomplex health procedures for a student, to serve as a witness to the procedure. After making such a request, the employee shall not be required to perform noncomplex health procedures without such a witness.

The School District shall provide the necessary safety equipment, materials, and supplies to each employee who performs noncomplex health procedures. Such safety equipment, materials, and supplies shall include but not be limited to gloves, anti-bacterial soaps and wipes, paper towels and masks.

For the purposes of this policy, *employee* means any appropriate member of the education staff.

See Exceptional Children or Support Services Authorities

Ref: Irving Independent School District v. Tatro, 104 S.Ct. 33371 (1984); La. Rev. Stat. Ann. §§14:403, 40:31.3, 17:170, 17:435, 17:436, 17:2112.

## J914 – IMMUNIZATIONS

The Orleans Parish School District shall require all children entering any school for the first time to present satisfactory evidence of immunization against vaccine-preventable diseases according to a schedule approved by the state office of public health, or shall present evidence of an immunization program in progress. The Board may require immunizations or proof of immunity more extensive than required by the office of public health. Any student failing to meet the immunization standards shall be prohibited from attending school until such time as the immunization standards are met.

A child transferring from another school system in or out of the state, shall submit either a certificate of immunization or a letter from his/her personal physician indicating immunization against the diseases mentioned above and/or any others which may be required, and certificate or statement indicating that the tests required have been performed, or a statement that such immunizations and tests are in progress. *In progress* shall mean that the child has an immunization due after the date school has begun, because the child began his/her immunization late, or because the child's pediatrician has provided written orders for the child to receive an immunization after a certain date.

If booster injections for the diseases enumerated on the state schedule are advised, such booster injections shall be administered before the child enters a school system within the state.

Principals, or their designated representatives, of all schools shall be responsible for checking students' records to see that the provisions of this policy are enforced.

No child seeking to enter any school in the school district shall be required to comply with the provisions of this written policy if the child or his/her parent or guardian submits either a statement from a physician stating that this procedure is contraindicated for medical reasons, or a written dissent from the parents is presented.

If an outbreak of a vaccine-preventable disease occurs, upon the recommendation of the state office of public health, school administrators may exclude from attendance unimmunized students until the appropriate disease incubation period has expired, or the unimmunized person presents evidence of immunization.

## **J915 – ADMINISTRATION OF MEDICATION**

See Social Services Authority

The administration of medication to students shall be in compliance with the requirements of La. Rev. Stat. Ann. §17:436.1, and the policy established by the Louisiana Board of Elementary and Secondary Education (BESE). It shall be the policy of the School District that no school employee other than a registered nurse or licensed medical physician shall be required to administer medication until all the following conditions have been met. As used in this policy, the term *medication* shall include all prescription and nonprescription drugs.

### **I. WRITTEN ORDERS, APPROPRIATE CONTAINERS, LABELS, AND INFORMATION**

A. Medication shall not be administered to any student without an order from a physician or dentist licensed to practice medicine in Louisiana or an adjacent state, or any other authorized prescriber authorized in the state of Louisiana to prescribe medication or devices, *and* a letter of request and authorization from the student's parent or guardian. The following information shall be included:

1. the student's name.
2. the name and signature of the physician, dentist, or other authorized prescriber.
3. physician's, dentist's, or other authorized prescriber's business address, office phone number, and emergency phone numbers.
4. the frequency and time of the medication.
5. the route and dosage of medication.
6. a written statement of the desired effects and the child specific potential adverse effects.

B. Medication shall be provided to the school by the parent or guardian in the container that meets acceptable pharmaceutical standards and shall include the following information:

1. name of pharmacy.
2. address and telephone number of pharmacy.
3. prescription number.
4. date dispensed.
5. name of student.
6. clear directions for use, including the route, frequency, and other as indicated.
7. drug name and strength.
8. last name and initial of pharmacist
9. cautionary auxiliary labels, if applicable.
10. physician's, dentist's, or other authorized prescriber's name.

Labels of prepackaged medications, when dispensed, shall contain the following information in addition to the regular pharmacy label:

1. drug name
2. dosage form
3. strength

4. quantity
5. name of manufacturer and/or distributor
6. manufacturer's lot or batch number

## II. ADMINISTRATION OF MEDICATION: GENERAL PROVISIONS

- A. During the period when the medication is administered the person administering medication shall be relieved of all other duties. This requirement does not include the observation period required in II. E.
- B. Except in life threatening situations, trained unlicensed school employees may not administer injectable medications.
- C. All medications shall be stored in a secured locked area or locked drawer with limited access except by authorized personnel.
- D. Only oral, inhalant, topical ointment for diaper rash, and emergency medications shall be administered at school by unlicensed personnel.
- E. Each student shall be observed by a school employee for a period of 45 minutes following the administration of medication. This observation may occur during instruction time.
- F. School medication orders shall be limited to medications which cannot be administered before or after school hours.

## III. PRINCIPAL

The principal shall designate at least two employees to receive training and administer medications in each school.

## IV. TEACHER

The classroom teacher who is not otherwise previously contractually required shall not be assigned to administer medications to students. A teacher may request in writing to volunteer to administer medications to his/her own students. The administration of medications shall not be a condition of employment of teachers employed subsequent to July 1, 1994. A regular education teacher who is assigned an exceptional child shall not be required to administer medications.

## V. SCHOOL NURSE

- A. The school nurse, in collaboration with the principal, shall supervise the implementation of the school policies for the administration of medications in schools to ensure the safety, health and welfare of the students.

- B. The school nurse shall be responsible for the training of non-medical personnel who have been designated by each principal to administer medications in each school. The training shall be at least six (6) hours and include but not be limited to the following provisions:
1. Proper procedures for administration of medications including controlled substances.
  2. Storage and disposal of medications.
  3. Appropriate and correct record keeping.
  4. Appropriate actions when unusual circumstances or medication reactions occur.
  5. Appropriate use of resources.

## VI. PARENT/GUARDIAN

- A. The parent/guardian who wishes medication administered to his/her student shall provide the following:
1. A letter of request and authorization that contains the following information:
    - a. name of the student,
    - b. clear instructions,
    - c. RX number, if any,
    - d. current date,
    - e. name, dosage, frequency, and route of medication,
    - f. name of physician, dentist, or other authorized prescriber,
    - g. printed name and signature of parent or guardian,
    - h. emergency phone number of parent or guardian,
    - i. statement granting or withholding release of medical information,
  2. Written orders for all medications to be given at school, including annual renewals at the beginning of the school year.
  3. A prescription for all medications to be administered at school, including medications that might ordinarily be available over the counter.
  4. A list of all medications that the student is currently receiving at home and school, if that listing is not a violation of confidentiality or contrary to the request of the parent/guardian or student.
  5. A list of names and telephone numbers of persons to be notified in case of medication emergency in addition to the parent or guardian and licensed or authorized prescriber.
  6. Arrangements for the safe delivery of the medication to and from school in the original labeled container as dispensed by the pharmacist; the medication shall be delivered by a responsible adult.
  7. Unit dose packaging shall be used whenever possible.
- B. All aerosol medications shall be delivered to the school in pre-measured dosage.



- C. No more than a 25 school day supply of medication shall be kept at school.
- D. The initial dose of a medication shall be administered by the student's parent/guardian outside the school jurisdiction with sufficient time for observation for adverse reactions.
- E. The parent/guardian shall also work with those personnel designated to administer medication as follows:
  - 1. Cooperate in counting the medication with the designated school personnel who receives it and sign a drug receipt form.
  - 2. Cooperate with school staff to provide for safe, appropriate administration of medications to students, such as positioning, and suggestions for liquids or foods to be given with the medication.
  - 3. Assist in the development of the emergency plan for each student.
  - 4. Comply with written and verbal communication regarding school policies.
  - 5. Grant permission for school nurse/physician consultation.
  - 6. Remove or give permission to destroy unused, contaminated, discontinued, or out-of-date medications according to the school guidelines.

VII. STUDENT CONFIDENTIALITY

All student information shall be kept confidential.

Ref: La. Rev. Stat. Ann. §§17:81, 17:436.1; Louisiana Administrative Code, Vol. 18, Education Chapter 9, Section 929, Administration of Medication; .

## **J916 – COMMUNICABLE DISEASE**

The Orleans Parish School District recognizes the importance of protecting the health and welfare of the educational system from the spread of communicable diseases, including AIDS. A *communicable disease* shall be defined as a persistent or recurring infection, which may be potentially transmitted to a susceptible person by contact with an infected individual.

If a student or employee of the School District or any person living in the residence of that individual is diagnosed as having a communicable disease, including AIDS, (check with legal regarding disclosure of AIDS diagnosis) the continued attendance of that individual at school shall be permitted only when a written statement from the individual's physician and/or a physician of the District's choice is submitted to the Superintendent, stating that the individual's health safely allows such attendance. Any restrictions or precautions necessary to safeguard the individual's health and the health of others with whom the individual comes into contact must be included on the physician's statement.

If the individual's physical condition indicates that the health of the individual does not safely allow the individual's continued attendance at work or at school, the individual shall remain away from work or school until the individual's physician and/or a physician of the District's choice verifies that the individual can safely return to the regular work or school environment as per this policy.

Infected individuals shall inform appropriate school officials of the infections so that proper precautions for the protection of the other students, employees, and the infected individual can be taken.

The identity of an individual whom reasonable cause exists to believe that he is infected shall be revealed only to those who have a need to know, as identified by the Superintendent and the individual's physician and/or a physician of the District's choice. (Check with legal.) If an infected individual is permitted to remain in the system and/or school setting after a determination has been made within ten (10) workdays and/or school days, employees who shall have regular personal contact with the individual shall be informed of information as to the individual's medical condition. They shall be informed of public health precautions to be taken. Persons informed of the identity of an infected individual shall not disclose such information to others, except as authorized under this policy.

If the infected individual is a student and his/her physician and/or a physician of the District's choice indicates that the health of the student does not allow his/her continued attendance in the regular education program, education services shall be provided in the setting appropriate to the health status of the child.

The determination of whether an infected individual shall be permitted to remain at work or at school in a capacity that involves contact with employees or students shall be made on a case-by-case basis as determined by the Superintendent and the School District.

Students whose parent/guardian knowingly conceal their child's having a communicable disease shall, upon identification, be suspended from school on an excused absence status, with the opportunity to make-up assignments and graded activities during which time the Superintendent shall determine the student's school attendance status.

### LICE

The District authorizes periodic lice screening of students for the purpose of identifying and excluding from school any student found to be infested with head lice. The principal or designee shall supervise screening procedures within each school.

The responsibility of the parent is to adhere to stated lice control measures, and to return the child to school lice-free and nit-free, within a specified length of time. The principal may authorize an extension of the excused absence period when conditions warrant.

The following guidelines shall be adhered to in the control of head lice in Orleans Parish School District schools:

1. Any student found to have positive evidence of head lice or nits (eggs) shall be excluded from school.
2. The student will be excluded from school until he/she has been treated and there is no longer any evidence of head lice or nits.
3. Adequate treatment and removal of all nits can be achieved in one to three days. Continued absences because of lice infestation may be referred to the Supervisor of Child Welfare and Attendance.
4. Designated personnel at the school shall be responsible for checking students to be certain that hair is free of all lice and nits before readmission to school. A student must be accompanied to school by his/her parent, guardian, or responsible party prior to readmission.

## **J917 – ILLNESS AND ACCIDENTS**

The Orleans Parish School District recognizes its responsibility to provide proper care to the students when they become ill or injured. Any treatment that is rendered shall be in accordance with the severity of the illness or injury. When a child becomes seriously sick at school or is seriously injured in an accident, the principal or designee shall be responsible for contacting the appropriate emergency services and the parents of such illness or injury immediately by phone or otherwise. If it proves impossible to contact the parents, the principal or designee has the responsibility of placing the child under the treatment of the appropriate medical personnel, preferably the family physician if he/she is known. Neither the School District nor the school shall assume any liability for the treatment of a student. The appropriate medical personnel should be given information concerning all of the circumstances involved, including the principal's unsuccessful attempts to inform the parents of the illness or injury and the fact that the responsibility for payment for services rendered lies with the parents. If treatment is deemed urgent and a physician is not immediately available, the student may be taken to a local emergency room.

Principal/or designee shall notify the Superintendent or designee of all serious accidents to pupils whether they occur on the school grounds or on the school bus. No medication shall be administered at any school to any student unless written permission from parents has been granted, and only in accordance with District policy on *Administration of Medication*.

### **FIRST AID**

No treatment of injuries except first aid shall be permitted in the schools. First aid is that immediate help given by the best-qualified person at hand in case of accidents or sudden illness. At least one person in each building shall have had special training in first aid. A master first aid kit will be kept and properly maintained in each school.

