



TO: Members, Calcasieu Parish School Board

FROM: Shannon LaFargue, Chief Operations Officer
Human Resources/Auxiliary Services

DATE: November 27, 2018

SUBJECT: Administrative and Personnel Committee Meeting

Mr. Eric Tarver, Chairman, has called an Administrative and Personnel Committee Meeting for **Tuesday, November 27, 2018**, at 5:00 p.m. in the Board Room at 3310 Broad Street, Lake Charles, Louisiana.

AGENDA

- 1. School Nutrition Program Update**
- 2. Bus Safety Program for Elementary students**
- 3. Legislative Policy Updates –**
 - a. Parent Conferences**
 - b. Child Abuse**
 - c. Student Records/Student Privacy and Education Records**
 - d. Threats of Terrorism or Violence**
 - e. Computer Access and Acceptable Use of the Internet**
 - f. Bullying and Hazing**
 - g. Dismissal of Employees**
 - h. Employee Discipline**
 - Administrative Procedures for Hearings**

SL/ab

Building Foundations for the Future

Administrative and Personnel Committee:

Eric Tarver, Chair
Chad Guidry, Vice Chair
Annette Ballard
John Duhon
Damon Hardesty
Fred Hardy
Dean Roberts
Alvin Smith
Wayne Williams

Other Board Members:

Billy Breaux
Russell Castille
Mack Dellafosse
Glenda Gay
Ron Hayes
Aaron Natali

Agenda Item #1

School Nutrition Program Update

The School Nutrition Program was recently featured in the National Publication, Food Service Director Magazine as the Food Service Operator of the Month for October. The article was emailed to the board.

Mrs. Richard will provide a brief presentation on our current progress in our school cafeterias.

Agenda Item #2

Bus Safety Program for Elementary Students

With the help of sponsors (Tarver Toyota and Ross), the transportation department recently purchased *Buster the Bus*. *Buster* is a fully animated remote-controlled robot and is an outstanding tool for teaching the important lessons of school bus safety. We are utilizing this interactive tool in our elementary school to reinforce the importance of following the rules while loading and unloading the bus. This robotic bus is equipped with the stop arm and crossing arm, just like the actual warning devices of a real bus.

Agenda Item #3

Legislative Policy Updates

1. Parent Conferences – Policy IHAD.

Language has been added requiring parents be offered an in-person meeting with their child's teacher and school leader to discuss strategies or resources if a child's academic performance could jeopardize the child's promotion to the next grade level.

2. Child Abuse – Policy JGCE

The procedures for reporting suspected incidents of child abuse have been revised once again, as required by Act 207, and included in Children's Code Article 610. The new method of reporting is through the Louisiana Department of Children and Family Services *Mandated Reporter Portal* online, or in person at any child welfare office. In addition to this change, as reflected in the *Child Abuse* policy, some systems have revisions to the definitions section of the policy. The definitions have been expanded to reflect more closely the language found in the Children's Code.

3. Student Records/ Student Privacy and Education Records – Policy JR

The permitted disclosure of *personally identifiable student information* has been expanded to allow the Louisiana Department of Education to further disclose such information to outside entities if certain conditions are met. The School Board shall give notice annually to parents of what items of student information are collected and provided to postsecondary institutions or the Louisiana Office of Student Financial Assistance, and of the parent's right to withdraw previously provided consent. Act 241, which amends La. Rev. Stat. Ann. §17:3914, also now permits School Boards to provide *personally identifiable student information* to the Louisiana Board of Regents, to be used only by the Board of Regents for the purpose of providing School Boards with reports on the postsecondary retention needs and rates, and graduation rates, so as to help School Boards develop policies to improve student academic Achievement.

4. Threats of Terrorism or Violence – Policy JCDAG

Threats of terrorism or violence are addressed in the student discipline section of the policy manual to provide links and references to the *School and Student Safety* policy, which includes the reporting procedures, and the *Crisis and Emergency Management* policy for addressing immediate danger situations. The definitions of threat of violence and threat of terrorism found in Act 716 are included in this new policy as well. Also included in the new *Threats of Terrorism or Violence* policy is the new statutory requirement that any student who is reported to a local law enforcement agency for such threats shall not be permitted to return to school until he/she has undergone a formal mental health evaluation.

5. Computer Access and Acceptable Use of the Internet – Policy EFA

The other part of the *School and Student Safety Act* was included in Act 641, which created La. Rev. Stat. Ann. §17:410 (as recoded by the Louisiana Law Institute) to require School Boards and charter schools to develop, "in consultation with local law enforcement agencies," age and grade appropriate information to be disseminated to each student about

how to recognize and report potential threats to school safety that are posted on the internet. The information must include instruction on how to detect potential threats posted online, visual examples of possible threats, and the process for reporting potential threats, as is covered under the *School and Student Safety* policy. Since most school system's policy *Computer Access and Use* for students already includes information on classroom instruction regarding internet safety, the required education component of Act 641 is included.

6. Bullying and Hazing – Policy JCDAF

The *Bullying and Hazing* policy has been revised to incorporate related provisions and cross-referenced with the two new policies *School and Student Safety* and *Threats of Terrorism or Violence*.