Each student in the district shall be required to have completed and signed an emergency treatment consent form at the beginning of each school year. Therefore, the parent/guardian of each student shall submit an emergency medical authorization form that shall indicate the procedure he/she wishes the school to follow in the event of a medical emergency involving his/her child. This documentation shall be maintained by the school nurse or other designated personnel at each school.

Ref: La. Rev. Stat. Ann. §17:81.

## **J918 – STUDENT SAFETY**

The Orleans Parish School District realizes that the safety of every boy and girl is to be a matter of serious concern. To assure the safety of children while attending school or under school supervision:

1. School buildings and equipment, including buses, will be regularly inspected for health, fire, and safety hazards.
2. Children should never be left unsupervised whether in class or on the playground, whether during class hours or during recess or lunch hour.
3. Rules shall be made in each school to prevent accidents in buildings and on the playgrounds.
4. A staff system for supervision on the grounds, corridors, and other critical areas shall be maintained by the principal in each school facility.
5. Precautions will be taken to assure children's safety after dismissal from school.

## **J919 – SUPERVISION OF STUDENTS**

All personnel of the Orleans Parish School District should be responsible for the supervision of students during the school day and for a reasonable period of time before and after school. Every staff member must share the responsibility of supervising students during regular class periods, while students are moving to and from the restrooms, cafeterias, other classrooms (gymnasiums) and assemblies, and before and after the school day.

Supervision outside the classroom is necessary to protect the physical safety of the students. Each principal shall be responsible for drawing up a list of supervisory duties and assigning staff members within the building to cover them. The duties specifically must include: lunch, recess, hall monitoring, bus duties as well as other duties peculiar to particular building or educational level. The number of staff members required for a particular duty or set of duties shall be determined by the principal. The principal shall assign duties equitably among all staff members.

The School District expects all students to be under assigned adult supervision at all times when they are in school, on school grounds, traveling under school auspices, or engaging in school-sponsored activities. No teacher or other staff member shall leave his or her assigned group unsupervised except when arrangements have been made to take care of an emergency.

During school hours, or while engaging in school-sponsored activities, students shall be released only into the custody of parents or other authorized persons. The school administrator shall ensure that anyone who wishes to contact a student during the school day is doing so for proper reasons.

## J920 – CHILD ABUSE

The Orleans Parish School District shall endeavor to ensure that all instances of child abuse and/or neglect are reported in accordance with appropriate state and local laws and regulations. Therefore, the School District directs that all school personnel be informed of their responsibilities under law as mandatory reporters when performing their occupational duties.

### DEFINITIONS

**Child**, for purposes of child abuse, is defined as a person less than eighteen (18) years of age, who prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage.

**Abuse** means any one of the following acts which seriously endanger the physical, mental, or emotional health of the child:

1. The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
2. The exploitation or overwork of a child by a parent or any other person.
3. The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state.

**Neglect** means the refusal or willful failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health is substantially threatened or impaired. In accordance with statutory provisions, the inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

A **mandatory reporter** is any person who provides training and supervision of a child, including any one of the following individuals performing their occupational duties: teacher, teacher's aide, instructional aide, school principal, and school staff member.

**Caretaker** means any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, or other person providing a residence for the child.

## PROCEDURE FOR REPORTING CHILD ABUSE/NEGLECT

Any *mandatory reporter*, notwithstanding any claim of privileged communication, who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect, as defined by this policy, or that abuse or neglect was a contributing factor in a child's death, shall report immediately suspected abuse/neglect in accordance with the following:

- A. The *mandatory reporter* having the information shall contact the principal or designee immediately. The principal or other supervising employee shall immediately:
  1. When the suspected abuser is believed to be a parent or caretaker, make the report to the local child protection unit of the Department of Social Services.
  2. When the abuse or neglect is believed to be perpetrated by someone other than a parent or caretaker, and a parent or caretaker is not believed to have any responsibility for the abuse or neglect, make the report to the local law enforcement agency having jurisdiction over the place where the abuse/neglect occurred.
- B. If the initial report was in oral form, it shall be followed by a written report on the approved form, which written report shall be delivered within five (5) days to the local child protection agency or the local law enforcement agency to whom the initial report was made.
- C. The principal, assistant principal, or other supervisory employee to whom the initial reporter gave the report shall have the primary responsibility of reporting the information to the appropriate agency as herein provided. The teacher or other District employee who was the initial reporter is not relieved of responsibility, however, and to ensure that the report is delivered to the appropriate agency as required by law, the principal/designee/supervisory employee shall confer with the initial reporting employee and confirm that the report was made to the appropriate agency. If the principal/designee/supervisory employee fails or refuses to make a required report, the initial reporting employee shall make the required report to the appropriate agency and shall, within five (5) days of filing the required written report file a confidential report of the entire matter in writing with the Superintendent or designee.

The report shall contain the following information, if known:

- A. The name, address, age, sex, and race of the child.
- B. The nature, extent, and cause of the child's injuries or endangered condition, including any previous known or suspected abuse to this child or the child's siblings.
- C. The name and address of the child's parent(s) or other caretaker.
- D. The names and all the ages of all other members of the child's household.
- E. The name and address of the reporter.



- F. An account of how this child came to the reporter's attention.
- G. Any explanation of the cause of the child's injury or condition offered by the child, the caretaker, or any other person.
- H. The number of times the reporter has filed a report on the child or the child's siblings.
- I. Any other information which the reporter believes might be important or relevant.

The report shall also name the person or persons who are thought to have caused or contributed to the child's condition, if known, and the report shall contain the name of such person if he/she is named by the child.

If the initial report was in oral form by a mandatory reporter, it shall be followed by a written report made within five (5) days to the local child protection unit, or if necessary, to the local law enforcement agency.

#### INVESTIGATION OF REPORTS

Admission of the investigator on school premises or access to the child in school shall not be denied by school officials.

#### ALLEGATION AGAINST SCHOOL EMPLOYEES OR VOLUNTEERS

When an employee is accused of the use of impermissible corporal punishment or moral offenses involving students, the principal shall initiate an investigation (see procedures under *Employee Investigations policy*). If the offender is a central office employee, or principal, the immediate supervisor will initiate an investigation.

Upon any school employee receiving a report of, or information about, child abuse, against another school employee or volunteer, and the employee receiving said information has cause to believe the truthfulness thereof, the reporting procedure as outlined in this policy shall be followed, depending upon whether the employee or volunteer is considered a caretaker or someone other than a caretaker.

The school employee shall also, as soon as reasonably possible, notify the appropriate immediate supervisor of the accused individual, and that supervisor in turn will as soon as reasonably possible, notify the Superintendent or designee. The Superintendent and the District's attorney will determine what appropriate action the school system may take over and above the investigation being conducted by the appropriate state agency. In any incident involving an employee or volunteer, which is reported to the Superintendent or designee, the person shall be removed from all activities involving direct contact with students until the matter is resolved.

## ALLEGATIONS OF SEXUAL OFFENSES

The Superintendent or his/her designee shall be required to notify the local law enforcement agency of any allegation made by a student of the commission of a sex offense as defined by La. Rev. Stat. Ann. §15:541(14.1). Such notification shall be made by the Superintendent or his/her designee within twenty-four (24) hours of the time the student notified the Superintendent or other appropriate personnel. Any school employee who receives information from a student concerning the possible commission of a sexual offense shall immediately inform the Superintendent and/or his/her designee.

## CONFIDENTIALITY

The circumstances and information of the initial report, the fact that a report was made to an agency, and the written report shall be held in confidence and shall not be disseminated to third parties other than those persons or agencies designated by this policy or required by state law. Any written report or other written information regarding the report shall be kept in a confidential file separate from the child's routine school records and accessible only by the principal/designee/supervisory employee or by court order.

## IN-SERVICE TRAINING

At the beginning of each school year, each principal shall provide mandated in-service training for mandatory reporters and other school personnel and volunteers on how to recognize and report suspected child abuse or child neglect. Each employee and volunteer shall sign a form indicating he/she has received and understands the guidelines for reporting child abuse/neglect.

## IMMUNITY FROM LIABILITY

Any person who in good faith makes a report, cooperates in any investigation arising as a result of such report, or participates in judicial proceedings authorized under the Louisiana Children's Code shall have immunity from civil or criminal liability that otherwise might be incurred or imposed. This immunity, however, does not extend to (1) a person who participates in or conspires with a participant or an accessory to an offense involving the abuse or neglect of a child; (2) any person who makes a report known to be false or with reckless disregard for the truth of the report.

## LIABILITY

The Louisiana Children's Code and Louisiana criminal law provide substantial penalties for mandatory reporters who fail to report facts, which would support a reasonable belief, that child abuse or neglect has occurred. Additionally, educators or other employees of the Orleans Parish School District who fail or refuse to report child abuse/neglect as provided by law or by this policy may be subject to disciplinary and/or dismissal proceedings for neglect of duty.

Ref: La. Rev. Stat. Ann. §§14:403, 15:542.2, 17:81.6; La. Children's Code, Title VI, Art. 601 et seq.

## J921 – CRISIS INTERVENTION

The Orleans Parish School District, in an attempt to provide a safe and healthy learning environment, recognizes that the accident/death of a student or staff member, or a threatened, attempted or completed suicide, or other crises, can have a traumatic effect on the school community. The Superintendent shall be responsible for establishing and maintaining pertinent activities to be conducted when a crisis occurs.

To minimize trauma when a crisis occurs and to identify students at risk because of the trauma, each school shall form a *Crisis Intervention Team* consisting of school counselors, school administrators, school substance abuse coordinator, School Building Level Committee chairman, and a staff member trained in CPR and First Aid. Other professional personnel permanently assigned to the school may be added to a *Crisis Intervention Team* as may be designated by the principal. Activities in times of crisis shall include:

1. Obtain emergency medical assistance for the individual, if necessary;
2. Notify and/or involve the individual's parent or guardian;
3. Make referrals to appropriate professional or agency for treatment, or contact Protective Services if parent contact will increase risk;
4. Maintain the individual's and family's right to privacy;
5. Identify and assist other individuals who may be at-risk because of the situation;
6. Involve other professionals in the community and/or school system as needed.
7. Notify the Superintendent or designee.

Ref: La. Rev. Stat. Ann. §§17:416.16; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education; Life Safety Code, National Fire Protection Association.

## **J922 – STUDENT DISMISSAL PRECAUTIONS**

The Orleans Parish School District shall not permit a school or grade to be dismissed before the regular hour for dismissal except with the approval of the office of the Superintendent. No teacher or school staff member may permit any individual student to leave school prior to the regular hour of dismissal except by permission of the principal.

No student may be permitted to leave school prior to the dismissal hour at the request of or in the company of anyone other than a school employee, police officer, court official, parent, or legal guardian of the child, unless the permission of the parent or legal guardian has been first secured. If any police or court official requests the dismissal of a student during school hours, parents or legal guardian should be notified as soon as possible.

A child shall **only** be released to the parent awarded legal custody of the child if the parents are divorced or legally separated. A child shall be released to a non-custodial parent only if there is written permission for doing so signed by the custodial parent on file with the school office.

No student shall be released from school early on the basis of a phone call, which has not been validated. No student shall be permitted to check himself/herself out of school, unless legally emancipated.

Ref: La. Rev. Stat. Ann. §§17:81, 17:221, 17:226, 17:232.

## **J923 – STUDENT ACTIVITIES**

The Orleans Parish School District believes that the student activities at school are a vital part of the total educational program and should be used as a means for developing wholesome attitudes and good human relations, as well as knowledge and skills. The District believes that school citizenship, as reflected in student activities, is a measure of the achievement of important school goals. The District recognizes that the greatest values to be derived from both curricular and extracurricular student school activities occur when such activities are developed and encouraged through participation among, or the knowledge of, the student body, interested members in the community, and school staff.

The District further believes that any program of student activities should:

1. Require all student participation to be on a voluntary basis;
2. Require that student activity funds should be used for purposes which benefit the student body of the school; and
3. Require that the management of student funds be the responsibility of the organizational sponsor and the school administrator.

Ref: La. Rev. Stat. Ann. §§17:81, *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

## **J924 – ACTIVITIES FUNDS MANAGEMENT**

Student activity funds are those funds raised or collected for school-approved student groups, gate receipts, and student activity fees. The Orleans Parish School District shall require all student activity funds to be collected and expended for the purpose of supporting the school's extracurricular activities program.

The principal of each school shall be responsible for all school/student accounts. The principal may assign one or more school staff member(s) to share the responsibility for assuring that accounting records are maintained in accordance with district guidelines. The system of accounting for school monies shall be in conformity with the district accounting procedures. The principal, however, shall have the ultimate responsibility for supervising the accounting functions to be performed at the building level.

### **SCHOOL CLUBS AND ORGANIZATIONS**

The School District shall require all activity funds generated by a club, organization, association, class, athletic team, or any other organization within the school to be deposited into a school fund bank account. The principal shall maintain separate records of all financial transactions of the school fund account for each group. No monies shall be drawn on the school fund account without a request for withdrawal, which carries the signatures of the organization's sponsor and principal. No withdrawal shall occur unless the check carries the signature of the principal or the administrator who assumes his/her duties during his/her absence.

The records of the school account shall be reconciled monthly, and a written report shall be prepared by the principal and submitted annually to the Superintendent or designee, who shall review and consider the report for approval and notify the principal accordingly.

The School District may require and provide for an audit of the school fund of any school within its jurisdiction at any time.

All club or organization related fund raising activities shall be approved by the principal and may be subject to audits from the central office.

### **OUTSIDE ORGANIZATIONS**

Funds generated by an entity outside the school, such as a parents' club, community, business, civic or other similar type of organization, are considered to be independent funds under the exclusive control and supervision of the club or organization. The District, however, shall require all such funds, when expended for any school function, activity, or purpose, to adhere fully to all state and federal statutory and regulatory provisions.

In addition, the District may place restrictions on the donation and usage of any monies by an outside source, i.e. club, organization, or entity, to a school or District-related entity. Specifically prohibited shall be the donation to an individual employee of the School District anything of

economic value in the form of money, personalized articles, automobiles and/or their use, travel, entertainment or vacations. The District reserves the right to examine the provisions of any and all prospective donations to a school or District-related entity to ascertain the propriety of the donation.

### FUNDRAISING ACTIVITIES

The Orleans Parish School District recognizes that citizens, students, District personnel, other persons and organizations may wish to express support for a particular school or the school system by participating in school-sanctioned fundraising activities. The District shall require that such fundraising projects be conducted so that they do not interfere with educational objectives or community standards.

Any school club or organization shall request permission from the principal and approval by the Superintendent or designee prior to engaging in a fundraising activity. The request shall be in writing by the club or organization's sponsor. Plans for such activities should be made well in advance of the event, and the total fundraising efforts in a school should not be a burden or nuisance to students, faculty, parents, or the community.

The School District shall not permit door-to-door soliciting or sales involving students at any grade level. However, this prohibition does not preclude organized off-campus fundraising activities done under the direct supervision of faculty, booster groups or other adults, if the principal approves such activities. Other special sales or solicitations for advertisements shall be conducted by phone or mail, whenever possible. Any outside fundraising activities shall require approval of the Superintendent and/or his/her designee.

Ref: La. Rev. Stat. Ann. §§17:81, 17:196, 17:414.3, 17:2091 et seq., 24:515, 39:1301 et seq., 42:1101, 42:1102, 42:1116, 41:1121; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## **J925 – STUDENT FEES, FINES AND CHARGES**

The Orleans Parish School District may impose certain student fees or charges to help offset special costs incurred in the operation of specific classrooms or subjects. No student shall be deprived of proper instruction should the student not be able to pay any student fees, however.

### **DAMAGE TO TEXTBOOKS/INSTRUCTIONAL MATERIALS**

The School District may require parents and/or legal guardians to compensate the school district for lost, destroyed, or unnecessarily damaged books and materials, and for any books which are not returned to the proper schools at the end of each school year or upon withdrawal of their dependent child. Under no circumstances may a student of school age be held financially responsible for fees associated with textbook replacement.

Compensation by parents or guardians may be in the form of monetary fees or community/school service activities, as determined by the School District. In the case of monetary fees, fines shall be limited to no more than the replacement cost of the textbook or material, but may, at the discretion of the District, be adjusted according to the physical condition of the lost or destroyed textbook. A school system may waive or reduce the payment required if the student is from a family of low income and may provide for a method of payment other than lump-sum payment.

In lieu of monetary payments, both school systems and parents/guardians may elect to have students perform school/community service activities, provided that such are arranged so as not to conflict with school instructional time, are properly supervised by school staff, and are suitable to the age of the child.

Under no circumstances may a school or school district refuse the parent/guardian the right to inspect relevant grades or records pertaining to the child nor may the school or school district refuse to promptly transfer the records of any child withdrawing or transferring from the school, per requirements of the *Federal Family Educational Rights and Privacy Act*.

Under no circumstances may a school or school district deny a student promotional opportunities, as a result of failure to compensate the school district for lost or damaged textbooks. Students shall not be denied continual enrollment each grading period nor re-entry in succeeding school years as a result of lost or damaged books.

Students shall not be denied the use of a textbook during school hours each day. The school system shall annually inform parents and/or legal guardians of the locally adopted procedures pursuant to state law and regulation, regarding reasonable and proper control of textbooks.

Ref: 20 U.S.C. Section 1232 (g-i); La. Rev. Stat. Ann. §§17:8, 17:81, 17:112.



## **J926 – STUDENT ORGANIZATIONS**

The Orleans Parish School District, recognizing the importance of worthwhile organizations in the school, encourages all students to participate in student organizations and club activities. Students shall have the right to form organizations within the school for cultural, social, athletic, and other authorized purposes, which will enrich and extend their education. Such groups shall follow administrative regulations and procedures developed and maintained by the Superintendent and staff governing the creation and operation of student organizations and clubs in accordance with School District policy.

Student organizations or clubs shall not deny membership to any student because of race, color, creed, sex, national origin, or disability.

Principals shall be responsible for approving or authorizing any student activity and/or organization and shall also be responsible for the operation and oversight of all student activities or organizations to assure compliance with administrative regulations.

### EQUAL ACCESS

As provided by the Federal *Equal Access Act*, any school, which allows non-curriculum, related groups access to school facilities during non-instructional time must adhere to the following criteria:

1. Equal access will not be denied on the basis of religious, political, philosophical or other content of such meetings or organizations;
2. The meetings are voluntary and student-initiated and do not interfere with the instructional day;
3. There is no sponsorship of the meetings by the school, the government, or its agents or employees;
4. Employees or agents of the school or government are present at religious meetings only in a non-participatory capacity;
5. The meetings do not materially and substantially interfere with the orderly conduct of educational activities within the school;
6. Non-school persons may not direct, conduct, control, or regularly attend activities of student groups; and
7. If access is given to school media such as bulletin boards, newspapers, or public address systems, it must be given to all non-curriculum related clubs on an equal basis.

Ref: 20 U.S.C. 4071-4074; 20 U.S.C. 7905; La. Rev. Stat. Ann. §§17:81, 17:2091.

## **J927 – STUDENT PUBLICATIONS**

Student publications are important elements of the instructional program and contribute directly to the accomplishment of the school's goals. The Orleans Parish School District supports the development of student-produced school newspapers, yearbooks, and other publications.

The School District recognizes the students' desire for freedom of expression. Freedom of expression in our schools shall be interpreted as including, and not being contrary to:

- ! development of student responsibility in distinguishing between freedom and license.
- ! consideration by the faculty of the maturity levels of students and of appropriate standards of journalistic taste.
- ! care for the development of skills of written expression among students.

Therefore, the School District encourages the use of school-sponsored publications to express students' points of view. Such publications shall be free from all policy restrictions outside the normal rules for responsible journalism (the avoidance of libel, obscenity, defamation, false statements, or material advocating racial or religious prejudice). Student publications shall provide as much opportunity as possible for the sincere expression of student opinion. All student publications must have the prior approval of the principal and School District before initiation and shall be supervised by the designated faculty advisor.

Ref: La. Rev. Stat. Ann. §17:81; Quarterman V. Byrd, 453 S 2d 54 (CA. 5th 1971).

## **J928 – EMPLOYMENT OF STUDENTS**

The Orleans Parish School District realizes that some students may need to have part-time employment positions. Senior high school students over the age of 16 may be allowed to complete their senior classes in the morning, if their class schedules can be so arranged, in order for the student to be released for part-time employment in the afternoons. Before release of the student, proof of employment shall be submitted by the student. The school reserves the right to monitor a student's continued employment.

### **EMPLOYMENT CERTIFICATES**

Employment certificates are issued for youth to work only during vacation time and after school hours as governed by the Louisiana Labor Law. No employment certificate can be issued for a high school student to work during the hours that school is in session. Employment certificates for the youth of Orleans Parish shall be issued by the Superintendent or his/her designee and submitted to the Louisiana Department of Labor. The original employment certificate shall be signed by the minor and the Superintendent/designee as issuing authority. A copy of each employment certificate shall be retained by the School District together with documents required to be submitted with the application for employment certificate. Any additional information needed by students or teachers of Orleans Parish schools may be obtained by inquiring at the School Board office.

Youth between the ages of 18 and 21 are not required to have employment certificates but may be issued certificates of age upon request of the employer.

Ref: La. Rev. Stat. Ann. §§23:161 et seq., 23:183, 23:184.

## **J929 – SOLICITATIONS**

It is the policy of the Orleans Parish School District that students should not be the target of any person engaged in the act of selling goods or services except in the senior high levels for graduation related items and for the annual school pictures in all grade levels. Therefore, no person or organization, whether profit or non-profit, shall conduct sales of candy, cakes or other food stuffs or any type merchandise on the school premises except after approval by the Superintendent or designee.

No agents, solicitors, collectors, or other persons of like employment shall be allowed to take the time or attention of any student or teacher during school hours or on school premises to advertise, exhibit, promote, collect for, or sell any article whatsoever without the specific approval of the Superintendent or designee.

Formal fundraising drives approved by the principal and district of a school or a parents' club will be exempt from this policy.

Ref: La. Rev. Stat Ann. §17:81.

## **J930 – STUDENT CONDUCT**

The Orleans Parish School District expects students to be well behaved while attending school or any school activity and conduct themselves in an appropriate manner at all times. Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playgrounds of the school while going to or returning from school, or during intermission or recess, or during field trips or extra-curricular activities.

Students have the responsibility to know and respect the rules of the school system. Students shall comply with all District policies and school regulations, student codes of conduct, and directions of principals, teachers, and other authorized school personnel during any period of time when the student is under the authority of school personnel.

The Orleans Parish School District shall demand and administer discipline with fundamental fairness without regard to gender, race, ethnic origin, religion or political belief. All students shall be afforded the basic rights of citizenship recognized and protected for persons of their age and maturity. Students shall exercise their rights and responsibilities in accordance with rules established for orderly conduct of the school's mission. Students who violate the rules of conduct shall be subject to disciplinary measures designed to correct the misconduct so that an environment conducive to learning can be maintained. Discipline policies shall be applicable at school, on the way to and from school, on a school bus, and at all school sponsored-events.

### NOTICE

Students shall be informed by school authorities that violations of District policy and school rules may result in a range of disciplinary actions including suspension or expulsion. Corporal punishment is prohibited in Orleans Parish Public Schools. Copies of current School District discipline policies shall be distributed to each school prior to the beginning of school each year. The District, through its schools, shall provide each pupil and his/her parent, tutor, or legal guardian with a copy of the District's current discipline policies, which shall include a *Student Code of Conduct*. Each school shall plan and conduct meetings and programs within the first week of school each year necessary to fully inform all employees and pupils of all discipline policies and school rules and regulations necessary for the safe and orderly operation of the public schools. The meetings/programs shall also include information on the consequences of violent acts committed on school property, at a school-sponsored function, or in a firearm-free zone. Meetings shall also be held throughout the school year as may be necessary to inform new employees and new students of such discipline policies and pertinent school rules.

Ref: La. Rev. Stat. Ann. §§17:223, 17:235.2, 17:416, 17:416.1, 17:416.8, 17:416.12.

## J931 – SCHOOL BUS CONDUCT

The Orleans Parish School District recognizes the driver of a school bus to be in authority with regard to student behavior in or about the vehicle that he/she operates. School District regulations regarding proper conduct on school buses shall be provided in writing to students and parents/legal guardians at the start of school each year. The driver shall report disorderly or unmanageable student conduct to the principal/administrator of the school in which the student is enrolled. Such conduct by a student shall be good cause for the principal to suspend the privilege of riding any school bus; however, drivers may not administer disciplinary action and shall continue, except in extreme emergencies, to transport a student until disciplinary action is administered by the school. It shall be the responsibility of the parents of students, in such cases, to provide transportation to and from school during the period of bus suspension.

A student who causes damage to a school bus shall be subject to suspension from school and shall not be readmitted until acceptable provisions for restitution have been made for such damage or until readmittance is directed by the Superintendent.