7. Dismissal of Employees - Policy GBN

Act 238 specifically addresses the dismissal of tenured bus operators. The procedures follow very closely the procedures now required for tenured certificated personnel. In addition, Act 634 now calls for the dismissal of:

- a. An administrator, teacher, or substitute teacher upon final conviction or submission of plea to any felony offense, after a hearing.
- b. An administrator, teacher, or substitute teacher who is found to have submitted fraudulent documentation to BESE or the LDOE as part of an application for a Louisiana Teaching Certificate.
- c. An administrator, teacher, or substitute teacher who is found to have facilitated cheating on any state assessment as determined by BESE.
- d. Any other school employee is such employee is convicted of or pleads nolo contendere to crimes enumerated in La. Rev. Stat. 15:587.1. Other school employee means any employee other than an administrator, teacher, or substitute teacher.

In addition, employees shall be subject to removal for failure to properly report arrests for certain offenses enumerated in LRS 17:16. Also, under Contract Employees, the language regarding med-term contract termination has been changed to reflect more closely that included in statutes.

8. Employee Discipline – Policy GBK

The only change to this policy is the addition of the subheading to identify the location of the hearing procedures.

- Language (school bus operator) was added to the hearing procedures for employee discipline

PARENT CONFERENCES

The Calcasieu Parish School Board 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.

ACADEMIC CONFERENCES

At least two (2) parent-teacher conferences shall be scheduled by teachers during the first semester of each school year. At least one (1) parent or guardian of the child shall attend or participate in at least one (1) of the scheduled parent-teacher conferences. A teacher need not require a parent or guardian to attend a conference if the conference would be unnecessary due to the student's academic record. Other conferences may be scheduled as the need arises.

If a middle school or high school student has more than one teacher, the parent or guardian may participate in the conference by conference call.

The School Board shall direct the Superintendent to recommend regulations regarding the failure of the parent or guardian to attend at least one (1) of the scheduled parent-teacher conferences. Said regulations shall not include any negative action against the student as a result of the parents/guardians not attending the required parent-teacher conference.

The principal or supervisor should be present at any parent-teacher conference when there is reason to anticipate an atmosphere of hostility.

If a student's academic performance is such that it could threaten the student's ability to be promoted to the next grade level, the student's parent/guardian shall be offered an in-person meeting with the child's classroom teacher and school leader to discuss any resources or strategies available to support and encourage the student's academic improvement.

DISCIPLINARY 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 teacher, the teacher 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.
3. In any case where a teacher, principal, or other school employee requires the parent, tutor, or legal guardian of a pupil under eighteen (18) 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.
4. Subsequent 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 determine 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.
5. 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, pupil, and 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.
6. Upon a student's *third* unexcused absence or unexcused tardy, the principal or his/her designee shall notify the parent or legal guardian in writing and shall hold a conference with the parent or legal guardian. The parent or legal guardian shall sign a receipt acknowledging notification. *Tardy*, for the purposes of this enumerated item, shall be as defined in La. Rev. Stat. Ann. §17:233.

Revised: September, 2008

Revised: January, 2013

Revised: October, 2018

Ref: La. Rev. Stat. Ann. "17:233, 17:406.7, 17:406.9, 17:416; La. Children's Code, '730, '731; Board minutes, 10-7-08, 2-5-13.

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CHILD ABUSE

The Calcasieu Parish School Board shall ~~endeavor to ensure that all~~ require that instances of suspected child abuse and/or neglect ~~are be~~ reported in accordance with appropriate state and local laws and ~~regulations~~ procedures. Therefore, the School Board directs that all school personnel be informed of their responsibilities under law as mandatory reporters when performing their occupational duties.

DEFINITIONS

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, including but not limited to commercial sexual exploitation of the child.
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~~ or any other person ~~or~~ of the child's involvement in (i) any sexual act with any other person; (ii) pornographic displays; (iii) or any other involvement of a child in sexual activity constituting a crime under Louisiana law the laws of this state; or (iv) a coerced abortion conducted upon a child.

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, an operator or employee of a registered family child day care home, or other person providing a residence for the child.

Child, for purposes of child abuse, ~~is defined as means~~ a person under eighteen (18) years of age, who prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage.

A *mandatory reporter* ~~is means~~ any person ~~considered to be a teaching or child care provider performing their occupational duties, such as any person~~ who provides or assists in the teaching, training, or supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff member, bus operator, coach, professor, technical or vocational instructor, technical or vocational school staff member, college or university administrator, college or university staff member, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care

provider, or any individual who provides such services to a child in a voluntary or professional capacity.

A permitted reporter means any other person having cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect.

Neglect means the refusal or ~~willful~~ unreasonable 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. Neglect includes prenatal neglect. 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.