### PROCEDURES FOR REPORTING BUS CONDUCT

1. All schools shall be provided with the *School Bus Behavior Report Form*, which shall be completed on any occasion when a student's conduct on a bus is unsatisfactory.
2. One copy of the *School Bus Behavior Report Form* shall be signed by the parent and returned to the school principal. In all such cases a student shall be permitted to continue to ride the bus until transportation privileges have been denied by action taken by the appropriate school administrator.
3. In cases of severe misconduct, the principal or designee may temporarily suspend the student's bus privilege until appropriate disciplinary action is taken. The student's parents should be immediately notified of the temporary suspension.
4. Immediately after taking disciplinary action, the principal, or designee, shall sign and shall indicate the disciplinary action taken on the *School Bus Behavior Report Form*. Copies of the report shall be distributed to the student's file; to the parent; and to the driver. A copy of the report may also be sent to the Superintendent or designee.
5. In the event of an appeal of the principal's decision by parents, a hearing may be scheduled by the Superintendent or designee.

Ref: La. Rev. Stat. Ann. §§17:81, 17:223, 17:416, 17:416.1.

## **J932 – STUDENT DRESS CODE**

The policy of the Orleans Parish School District shall be that no mode of attire will be considered proper for school wear that disrupts the classroom and/or the school's positive learning environment. The principal or his/her designee of each school shall make the final decision as to what is considered proper or improper dress according to the guidelines provided.

The District's position is that it wants to teach each student to use good judgment in his/her total appearance so that the attention of others is not distracted from the purpose of the school. Cleanliness and the values of the community shall be a basic consideration.

### DRESS AND PERSONAL GROOMING

Student dress and grooming are not to adversely affect the students' participation in classes, school programs, other school-related activities, or detract from the learning environment of the school. Extremes in style and fit in student dress and extremes in style of grooming will not be permitted. Administrators are authorized to use their discretion in determining extremes in styles of dress and grooming and what is appropriate and suitable for school wear. No student shall wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, blade, symbols, sign or other things which are evidence of affiliation with drugs, alcohol, violence or gang related activities or exhibits profane or obscene language/gestures. Policies regarding dress and grooming stress the importance of reducing distractions that inhibit learning and are addressed as an attempt to enhance the learning environment.

### SCHOOL UNIFORMS

The School District shall require students to wear uniforms as designated by individual schools within the guidelines of district policy. The district policy states that 70% of students (high school students only), faculty and parents will determine, by vote, whether uniforms will be required. The individual school shall notify, in writing, the parent or guardian of each school student of the dress code and any uniform specifications and the effective date.

Ref: Scott v. Board of Education, 304 N.Y.S.S. 2d 601 (1969); Darr v. Schmidt; 460 F. 2d 609 (1972); La. Rev. Stat. Ann. §§17:81, 17:416.7.

## **J933 – STUDENT SMOKING**

Students shall not be permitted to have tobacco, tobacco-like products, or items used to ignite such products or to smoke on the school grounds, in school facilities during the school day, or at school activities held in school facilities after school hours, when riding school buses to and from school, or a school function away from school. Parental permission to smoke does not exempt a student from this policy. Violations shall subject the student to appropriate disciplinary action.

Ref: La. Rev. Stat. Ann. §§17:240, 17:416.



## **J934 – STUDENT AUTOMOBILE USE**

Students who drive automobiles, motorcycles, or scooters to school shall be required to obtain the proper operator's license, liability insurance, and register such vehicle with a designated member of the faculty. Registration of the vehicle with school officials shall constitute permission by the owner to consent to a search of the vehicle by school officials or other properly authorized individuals when circumstances warrant in accordance with District policy or for health, safety, or security reasons.

All vehicles shall be parked in parking spaces designated by the principal and may not be moved during the school day without permission of the principal. The principal shall regulate the arrival and departure of vehicles on the school campus.

Students shall not sit in parked cars at any time after their arrival at school.

Ref: La. Rev. Stat. Ann. §17:81.

## **J935 – STUDENT SEXUAL HARASSMENT**

The Orleans Parish School Board disapproves of and does not tolerate sexual harassment by employees to students, by students to employees, or by one student to another student. No employee or student, either male or female, should be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, and therefore interferes with the purposes of the employee and/or student in the academic, extra-curricular, and co-curricular atmosphere. Sexual harassment includes any type of sexually coercive or oppressive conduct, including, but not limited to, threats, comments, jokes or overtures of a sexual nature. Sexual harassment also includes *quid pro quo* claims that occur when an employee makes sexual advances toward a student which threaten or imply retaliation if the student resists, or rewards if the student acquiesces.

### **COVERAGE**

This policy applies to all employees and volunteers, to the elected members of the School Board, and to all students of the Orleans Parish School District. It applies at school, school sponsored events, and in situations that are related to the school.

### **COMPLAINT PROCEDURE**

Complaints of sexual harassment 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. Should the claim of sexual harassment be brought against the principal of the school, the complaint should be brought directly to the Superintendent or designee.

After notification of the complaint, a confidential investigation will immediately be initiated to gather all facts about the complaint.

After the investigation has been completed, a determination will be made regarding the resolution of the case. If warranted, disciplinary action will be taken up to and including involuntary termination of an employee and/or expulsion of a student. Any disciplinary action regarding an employee will be placed in the employee's personnel file that will reflect the action taken and the grounds therefore. Any disciplinary action taken in regard to a student will be maintained as any other student disciplinary violation.

### **NONRETALIATION**

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

Ref: PL 88-352 (42 U.S.C. 2000e et seq.); 29 CFR §1604.11; La. Rev. Stat. Ann. §§14:41 et seq., 17:81.

## **J936 – DEMONSTRATIONS OF STUDENTS**

It is recognized that individual students or groups of students may, from time to time, feel the need to assert their collective sentiments in matters of public opinion. Students have a right to express their opinions, in a proper manner, and to exercise the opportunity to discuss any problem with their teachers and principal. It is the duty of the principal to always keep lines of communication open with his/her students, and to listen to the complaints in a fair and sincere manner.

In the expression of opinion, students shall be expected to conduct themselves in an orderly and controlled manner. Boisterous, unrestrained behavior by students shall not be tolerated. Disorderly demonstrations, sit-ins, lock-ins; or damages to school grounds, school plants, or school records shall not be permitted. Any type of demonstration that prevents the orderly progress of a school day, that prevents normal class functions, or that prevents nonparticipating students from their usual class activity, shall be considered unacceptable behavior and shall result in appropriate disciplinary action being taken by the principal. Students participating in such demonstrations shall be immediately suspended and removed from the campus; by force if necessary. Students suspended shall not be allowed to return to the campus until the suspension term has been completed.

### **DISRUPTIONS IN SCHOOLS**

The Orleans Parish School District shall not tolerate disruptive acts or influence from any student or person at the schools. All school personnel are directed to immediately take action against any student or person who attempts to interrupt, interfere with, or obstruct the educational processes of the schools, and to report the name of any instigator or offender to the appropriate authority.

Suspended students shall not be permitted to return to school until the term of the suspension has been completed.

When and if needed, local police officers and sheriff's deputies may be stationed at each school to ensure the safety of school personnel and students and to permit the schools to operate normally.

Ref: Jenkins v. Louisiana State Board of Education, 506 F 2d 992 (CA. 5th 1975); La. Rev. Stat. Ann. §§17:81, 17:416, 17:416.1.

## **J937 – ELECTRONIC TELECOMMUNICATION DEVICES**

No student, unless authorized by the school principal or his/her designee, shall use or operate any electronic telecommunication device, other than for educational purposes, including any facsimile system, radio paging service, mobile telephone service, intercom, or electro-mechanical paging system in any elementary or secondary school building, or on the grounds thereof or in any school bus used to transport public school students.

The Orleans Parish School District, through the authority of the Superintendent and staff, shall establish appropriate guidelines for exploring and using Internet resources within the school district to enhance learning and teaching activities. Acceptable use of these resources shall be consistent with the philosophy, goals, and objectives of the School District. Any student who wishes to use school district computers, including the Internet and/or e-mail services, must sign the Orleans Parish *Student Acceptable Use Policy and Computer Waiver Form* agreeing to abide by all district regulations.

The School District shall incorporate the use of computer-related technology or the use of Internet service provider technology designed to block access or exposure to any harmful materials or information, such as sites that contain obscene, pornographic, pervasively vulgar, excessively violent, or sexually harassing information or material. Sites which contain information on the manufacturing of bombs or other incendiary devices shall also be prohibited. However, the School District shall not prohibit authorized employees or students from having unfiltered or unrestricted access to Internet or online services, including online services of newspapers with daily circulation of at least 1,000, for legitimate scientific or educational purposes approved by the Board.

A violation of these provisions may be grounds for disciplinary action, including but not limited to, suspension from school. Nothing shall prohibit the use and operation by any person, including students, of any electronic telecommunication device in the event of an emergency. ***Emergency*** shall mean an actual or imminent threat to public health or safety, which may result in loss of life, injury, or property damage.

For purposes of this policy, the terms *use* and *operation* shall mean whenever the electronic telecommunication device is turned on.

Ref: La. Rev. Stat. Ann. §§17:239, 17:416, 17:416.1.

## **J938 – STUDENT ALCOHOL AND DRUG USE**

The Orleans Parish School District is dedicated to providing a drug-free learning environment for the students attending public schools. The District directs that each student shall be specifically prohibited from being under the influence of, bringing on, consuming, or having in his possession on a school bus, on school premises, or at a school function away from the school, any alcoholic beverages, intoxicating liquors, narcotic drugs, prescription medications, marijuana, inhalants, imitation or counterfeit controlled substances, or other controlled substance as defined by state statutes, unless dispensed by a licensed physician as allowed by law. The Superintendent or designee shall be responsible for maintaining appropriate procedures for the detection of alcohol, drugs, or any imitation or other controlled substances. Any student found in violation of the above shall be suspended and recommended for expulsion by the principal.

Any violations of criminal laws, state or federal, committed on school property shall be prosecuted as provided by law. School officials, teachers and/or District employees shall report all violators to the principal, who in turn, shall notify the proper law enforcement agency and shall cooperate with the prosecuting attorney's office in the prosecution of charges. Any student who possesses, distributes, sells, or dispenses in any manner or form whatsoever a controlled dangerous substance as defined by state law to another student or anyone else while on the school premises shall be expelled pursuant to the provisions and guidelines as set forth in state law.

The principal or designee shall immediately notify the parents or guardian, by telephone, of any student found in violation of this policy. If the parents or guardian cannot be reached by phone, the principal shall then notify them of the action by sending a letter within twenty-four (24) hours. Care shall be given to afford due process to all students.

### **REPORTS OF SUBSTANCE ABUSE**

State law mandates that teachers and other school employees report suspected substance abuse in school. These cases shall be reported to the principal and the *Substance Abuse Prevention Team* in the school. The principal or designee must report each case of possession, distributing, sales or manufacturing to the proper law enforcement authority. Reports shall also be made to the appropriate person at each school, who shall investigate, research, and report on instances or reports of possession of prohibited substances or beverages. Designated personnel shall report its findings along with the recommendation for treatment, counseling or other appropriate action to the principal or designee.

### **DRUG-FREE ZONES**

It is unlawful for anyone to use, distribute, transmit, be under the influence of, manufacture or possess any controlled substances as defined by statute on or around school property or an area within 1000 feet of any property used for school purposes by any school, or on a school bus. These areas shall be designated as *Drug-Free Zones*. The Orleans Parish School District, in cooperation with local governmental agencies, and the State Department of Education, shall designate and mark *Drug-Free Zones* that surround all schools and school property. Ref: La. Rev. Stat. Ann. §§14:403.1, 17:405, 17:416, 40:617.1, 40:961 et seq.

## **J939 – BULLYING, INTIMIDATION, HARASSMENT, AND HAZING**

The Orleans Parish School District is committed to maintaining a safe, orderly, civil and positive learning environment so that no student feels threatened while in school or participating in school-related activities. Students and their parents/guardians shall be notified that the school, school bus, and all other school environments are to be safe and secure for all. Therefore, all statements or actions of a bullying, intimidating, threatening, harassing, hazing, or any other violent nature made on campus, at school-sponsored activities, on school buses, at school bus stops, and en route from home to the bus stop and from the bus stop home shall not be tolerated. Even if made in a joking manner, these statements or actions threatening other students, school personnel, or school property shall be unacceptable.

All students, teachers, and other school employees shall take responsible measures within the scope of their individual authority to prevent violations of this policy.

### **BULLYING, INTIMIDATION, HARASSMENT**

***Bullying, intimidation*** and ***harassment*** shall mean any intentional gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a student, damaging his/her property, or placing a student in reasonable fear of harm to his/her life or person or damage to his/her property and is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student.

### **HAZING**

***Hazing*** shall mean any knowing behavior, whether by commission or omission, of any student to encourage, direct, order, or participate in any activity which subjects another student to potential physical, mental, or psychological harm for the purpose of initiation or admission into, affiliation with, continued membership in, or acceptance by existing members of any organization or extracurricular activity at a public elementary or secondary school, whether such behavior is planned or occurs on or off school property, including any school bus and school bus stop. Hazing does not mean any adult-directed and school-sanctioned athletic program practice or event or military training program.

Any solicitation to engage in hazing, and the aiding and abetting another person who engages in hazing shall be prohibited. The consent, stated or implied, of the hazing victim shall not be a defense in determining disciplinary action.

### **REPORTING PROCEDURES**

Any student who believes he or she has been the victim of bullying, intimidation, threatening behavior, harassment or hazing by a student, teacher, administrator or other school personnel, or by any other person who is participating in, observing or otherwise engaged in activities including sporting events and other extracurricular activities, under the auspices of the school

district or a school within the school system, is encouraged to immediately report the alleged acts to any appropriate school district official.

Any teacher, administrator, or other school personnel who has or receives notice that a student has or may have been the victim of bullying, intimidation, threatening behavior, harassment, or hazing at school or any school activity shall be *required* to immediately report the alleged acts to an appropriate school district official.

#### At the School Building Level

The principal shall be the person responsible at the school level for receiving oral or written reports of bullying, intimidation, threatening behavior, harassment, or hazing of a student. Any other school administrator, teacher, or other school personnel who receives a report of bullying, intimidation, threatening behavior, harassment or hazing of a student shall immediately inform the principal, who shall notify the Superintendent or his/her designee.

#### Other Sites

Building administrators designated by the Superintendent at each administrative, support, or maintenance site shall be responsible for receiving oral or written reports of bullying, intimidation, threatening behavior, harassment, or hazing of a student. Upon receipt of a report, the building administrator shall immediately notify the Superintendent or his/her designee.

#### INVESTIGATION OF COMPLAINTS AND REPORTS

The Superintendent or his/her designee shall immediately investigate or authorize the investigation of all reports and complaints involving alleged bullying, intimidation, threatening behavior, harassment or hazing of students. Investigations may consist of personal interviews with the complainants or the individual who is alleged to have been bullied, intimidated, threatened, harassed or hazed, the individual or individuals against whom the complaint is made, witnesses, and any other persons who may have knowledge of the alleged incident or incidents or circumstances leading to or giving rise to the complaint. Other methods of investigation also may be used and pertinent documents may be examined by the investigator.

During the pendency of an investigation, the school district may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators or other school personnel pending completion of the investigation.

Investigations shall be completed as soon as practicable. A written report shall be prepared upon the completion of the investigation. If the complaint involves the Superintendent of Schools, the report shall be made and filed directly with the School Board. The written report shall include determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## DISCIPLINARY ACTION

The school district shall take appropriate action in response to a report following an investigation of any alleged bullying, intimidation, threatening behavior, harassment, or hazing of a student. When the report determines that the alleged act or conduct appears to be in violation of this policy, disciplinary action shall be taken as outlined in the *Student Code of Conduct*. The principal/designee shall contact the parent, tutor, or legal guardian of the pupil being disciplined for alleged misconduct to notify them of the disciplinary action.

Whenever the act or conduct determined to be a violation of this policy may also constitute a violation of state or federal criminal statute, the appropriate law enforcement officer shall be promptly notified.

### Appeal

The parent of a student disciplined for violation of this policy may appeal to the Superintendent or his/her designee no later than five (5) days after being notified of the disciplinary action. The Superintendent or his/her designee shall review all documentation regarding the incident, and if determined to be necessary by the Superintendent or designee, conduct a hearing on the matter. The results of the review or hearing shall be sent to the parents or legal guardian within three (3) school days. The decision of the Superintendent shall be final, except for a student expulsion, which may be appealed to the School Board in accordance with statutory provisions.

## DISSEMINATION OF POLICY

This policy shall be conspicuously posted in each school in a place or places accessible to all students, teachers and other personnel.

The school district shall develop a method for discussing this policy with students which shall take into account their level of understanding based upon their grade level or other consideration generally applicable to students enrolled in the same class or grade. The school district also shall discuss this policy with administrators and teachers, and other school personnel whose employment duties bring them into contact with students.

Ref: La. Rev. Stat. Ann. §§17:183, 17:416, 17:416.13.



## **J940 – DANGEROUS WEAPONS**

The Orleans Parish School District shall authorize the principal of each school to automatically suspend, and recommend expulsion for, any student found in possession, transmittal or use of a dangerous weapon on the school grounds, on school buses and/or at any school-sponsored event, at any time, during or after regular school hours, with limited exception. A *dangerous weapon* means any gas, liquid, or other substance or instrumentality, which in the manner used, is likely to produce death or great bodily harm. When the student is found in possession of a weapon, the Superintendent/designee shall be immediately notified and the principal/designee shall take appropriate disciplinary action.

If a student is detained for carrying, or the principal or designee confiscates or seizes a firearm or concealed dangerous weapon from a student while on school property, on a school bus, or at a school function, the principal or school official shall immediately report the detention of the student or seizure of the firearm or weapon to the police department or sheriff's office where the school is located and shall deliver any firearm or weapon seized to that agency.

The failure of any principal or designated administrator to report the confiscation of such implement or material or the failure to retain and secure such implement or material may result in a misdemeanor.

When a principal or designated administrator violates any provisions of this policy, a report on such violations shall be made by the complainant to the Superintendent. The Superintendent or his/her designee shall conduct a hearing on the alleged offense.

If a student is detained for carrying a concealed weapon on campus, the principal shall immediately notify the student's parents.

### **FIREARM-FREE ZONES**

It is unlawful for a student or non-student to intentionally possess a firearm or dangerous weapon on school property at a school-sponsored function or within 1000 feet of school property or while on a school bus at any time. The area surrounding the school campus or within 1000 feet of any such school campus, or within a school bus shall be designated *firearm-free zones*. The School District, in cooperation with local governmental agencies, and the Louisiana Department of Education, shall designate and mark *firearm-free zones* that surround all schools and school property.

Ref: La. Rev. Stat. Ann. §§14:2, 14:95, 14:95.2, 14:95.6, 17:416, 17:416.3.

## **J941 – STUDENT COMPLAINTS AND GRIEVANCES**

The Orleans Parish School District, recognizing that problems may arise in schools, shall require student concerns, complaints or grievances to be registered with the school principal or designee. If concerns of students cannot be resolved informally, a written complaint shall be initiated, dated and signed by the complainant, and submitted to the principal or designee.

For the discussion and consideration of the grievance, any student or group of students should request in writing a meeting time and place of the school principal. One faculty member or other designated representative may be present at such meeting. Such time and place will be designated immediately upon receipt of the written request.

If a grievance is not satisfactorily resolved after meeting with the principal, a student or group of students can appeal to the principal's immediate supervisor for further consideration of their grievance.

Ref: 20 U.S.C. §§794, 42 U.S.C. §§1201 et seq.; La. Rev. Stat. Ann. §§23:321 et seq.

## **J942 – DISCIPLINE**

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

Every teacher in the public school system shall endeavor to hold each student to a strict accountability for any disorderly conduct in school, or on the playgrounds of the school, on the street or while going to or returning from school, or during intermission or recess. To assist the teacher, the District shall establish regulations for the use of disciplinary measures within the schools and continually monitor and appraise their usefulness.

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

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

### **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 students, poses an immediate threat to the safety of students or the teacher, or when a student exhibits disrespectful or threatening behavior toward a teacher. If removed, the student shall not receive credit for school work missed. The student should not be kept out of school past the suspension period imposed by the principal.

Upon the student being removed from class and sent to the principal's office, the principal or designee shall conduct a counseling session with the student to discuss the particular misconduct. In addition to the counseling, the principal may implement one of the following disciplinary measures:

- a. In-school suspension
- b. Detention

- c. Suspension
- d. Initiation of expulsion hearings
- e. Assignment to an alternative school
- f. Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.
- g. Any other disciplinary measure authorized by the principal with the concurrence of the teacher or building level committee.

When a student has been removed from a classroom, it may require a conference with the parent, tutor, or legal guardian in the presence of the principal or his or her designee before the student is readmitted. Upon the student's *third* removal from a classroom, the teacher and principal shall discuss the student's disruptive behavior and contemplate disciplinary measures to be taken before the principal implements such measures. If appropriate, the principal may request the building level committee to review and assist or to the Supervisor of Child Welfare and Attendance requesting referral to court through Families in Need of Services (FINS). In addition, a conference between the teacher or other appropriate school employee and the student's parent, tutor, or legal guardian shall be required prior to the student being readmitted. If the disruptive behavior persists, a transfer to another setting may be requested.

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

#### 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 expulsion 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 upheld by the Superintendent or his/her designee shall be excluded from year-end activities, including graduation exercises. Diplomas may be given or mailed to the student after the close of the school year. Seniors shall be made aware of this policy prior to the final exam period and a notice of the policy shall be mailed to parents from the school.

#### PARENT CONFERENCES

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

## REPORTS TO PRINCIPAL

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

## DELINQUENT STUDENTS

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

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

## DEFINITIONS

***Suspension*** shall mean that student is temporarily prohibited from participating in his/her usual placement within school with no provision of instructional services. This usually involves temporary removal from school. No coursework credit is received while on suspension.

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

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

***Expulsion*** shall mean the removal of a student from school for at least one school semester with no provision of instructional services. (An *alternative setting* may be located on or off the school site, provided that the student continues to receive instructional services and remains under the supervision of school personnel of their designees.)

***Exclusion*** shall mean the removal of a student from a specific school with reassignment to another appropriate educational environment that addresses the student's educational needs without loss of instructional time.

#### RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

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

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

#### DISCIPLINE OF STUDENTS WITH DISABILITIES

Discipline of students with disabilities shall be in accordance with the policy, *Discipline of Students with Disabilities*.

Ref: 42 U.S.C.A. §12012, et seq.; La. Rev. Stat. Ann. §§17:223, 17:224, 17:233, 17:239, 17:416, 17:416.1; *Student Appraisal Handbook*, Bulletin 1508, Louisiana Department of Education.

**J943 – DISCIPLINE OF STUDENTS WITH DISABILITIES**  
**See Exceptional Children and Support Services Authorities**

- I. For purposes of removal of a student with a disability from the student’s current educational placement, a *change of placement* occurs when
- A. a student with a disability is removed from his or her current educational placement for more than ten (10) consecutive school days; or
  - B. a student with a disability is subjected to a series of removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.
- II. School personnel have the authority to order a *change in placement* for a student with a disability when certain conditions exist.
- A. School personnel may order a removal of a student with a disability from the student’s current educational placement for not more than ten (10) consecutive school days for any violation of school rules to the extent a removal would be applied to a student without a disability, and school personnel may order additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct as long as the removals do not constitute a *change of placement*.
  - B. School personnel may order a *change in placement* of a student with a disability to an appropriate interim alternative educational setting for the same amount of time a student without a disability would be subject to discipline, but for not more than forty-five (45) days, if:
    - 1. the student carries or possesses a weapon at school or at a school function under the jurisdiction of the State or any School District; or
    - 2. the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of the State or any School District.
- III. For purposes of this section, the following definitions apply:
- A. ***Controlled substance*** means a drug or other substance identified under schedule I, II III, IV, or V in Sec. 202(c) of the Controlled Substance Act (21 U.S.C. 812 (c)).

- B. ***Illegal drug*** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- C. ***Weapon*** has the meaning given the term ***dangerous weapon*** under paragraph (2) of the first subsection (g) of Sec 930 of Title 18, United States Code.

IV. A hearing officer, who meets the requirements of Section 508 of Bulletin 1706, has the authority to order *change in placement* for a student with a disability when certain conditions exist.

- A. The hearing officer may order a *change in placement* of a student with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) days if the hearing officer, in an expedited due process hearing:
  - 1. determines that the School District has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others (***substantial evidence*** means beyond a preponderance of the evidence);
  - 2. considers the appropriateness of the student's current placement;
  - 3. considers whether the School District has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
  - 4. determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher meets all IAES requirements as set forth in subsection VII below.

V. A School District need not provide services during periods of removal under II.A above to a student with a disability who has been removed from his or her current placement for ten (10) school days or less in that school year, if services are not provided to a student without disabilities who has been similarly removed.

- A. In the case of a student with a disability who has been removed from his or her current placement for more than ten (10) school days in that school year, the School District, for the remainder of the removals, shall provide services to the extent necessary to enable the student to progress appropriately in the general curriculum and to advance appropriately toward achieving the goals set out in the student's IEP, if the removal is:



1. under the school personnel's authority to remove under paragraph II.A above for not more than ten (10) consecutive school days as long as that removal does not constitute a *change of placement*; school personnel, in consultation with the student's special education teacher, shall determine the extent to which services are necessary to enable the student to progress appropriately in the general curriculum and to advance appropriately toward achieving the goals set out in the student's IEP;
2. for behavior that is not a manifestation of the student's disability consistent under subsection VIII below; the student's IEP team shall determine the extent to which services are necessary to enable the student to progress appropriately in the general curriculum and to advance appropriately toward achieving the goals set out in the student's IEP.

B. The School District shall provide services that will enable the student to continue to progress in the general curriculum and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP. The School District shall include services and modifications designed to address the behavior described below and to prevent the behavior from recurring if the removal is

1. for drugs or weapon offenses (the IEP team determines the interim alternative educational setting); or
2. based on a hearing officer's determination that maintaining the current placement of the student is substantially likely to result in injury to the student or others if he or she remains in the current placement. (School personnel in consultation with the student's special education teacher shall propose the interim alternative educational setting to the hearing officer.)

VI. Either before, or not later than ten (10) business days after either first removing the student for more than ten (10) school days in a school year or commencing a removal that constitutes a *change of placement* and including the action described under paragraph II.B above, the School District shall follow prescribed procedures as listed below.

A. If the School District did not conduct a functional behavior assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, the School District shall convene an IEP meeting to develop an assessment plan.

- B. If the student already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation and modify the plan and its implementation as necessary, to address the behavior.
- C. As soon as practicable after developing the behavioral intervention plan and completing the assessment required by the plan, the School District shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.
- D. If subsequently, a student with a disability who has a behavioral intervention plan and who has been removed from his or her placement for more than ten (10) school days in a school year is subjected to a removal that does not constitute a *change of placement*, the IEP team members shall review the behavior intervention plan and its implementation to determine whether modifications are necessary.
  - 1. If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation to the extent the team determines necessary.

VII. The interim alternative educational setting referred to in subsection II above shall be determined by the IEP team. Any interim alternative educational setting in which a student is placed under paragraph II.B and subsection IV above shall:

- A. be selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP; and
- B. include services and modifications designed to address the behavior described in paragraph II.B and subsection IV above, and to prevent the behavior from recurring.

VIII. A *manifestation determination review* is required whenever an action involving a removal that constitutes a *change of placement* for a student with a disability is contemplated.

- A. Not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and shall be provided the procedural safeguards notice (*Louisiana's Educational Rights of Children With Disabilities.*)
- B. Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

- C. The review shall be conducted by the IEP team and other qualified personnel in a meeting.
- D. In carrying out the manifestation determination review, the IEP team and other qualified personnel may determine that the behavior of the student was not a manifestation of the student's disability only if the IEP team and other qualified personnel:
  - 1. consider, in terms of the behavior subject to disciplinary action, all relevant information, the evaluation and diagnostic results, including the results or other relevant information supplied by the parent or student; observations of the student; and the student's IEP and placement; and
  - 2. determine that:
    - a. in relationship to the behavior subject to disciplinary action, the student's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's IEP and placement;
    - b. the student's disability did not impair the ability of the student to understand the impact and consequence of the behavior subject to disciplinary action; and
    - c. the student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.
- E. If the IEP team and other qualified personnel determine that any of the standards in paragraph D.2 above were not met, the behavior shall be considered a manifestation of the student's disability.
- F. If the IEP team and other qualified personnel determine that the behavior is a manifestation of the student's disability, the disciplinary removal cannot occur, unless the removal is in accordance with paragraph II.B.1. and 2., and subsection IV above.
- G. The manifestation review meeting may be conducted at the same IEP meeting that is convened to conduct the functional behavioral assessment.
- H. If in the review, the School District identifies deficiencies in the student's IEP or placement or in their implementation, it shall take immediate steps to remedy those deficiencies.

- IX. When the determination is made that the behavior was not a manifestation of the student's disability, prescribed guidelines shall be followed.
- A. If the results of the manifestation determination review is that the behavior of the student was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities except a FAPE as defined in subsection V above shall be provided.
  - B. If the School District initiates disciplinary procedures applicable to all students, the School District shall ensure that the special education and disciplinary records of the student with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.
  - C. Except as provided in paragraph XI.A below, if a parent requests a hearing to challenge a determination made through the review process that the behavior of the student was not a manifestation of the student's disability, the student's status during the due process proceeding shall follow Section 514 of Bulletin 1706.
- X. If the student's parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding placement and discipline, the parent may request a hearing.
- A. The State Department of Education, consistent with Sections 507 and 508.B of Bulletin 1706, shall arrange for an expedited hearing in any case described in the above paragraph if a hearing is requested by a parent.
    - 1. In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the School District has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of paragraph VIII.E above.
    - 2. In reviewing a decision under paragraph II.B above, to place a student in an interim alternative educational setting, the hearing officer shall apply the standards in subsection IV above.
- XI. The student's placement during appeal shall follow prescribed guidelines.
- A. If the parents request a hearing regarding a disciplinary action described in paragraphs I.B or IV.A.1-4 to challenge the interim alternative educational setting or the manifestation determination, the student shall remain in the interim alternative educational setting pending the decision of the hearing

officer or until expiration of the time period provided for in paragraphs II.B or IV.A.1-4, whichever occurs first, unless the parent and the State or School District agree otherwise.

- B. If a student is placed in an interim alternative educational setting pursuant to paragraphs II.B and IV.A.1-4 above and school personnel propose to *change the student's placement* after expiration of the interim alternative placement, during the pending of any proceeding to challenge the proposed *change in placement*, the student shall remain in the current placement (student's placement prior to the interim alternative educational setting), except as provided in paragraph XI.C below.
- C. The School District may request an expedited due process hearing if school personnel maintain that it is dangerous for the student to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings.
  - 1. In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards in paragraph IV.A.1-4 above.
  - 2. A placement ordered pursuant to C.1 above may not be longer than forty-five (45) days.
  - 3. The procedures in C above may be repeated as necessary.

XII. A student who has not been determined to be eligible for special education and related services, and who has engaged in behavior that violated any rule or code of conduct of the School District including any behavior described in subsections II and V, may assert any of the protections provided for in this policy if the School District had knowledge (as determined in accordance with paragraph B below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

- A. A School District shall be deemed to have knowledge that a student is a student with a disability if:
  - 1. the parent of the student has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the School District that the student is in need of special education and related services;
  - 2. the behavior or performance of the student demonstrates the need for these services, in accordance with the definition of a student with a disability;

3. the parent of the student has requested an evaluation of the student;  
or
  4. the teacher of the student or other school district personnel has expressed concern about the behavior or performance of the student to the director of special education or to other personnel in accordance with the School District's established child find or special education referral system.
- B. The School District would not be deemed to have knowledge under paragraph A above, if as a result of receiving the information specified in that paragraph, the School District either
1. conducted an evaluation and determined that the student was not a student with a disability; or
  2. determined that an evaluation was not necessary and provided notice to the student's parents of its determination.
- C. Certain conditions apply if there is no basis of knowledge.
1. If the School District does not have knowledge that a student is a student with a disability, in accordance with paragraphs A and B above, prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as measures applied to students without disabilities who engaged in comparable behaviors.
  2. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in less than sixty (60) business days without exception or extensions.
- D. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.
- F. If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by the School District and information provided by the parents, the School District shall provide special education and related services in accordance with the provisions of Bulletin 1706, *Regulations for Implementation of the Children with Exceptionalities Act* including the requirements of II-XIV of this policy and La. Rev. Stat. Ann. §17:1943.6.

- XIII. Expedited due process hearings addressed in subsection X above shall follow procedures prescribed below.
- A. The hearing shall meet the requirements of Subsection 507.A of Bulletin 1706.
  - B. The hearing shall be conducted by a due process hearing officer that meets the criteria established in Section 508 of Bulletin 1706.
  - C. The hearing shall result in a written decision that shall be mailed to the parties within twenty (20) business days of the School District's receipt of the request for the hearing, without exceptions or extensions.
  - D. The hearing shall have time lines that are the same for hearings requested by the parents or the School District.
  - E. The hearing shall be conducted according to guidelines established in Section 508 of Bulletin 1706, where appropriate, except for the timelines at paragraph 508.C.4 and according to guidelines established by the Department.
  - F. The decisions on expedited due process hearings are appealable consistent with the procedures established in Section 512 of Bulletin 1706.
- XIV. Nothing in this policy shall prohibit the School District from reporting a crime committed by a student with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student with a disability.
- A. The School District, in reporting a crime committed by a student with a disability, shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime.
  - B. The School District, in reporting a crime, may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the *Family Educational Rights and Privacy Act*.

Ref: La. Rev. Stat. Ann. §§17:82, 17:416, 17:1941 et seq.; Bulletin 1706, Regulations for the Implementation of the Exceptional Children's Act, Louisiana State Department of Education.

## J944 – DUE PROCESS

The Orleans Parish School District mandates that all students shall be treated fairly and honestly in resolving grievances, complaints, or in the consideration of any suspension or expulsion. *Due process* shall be defined as fair and reasonable approaches to all areas of student grievance and discipline on the part of all school officials in order not to arbitrarily deny a student the benefits of the instructional process.

Due process requires, at a minimum, the school administration to impose fundamentally fair procedures to determine whether misconduct or other improper action has occurred before any disciplinary action may be taken by the school administration, except in the case of imminent danger or disruption of the academic process. In these instances, proper procedures shall be put into effect as soon as removal of the student has occurred.

Under due process, each student shall be guaranteed a fair hearing, a fair judgment, a written record of the decision, and notice of the right to appeal the decision. The degree of procedural due process afforded in any disciplinary situation shall be dependant upon two factors: (1) the gravity of the offense a student is alleged to have committed; and (2) the severity of the contemplated penalty.

Ref: U.S. Const. amend. XIII; U.S. Const. amend. XIV, §1; Ingraham v. Wright, 97 S.Ct. 1401 (1977); Goss v. Lopez, 95 S.Ct. 729 (1975); Carey v. Piphus, 98 S.Ct. 1042 (1978).



## **J945 – STUDENT SEARCHES**

The Orleans Parish School District is the exclusive owner of any public school building and any desk or locker utilized by any student contained therein or any other area that may be set aside for the personal use of the students. Any principal, administrator, school security, or designee employed by the School District, having a reasonable belief that any public school building, desk, locker, area or grounds of any public school contains any weapons, illegal drugs, alcoholic beverages, nitrate based inhalants, stolen goods, or other items the possession of which is prohibited by any law, School District policy, or school rule, may search either physically or with the use of metal detectors such building, desk, locker, area or grounds of said public school. The acceptance and use of locker facilities or the parking of privately owned vehicles on school campuses by students shall constitute consent by the student to the search of such locker facilities or vehicles by authorized school personnel. In addition, the School District reserves the right to inspect or search at any time lockers, desks, or any facilities, objects, or vehicles on the school campus, or used by students, for the purpose of enforcing compliance with any health, safety, or security policies, rules, or regulations. Any student not present during the search shall be informed of the search immediately thereafter.

Students and parents shall be notified in writing at the beginning of each school year of the School District's authority to conduct unannounced searches of students, lockers, automobiles, school employees, and any other person or object on School District property and at school sponsored events. Signs of high visibility informing the general public of the School Board's search authority shall be posted at entrances to all School Board buildings.

Upon any such violation, the student shall be automatically suspended and/or recommended for expulsion by school authorities, as appropriate. Investigative facts and/or seized items shall be immediately turned over to the proper law enforcement officials.

Whenever any search is conducted pursuant to this policy, as soon as is reasonably practical a written record shall be made thereof by the school administrator/designee conducting the search and such record shall include the name of the student and/or person(s) involved, the circumstances leading to the search and the results of the search. This written, dated and signed record shall be filed and maintained in the school administrator's office, and a copy of it shall be sent to the Superintendent within five (5) days. The student(s) and parent(s)/guardian(s) shall be given a written receipt for any item(s) seized and/or impounded by the school administrator/designee.

No actions taken pursuant to this policy by any teacher, principal, administrator, or school security guard employed by the School District shall be taken maliciously or with willful and deliberate intent to harass, embarrass or intimidate any student.

### **SEARCH OF VEHICLES**

The School District shall require students who bring vehicles on campus to register those vehicles and to provide the school authorities with consent *to search* of such vehicle signed by the student, parents and/or owner of the vehicle. Any vehicle parked on School District property may be

searched without consent at any time by a school administrator/designee when such school administrator/designee has reasonable facts which lead the school administrator/designee to a reasonable belief that weapons, dangerous substances or elements, illegal drugs, alcohol, stolen goods, or other materials or objects the possession of which is a violation of law, School District policy or school regulations will be found. Searches may also be conducted to assure compliance with health, safety, and/or security laws, rules, or regulations. Such searches shall be conducted in the presence of the student whenever possible.

If the automobile is locked, the student shall unlock the automobile. If the student refuses to unlock the automobile, proper law enforcement officials shall be summoned, and the student shall be subject to disciplinary action. Any student not present during the search shall be informed of the search immediately thereafter.

### CONFISCATION

Upon proper school personnel confiscating any firearm, bomb, knife, or other implement which could be used as a weapon, or any controlled dangerous substance, the principal or designee shall report the confiscation to the proper law enforcement officials. Any implement or material confiscated shall be retained, cataloged, and secured by the principal so as to prevent the destruction, alteration, or disappearance until such time as the implement or material is given to law enforcement personnel for disposal. Parents shall be notified of any item impounded. Any principal or designee failing to report any prohibited weapon or confiscated material or implement to the proper law enforcement officials or failing to properly secure any weapon or confiscated material or item shall be subject to appropriate disciplinary action as may be determined by the Superintendent, designee, and/or Board.

### INDEMNIFICATION

Indemnification of any District employee who is sued for damages based on any act or omission in the directing of and disciplining of school children shall be made by the Orleans Parish School Board to the extent required by state law.

Ref: U.S. Const. Amend. IV; U.S. Const. Amend. XIV, Sec. 1; Moore v. Student Affairs Committee of Troy State University, 284 F.Supp. 725 (M.D. Ala. 1970); State v. S.Ct. 733; La. Rev. Stat. Ann. §§17:416, 17:416.3.

## **J946 – SEARCHES OF STUDENT’S PERSON**

The Orleans Parish School District authorizes any teacher, principal, school security guard, or administrator under the employ of the School District to search a student’s person or his or her personal effects when, based on the attendant circumstances at the time of the search, there are reasonable grounds to suspect that the search will reveal evidence that the student has violated the law, a school rule, or a School District policy. Searches may also be conducted to assure compliance with health, safety, and/or security laws, rules, or regulations. Such a search shall be conducted in a manner that is reasonably related to the purpose of the search and not excessively intrusive in light of the age or sex of the student and the nature of the suspected offense. Strip searches are specifically prohibited.

If a school administrator suspects the presence of firearms, weapons (defined as dangerous items), illegal drugs, stolen goods, or other materials or objects the possession of which is a violation of School District policy, random searches with a metal detector of students or their personal effects may be conducted at any time, provided they are conducted without deliberate touching of the student.

Any search of student’s person shall be done privately by one of the persons above authorized and of the same sex as the student to be searched. At least one (1) witness who is a school administrator or teacher, also of the same sex as the student, shall be present during the search. Detailed documentation shall be made of all searches. Items which are specifically prohibited by law, School District policy or school regulations shall be immediately seized. The school administrator/designee shall immediately contact the student’s parent/guardian, appropriate law enforcement agency and the Superintendent or designee.

Upon any such violations, the student(s) shall be automatically suspended and/or recommended for expulsion by school authorities, as appropriate. Investigative facts and/or seized items shall be immediately turned over to the proper law enforcement officials.

Whenever any search is conducted pursuant to this policy, as soon as is reasonably practical, a written record shall be made thereof by the school administrator/designee conducting the search, and such record shall include the name of the student and/or person(s) involved, the circumstances leading to the search and the results of the search. This written, dated and signed record shall be filed and maintained in the school administrator’s office, and a copy of it shall be immediately sent to the Superintendent. The student and parent(s)/guardian(s) shall be given a written receipt for any items seized and/or impounded by the school administrator/designee.

### **CONFISCATION**

Upon proper school personnel confiscating any firearm, bomb, knife, or other implement which could be used as a weapon, or any controlled dangerous substance, the principal or designee shall report the confiscation to the proper law enforcement officials. Any implement or material confiscated shall be retained, cataloged, and secured by the principal so as to prevent the destruction, alteration, or disappearance until such time as the implement or material is given to law

enforcement personnel for disposal. Parents shall be notified of any item impounded. Any principal or designee failing to report any prohibited weapon or confiscated material or implement to the proper law enforcement officials or failing to properly secure any weapon or confiscated material or implement shall be subject to appropriate disciplinary action as may be determined by the Superintendent or designee.

#### INDEMNIFICATION

Indemnification of any District employee who is sued for damages based on any act or omission in the directing of and disciplining of school children shall be made by the Orleans Parish School Board to the extent required by state law.

Ref: U.S. Const. Amend. IV; U.S. Const. Amend. XIV; Moore v. Student Affairs Committee of Troy State University, 284 F.Supp. 725 (M.D. Ala. 1970); La. Rev. Stat. Ann. §§17:416, 17:416.3.

## J947 – USE OF METAL DETECTORS

The Orleans Parish School District recognizes that it has an obligation to adopt all steps necessary to provide a safe environment for the students, staff and public under its jurisdiction. Therefore, the Orleans Parish School District authorizes the use of metal detectors to minimize the presence of implements that may be used as weapons on Board-owned property and/or campuses or at school sponsored events. Searches with metal detectors may be performed by law enforcement agencies or school personnel or a combination of both parties. All guidelines in the School District's *Policy Manual* concerning searches of a student, employee, and/or other person, shall apply when metal detectors indicate the presence of an item(s) on a student's, employee's and/or any other subject's person or in his/her personal effects. The use of metal detectors shall be approved by administrative personnel prior to implementation of a search.

### GUIDELINES

The use of metal detectors for the search of students, employees and/or other persons shall be in accordance with the following guidelines:

1. When metal detectors are used, the individuals to be searched shall be requested to remove all metal objects from their pockets along with any bags, parcels, or other containers being carried. If the detector activates on a person, the individual conducting the search shall request that any remaining metal objects be removed. If the detector activates again, the individual shall be personally searched by an administrator of the same sex. At least one witness, also of the same sex as the individual, shall be present throughout the search. The personal search shall be conducted only in the area of the body which activated the metal detector. The object causing the metal detector to activate shall be removed and the individual searched with the metal detector again. **The search shall continue until the metal detector ceases to activate on the subject's person. (Consult with Board attorney)**
2. At the start of each school year, parents and students shall receive written notification of the school district's policy to conduct unannounced searches of students, school employees and any other person on School Board property and at school sponsored events. Once said notices have been disseminated, these unannounced search procedures shall be implemented on a district-wide basis.
3. Signs shall be posted outside entrances to School Board facilities, on school buses and at entrances to school sponsored events to serve as notice to students, school employees, and any other person that they are subject to a search with a metal detector or by other means authorized, as a condition of entry, and that by the fact of their entry, they shall be deemed to have freely and voluntarily consented to such search of their persons and/or possessions.

Ref: La. Rev. Stat. Ann. §§17:416, 17:416.3; State v. Stein. 203 Kan. 638 456 P.2d (1969).

## **J948 – INTERROGATIONS**

The Orleans Parish School District fully recognizes the responsibility police or child protection agencies have to protect all citizens by enforcing the laws of the community. The School District, in turn, has the responsibility to protect the students attending the schools of the district. Therefore, public agency officials may visit the school to obtain information or on other official business. Any public agency official entering school premises, however, shall be required to report first to the office of the principal, state his purpose, and produce proper identification.

A student may not be interviewed during the school day or periods of extracurricular activities unless the principal or another delegated staff member is present. If police officers or other officials request an interview for any issue other than child abuse, an attempt shall be made to contact the student's parents or legal guardian and to have one of them present during the interview and such notification shall be documented. When the child is a minor (16 or under) the interrogation shall generally not proceed unless a parent is present.

If the topic of the interview is child abuse and the investigator determines that the child should be interviewed independently of his or her parent(s) and the school is the most appropriate setting for the interview, school officials may permit the investigation without contacting the parents. It will be the responsibility of the investigator in abuse cases to determine who will be present during the interview.

No student may be taken from school without the consent of the building principal and without proper warrant, attachment, or subpoena. Reasonable efforts shall be made to notify the parent/guardian. In all cases, the welfare of the child and the protection of his or her constitutional rights shall be the principal's first consideration.

Ref: La. Rev. Stat. Ann. §17:81.

## J949 – SUSPENSION

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

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

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

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

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

Any student, *after being suspended on three (3) occasions for committing any suspendable offense* during the same school year, **shall, on committing the fourth offense**, be recommended for expulsion from all the public schools of the city, parish, or other local public school 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 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 or designee 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.

Any parent, tutor, or legal guardian of a student suspended shall have the right to appeal in writing 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 or designee on the merits of the case, as well as the term of suspension, shall be final, reserving to the Superintendent or designee the right to remit any portion of the time of suspension.

Except for in-school suspensions, any student suspended shall receive no credit for schoolwork missed while suspended.

Upon the seizure by any teacher, principal, school security guard, or other school administrator of any firearm, knife, or other dangerous item 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.

#### MANDATORY SUSPENSION

The principal shall be required to suspend a student who

1. is found carrying or possessing a firearm or knife with a blade or any other dangerous instrument, 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 designee shall immediately recommend the student's expulsion to the Superintendent, for the above offenses.

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.

Whenever a student is formally accused of violating state law or school disciplinary regulations by committing 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 procedures, provided, however, that such procedures shall follow as soon as practicable.

#### 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 Superintendent or an impartial designee of the Superintendent shall do the action to be taken.

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

#### SUSPENSION OF STUDENTS WITH DISABILITIES

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

Ref: La. Rev. Stat. Ann. §§17:416; Ra. S.B. 265; Act No. 385 (2007).

## **J950 – EXPULSION**

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

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

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

The parent or tutor of the student may, within five (5) days after the decision to expel has been rendered, request in writing, the Board to review the findings of the Superintendent or designee at a time set by the Board. After reviewing the findings of the Superintendent or designee, the School Board may affirm, modify, or reverse the action of the Superintendent or designee.

Any student who is expelled shall receive no credit for schoolwork missed while he/she is expelled.

### **MANDATORY EXPULSION**

State law requires the Superintendent to expel a student for minimum periods of time if found guilty of certain offenses, as follows:

- A. Any student, regardless of age, who is found guilty of being in possession of a firearm on school property, on a school bus or in actual possession at a school-sponsored event, pursuant to a hearing, shall be expelled from school for a minimum period of four (4) complete semesters and shall be referred to the district attorney for appropriate action.
- B. Any student, sixteen (16) years of age or older, found guilty of possession of, or knowledge of and intentional distribution of or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school-sponsored event, pursuant to a hearing, shall be expelled from school for a minimum of four (4) complete semesters unless such student has

agreed to participate and participates full-time in a juvenile drug court program operated by a court in Louisiana as required by the District. Such student may be placed by the School District in an alternative education program for suspended and expelled students approved by the Louisiana Board of Elementary and Secondary Education (BESE).

- C. Any student who is under sixteen (16) years of age and in grades six (6) through twelve (12) and who is found guilty of possession of, or knowledge of and intentional distribution of or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school-sponsored event, pursuant to a hearing, shall be expelled from school for a minimum period of two (2) complete semesters unless such student has agreed to participate and participates full-time in a juvenile drug court program operated by a court in Louisiana as required by the District. Such student may be placed by the School District in an alternative education program for suspended and expelled students approved by the Louisiana Board of Elementary and Secondary Education (BESE).
- D. Any case involving a student in kindergarten through grade five (5) found guilty of possession of, or knowledge of and intentional distribution of or possession with intent to distribute any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school-sponsored event, pursuant to a hearing, shall be referred to the Board through a recommendation for action from the Superintendent.
- E. Any student, after being suspended on *three (3) occasions* during the same school year, **shall** on 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 Board.

## ADDITIONAL REASONS FOR EXPULSION

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

1. Any student, after being suspended for committing violations of any discipline policies or other rule infractions, depending on the severity of the behavior, may be expelled upon recommendation to the Superintendent by the principal and after an appropriate hearing is held by the Superintendent or designee.
2. Any student who is found carrying or possessing a knife.
3. In accordance with federal regulations, a student determined to have brought a weapon to a school under the District's jurisdiction shall be expelled for a minimum of four (4) complete semesters. The Superintendent may modify the expulsion requirement on a case-by-case basis. A ***weapon***, in accordance with federal statutes, means a firearm or any device which is designed to expel a projectile or any destructive device, which in turn means any explosive, incendiary or poison gas, bomb, grenade, rocket, missile, mine or similar device.
4. The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the student for a period of time as determined by the Board; such expulsions shall require the vote of ***two-thirds of the elected members of the Board***.

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.

## READMITTANCE FOLLOWING EXPULSION

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

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

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

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

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

A student that has been expelled from any school in or out of state for possessing on school property or on a bus a firearm, knife, or other dangerous weapon, or possessing or possession with intent to distribute or distributing, selling, giving, or loaning while on school property or a school bus any controlled dangerous substance shall not be readmitted to any school until the student has enrolled and participated in an appropriate rehabilitation or counseling program related to the reason(s) for the expulsion. Such programs approved by the juvenile or family court having jurisdiction, if applicable, or by the School District shall provide the rehabilitation or counseling programs. The requirement for enrollment and participation in a rehabilitation or counseling program shall be waived only upon the student attesting in writing that no appropriate program is available in the area or that the student cannot enroll or participate due to financial hardship.

#### RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

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

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

### EXPULSION OF STUDENTS WITH DISABILITIES

Expulsion of students with disabilities shall be in accordance with the policy on *Discipline of Students with Disabilities*.

Ref: 18 U.S.C. 921, 20 U.S.C. 2701 et seq., La. Rev. Stat. Ann. §§17:416, 17:2092; Goss v. Lopez, 95. S. Ct. 729 (1973), Act No. 385 (2007).

## **J951 – PREGNANT STUDENTS**

The Orleans Parish School District is cognizant of the problems of marriage, pregnancy and parenthood among students prior to their graduation from high school. The District authorizes the Superintendent to assure that such students have the opportunity to earn the education, which they deserve.

It is recommended that a student who becomes pregnant shall notify the principal or guidance counselor in writing immediately upon knowledge of the condition. Pregnant students will be permitted to continue in school in all instances when continued attendance has the sanction of the expectant mother's physician. A physician's statement shall be required to be put on file stating the student's medical condition, approval for continued attendance, and activities in which the student may not participate. The student shall keep the school administration continually apprised of her progress. The school shall not be held responsible for any medical problems that may arise with a pregnant student while she is in school.

Should the student need to be absent from school for a prolonged period of time, the student may enroll in the district's Homebound Instruction or Virtual Education program until released by her physician to return to regular classes. Should the student not be able to return to regular classes, the student may enroll in the Adult Education program of Orleans Parish.

Marital, maternal, or paternal status shall not affect the rights and privileges of students to receive a public education nor to take part in any extracurricular activity offered by the schools.

After delivery, the student shall be permitted to return to school as soon as she is physically able, upon certification by her physician.

Ref: U.S. Const. Amend. XIV, §1, 20 U.S.C. §1681 et seq.; Cleveland Board of Education v. LaFleur, 94 S.Ct. 791 (1974); Davis v. Meeks, 344 F.Supp. 298 (N.D. Ohio 1972); Holt v. Shelton, 371 F.Supp. 821 (M.D. Tenn. 1972).

## J952 – STUDENT RECORDS

Parents and guardians have the right to inspect and review any school records dealing with their children. Students eighteen (18) years of age or older have the sole right to inspect and review their respective student records, unless written consent is provided by the student. Review and dissemination of any student information shall be conducted under strict statutory precautions. *Student records* are defined to be all official records, files, documents, and other materials directly related to children, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system. Such items include, but are not necessarily limited to, identifying data, academic work completed, grades, standardized test scores, attendance data, scores on standardized intelligence, aptitude, and psychological tests, and health data.

### ANNUAL NOTIFICATION

All parents/guardians shall be notified annually of their rights under the *Family Educational Rights and Privacy Act of 1974* (FERPA). Such notification shall be made annually by publication in student handbooks, newsletters, notification to student's home by students, by mail, or publication in the official journal, or in such manner as deemed appropriate by the Board.

### DIRECTORY INFORMATION

Information classified as directory information may be disclosed from a student's record without the written consent of the parent or eligible student. *Directory information* has been designated by the School District to include the student's name, address, telephone number, date and place of birth, grade level, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended and photograph or video. A parent or eligible student may refuse to allow the District to designate any or all of the types of information about the student as directory information thus prohibiting its release to the public. After proper notice, a parent or eligible student shall have thirty (30) days in which to notify the School District as to which types of information about the student shall not be designated as directory information.

In accordance with the *No Child Left Behind Act of 2001*, schools shall honor the requests of military recruiters for names, addresses and phone numbers of high school students, unless parents have specified that such information not be released to such recruiters.

### ACCESS TO RECORDS

1. The parent or legal guardian of a student will have access to student records upon written request to the principal or designee maintaining those records within the school system.



If the student is eighteen (18) years or older, only the student has the right to determine who, outside the school system, has access to his/her records.

The parent, legal guardian or student, if the student is 18 or over, will, upon written request to the principal maintaining those records, have the opportunity to receive an interpretation of those records, have the right to question those data, and if a difference of opinion is noted, shall be permitted to file a letter in said cumulative folder stating their position. If further challenge is made to the record, the normal appeal procedures established by District policy will be followed.

2. School personnel having access to those data are defined as any person or persons under contract to the system and directly involved in working toward either the affective or cognitive goals of the system.

#### RELEASE OF INFORMATION OUTSIDE THE SCHOOL SYSTEM

1. To release student records to other schools or school systems in which the student intends to enroll, the parents, legal guardian or the student, if he/she is eighteen (18) years or over, must be notified of the transfer and the kinds of information being released. They shall receive a copy of such information if it is requested in writing and shall have the opportunity to challenge that record as described above.
2. Those data may be released to Louisiana Department of Education and other governmental agencies only if the names and all identifying markings are removed to prevent the identification of individuals.
3. To release student records to other persons or agencies, written consent shall be given by the parent, legal guardian or the student if he/she is 18 or older. Such consent form shall state which records shall be released, to whom they shall be released and the reason for the release. A copy of the student record being sent shall be made available to the person signing the release forms if he/she so desires.
4. Under no circumstances may a school or school district refuse to promptly transfer the records of any child withdrawing or transferring from the school. Transfer of records shall not exceed forty-five (45) days from the date of request, or ten (10) business days from the date of a written request by any authorized individual of an educational facility operated within any correctional or health facility in or out of Louisiana.
5. Student records shall be furnished in compliance with judicial orders or pursuant to any lawfully issued subpoena if the parents, legal guardian, and students are notified in advance.
6. All authorizations for release of information shall be filed in the student cumulative folder.

7. The School District and employees may disclose education records or information from education records, *without the consent* of the parent or guardian of the student who is the subject of the records, to certain law enforcement officials. Disclosure of such records or information shall be in accordance with the following provisions:
  - a. Disclosure of education records or information from education records shall *only* be made to state or local law enforcement officials or to other officials within the juvenile justice system. Verification of the official's position may need to be made before the disclosure of records or information.
  - b. The disclosure of the education record or information must relate to the ability of the juvenile justice system to serve, prior to adjudication, the student whose records or information is to be disclosed.
  - c. The officials to whom the records or the information are disclosed shall certify in writing that that person, and any agency or organization with which that person is affiliated, shall keep the personally identifiable portions of the records or the information confidential and shall not disclose the personally identifiable portions of the records or the information to any person, agency, or organization except a person, agency, or organization within the juvenile justice system having an independent right to the information.
  - d. Any other provisions necessary to comply with federal law or rules.

#### REVIEW OF STUDENT RECORDS BY THE PARENT

1. Schools shall provide for the review of student records by parents or guardians. Parents and students shall be given notification of their right to review the student records.
2. A parent or guardian who desires to review his/her child's record shall contact the school for an appointment. A conference shall be scheduled as soon as possible, not to exceed one month. The disclosure record shall be completed at the time of the conference.

Prior to the scheduled conference, the principal or designee shall review the record for accuracy and completeness.

3. The record shall be examined by the parent in the presence of the principal or a designated professional person.

The principal or a designated professional person shall provide the parent an opportunity to raise questions regarding information on the records.

A record of the review shall be made on the disclosure record.

4. If the parent or guardian requests a hearing to challenge information contained in the student's folder, a written request for the hearing shall be made and a hearing scheduled

for a date not less than three (3) working days or more than two (2) weeks from the date of the requests.

- a. The hearing shall be held with the principal or designee and the parent or guardian at the scheduled time.
- b. If the parent or guardian is not satisfied with the hearing with the principal, he/she shall have the opportunity to appeal the decision to the Superintendent or designee(s).
- c. The parent or guardian shall request the appeal in writing to the Superintendent. Upon receipt of said request, the Superintendent or designee shall schedule a hearing within ten (10) working days following receipt of the parent's request. The date, time and place of the review hearing shall be sent to the parent or guardian by United States registered or certified mail, return receipt requested.

5. At the review hearing:

- a. The Superintendent or designee shall preside;
- b. The parent or guardian and the principal shall be present. The student shall be present if requested by the parent or guardian or school official;
- c. The decision of the hearing shall be communicated to the school and parent or guardian in writing within ten (10) working days;
- d. The parent shall have the right to file a dissenting statement concerning the hearing; such statement shall become part of the student's cumulative folder.

Ref: 20 U.S.C. 1232 (g-i) (Family Educational Rights and Privacy Act), 34 CFR 99.1-99.67; 20 U.S.C. 7908; La. Rev. Stat. Ann. §§17:81, 17:1955.

**General Public Relations  
Section K**

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## **KF1000 – USE OF SCHOOL FACILITIES**

The Orleans Parish School District recognizes the interest and capital investment the community has in school buildings, ground, and other facilities, and believes that the same should be available for legitimate purposes, as long as such use shall not violate state or local statutes or ordinances applicable to such use. Use of school facilities by the community, when approved by the District, shall be scheduled at times, which do not interfere with regular school activities.

The usage of school facilities by individuals or groups shall be based on a properly documented application. The application shall contain, but not be limited to, the following:

1. A “hold harmless” statement having the effect of holding the Board and School District free from any liability that may arise while the facilities are in use.
2. A statement requiring, with limited exception, any person or group leasing the school facilities to purchase liability insurance identifying the Board and School District as an additional insured. A certificate verifying the purchase of such insurance shall be presented to the District along with the signed lease agreement prior to use of the facilities. The Superintendent may waive this requirement after reviewing the application for facility usage.
3. A statement that the individual or group lessee shall assume all responsibility for security, damages and/or maintenance expenses invested in the building, directly or indirectly resulting from lessee’s use.

The Superintendent shall maintain appropriate administrative regulations and procedures governing the use of school facilities, which shall include fees to be charged and appropriate amounts of liability insurance coverage.

Ref: La. Rev. Stat. Ann. §17:81.

## **KG1001 – VISITORS TO THE SCHOOLS**

The Orleans Parish School District welcomes and encourages parents and other school patrons to visit the schools at appropriate times. Programs may be planned throughout each school year to provide opportunity for visits to the schools.

Principals shall be responsible for establishing procedures that ensure the proper protection of instructional time and the welfare of the students and employees. In accordance with state law, no person is allowed on school grounds or in school buildings or facilities without authorization from the appropriate school official. Therefore, all visitors shall report to the principal's office immediately upon coming onto school grounds for their visit. Office personnel, principal, counselor, etc., shall be made aware of the purpose of the visit. If at all possible, all visits should be pre-arranged. Principals are authorized to take the necessary steps in dealing with unauthorized visitors.

The District, in accordance with state law, shall authorize principals, school administrators, or school security guards to search the person, and any item in the possession of a person who is not a student enrolled in school, or any school employee, while in or on any school property. The search may be conducted at random with a metal detector, or physically when there is reasonable suspicion that such person has any weapons, illegal drugs, alcohol, stolen goods, or other materials, which violate District policy.

Ref: La. Rev. Stat. Ann. §§17:416.6, 17:416.10.

## **KLG1002 – RELATIONS WITH LAW ENFORCEMENT AUTHORITIES**

In the interest of the welfare of all citizens, the Orleans Parish School District desires to cooperate with law enforcement agencies. At the same time, the District recognizes that schools have a responsibility to parents for the welfare of students while they are in the care of the school.

In order to accomplish these goals the following plan of action shall be followed:

### Procedures for Police on Campus

1. If it is determined that a criminal act on school property has been committed by a student, the appropriate law enforcement agency shall be called by the principal/designee.
2. The responding officer/deputy will come to school, investigate the reported incident, and secure any evidence that may be gathered. If arrest of the student is necessary, it shall be done in the presence of the principal or designee.
3. Attempted notification to the parent/guardian of the student arrest shall be made by a school official. The school official shall instruct the parent where the student has been arrested and taken. The school official shall file a written report with the Supervisor of Child Welfare and Attendance.
4. When law enforcement is called to handle a serious on-campus incident, the school shall relinquish authority to that agency. (Example: bomb threat, riot, violence, etc.)
5. The school site is responsible for its own investigation.

### Cooperation with Law Enforcement

1. Students shall be released to law enforcement officers who present a warrant, attachment, or subpoena for a student. Reasonable efforts shall be made to notify the parent/guardian.
2. No student shall be interrogated by any law enforcement agency without the permission of the school administration.
3. Any interrogation of a student shall be conducted in private with a school official present. If the child is a minor (16 or under), the interrogation shall not proceed unless a parent is also present.

Ref: La. Rev. Stat. Ann. §17:81.

## **KLMA1003 – RELATIONS WITH ARMED FORCES/MILITARY AGENCIES**

The Orleans Parish School District shall allow military recruiters the same access to secondary students as offered to postsecondary institutions and prospective employers. Based upon student interest and parent permission, military recruiters may offer postsecondary opportunities to high school students.

Ref: 20 U.S.C. 7401 et seq.; 20 U.S.C. 7908.



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