PROCEDURE FOR REPORTING CHILD ABUSE/NEGLECT

~~Any~~ A *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, in accordance with statutory provisions, shall immediately report suspected abuse/neglect in accordance with the following guidelines:

- ~~1. When the mandatory reporter suspects that a child has been abused/neglected, he/she shall immediately:~~
 - ~~A. When the suspected abuser is believed to be a parent or caretaker, make the report to the Department of Children and Family Services through the designated state child protection reporting hotline telephone number.~~
 - ~~B. 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 a local or state law enforcement agency.~~
1. Reports in which the abuse or neglect is believed to be perpetrated by a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker or a person living in the same residence with the parent or caretaker as a spouse whether married or not, the mandatory reporter shall make the report to the Department of Children and Family Services through the designated state child protection reporting hotline telephone number.

via the Department of Children and Family Services Mandated Reporter Portal online, or in person at any child welfare office.

2. Reports in which the abuse or neglect is believed to be perpetrated by someone other than a caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, and the caretaker is not believed to have any responsibility for the abuse or neglect shall be made immediately to a local or state law enforcement agency.
3. Dual reporting to both **agencies** the Louisiana Department of Child and Family Services and the local or state law enforcement agency is permitted.
4. A report made to the Louisiana Department of Children and Family Services by facsimile does not relieve the reporter of his/her duty to report in accordance with the applicable requirements.

Reporting Procedure

1. 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~~ made within five (5) days ~~to the local child protection agency via the online Mandated Reporter Portal of the Department of Children and Family Services, or by mail to the centralized intake unit of the Department at the address provided on the website of the Department, or, if necessary, to~~ the local law enforcement agency to whom the initial report was made.
2. The report shall contain the following information if known by the reporter:
 - 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.
- 3. 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.
 - 4. The reporter shall also immediately notify the principal or his/her designee of the school attended by the child of the fact that a report has been filed and the agency(ies) to which it was reported.

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 immediately notify the Superintendent and initiate an investigation (see procedures under policy *GAMC, Employee Investigations*). 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 his/her designee. The Superintendent and the School Board'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 his/her 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. 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 comply with the reporting procedure outlined in this policy and 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.

INSERVICE TRAINING

At the beginning of each school year, each principal shall provide mandated inservice 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 Calcasieu Parish School Board 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.

Revised: September, 2004
Revised: November, 2007
Revised: February 5, 2013
Revised: September 12, 2017
Revised: October, 2018

Ref: La. Rev. Stat. Ann. "14:403, 15:539, 15:541, 17:81.6; La. Children's Code, Title VI, Art. 601, 603, 609, 610; Board minutes, 4-2-93, 5-11-04, 12-7-04, 4-8-08, 2-5-13, 9-12-17.

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2. The exploitation or overwork of a child by a parent or any other person, including but not limited to commercial sexual exploitation of the child.
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, caretaker or any other person of the child's involvement in (i) any sexual act with any other person; (ii) pornographic displays; (iii) any sexual activity constituting a crime under Louisiana law; or (iv) a coerced abortion conducted upon a child.

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A *mandatory reporter* means any person who provides or assists in the teaching, training, and supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff member, bus operator, coach, professor, technical or vocational instructor, technical or vocational school staff member, college or university administrator, college or university staff member, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, or any individual who provides such services to a child in a voluntary or professional capacity.

A *permitted reporter* means any other person having cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect.

Neglect means the refusal or unreasonable 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 and safety is substantially threatened or impaired. Neglect includes prenatal neglect. 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.

PROCEDURE FOR REPORTING CHILD ABUSE OR NEGLECT

A *permitted reporter* shall make a report through the designated state child protection reporting hotline phone number or in person at any child welfare office of the state.

A *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 or that abuse or neglect was a contributing factor in a child's death, in accordance with statutory provisions, shall immediately report suspected abuse/neglect in accordance with the following guidelines:

1. Reports in which the abuse or neglect is believed to be perpetrated by a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker or a person living in the same residence with the parent or caretaker as a spouse whether married or not, the mandatory reporter shall make the report to the Department of Children and Family Services through the designated state child protection reporting hotline telephone number, via the Department of Children and Family Services *Mandated Reporter Portal* online, or in person at any child welfare office.
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2. The report shall contain the following information if known by the reporter:
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 - 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.
3. 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.
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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 policy *GAMC, Employee Investigations*). 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 his/her designee. The Superintendent and the School Board'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. 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 comply with the reporting procedure outlined in this policy and inform the Superintendent 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.

INSERVICE TRAINING

At the beginning of each school year, each principal shall provide mandated inservice 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 Calcasieu Parish School Board 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.

Revised: September, 2004

Revised: November, 2007

Revised: February 5, 2013

Revised: September 12, 2017

Revised: October, 2018

Ref: La. Rev. Stat. Ann. "14:403, 15:539, 15:541, 17:81.6; La. Children's Code, Title VI, Art. 601, 603, 609, 610; Board minutes, 4-2-93, 5-11-04, 12-7-04, 4-8-08, 2-5-13, 9-12-17.

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 right to inspect and review their respective student records. Limited access to student records may also be granted certain school officials and others as outlined in this policy. Any access to, or disclosure and release of student information shall be in accordance with federal and state law and regulations.

DEFINITIONS

1. *Aggregate data* shall be defined as, for purposes of this policy, statistics and other information that relate to broad classes, groups, or categories from which it is not possible to distinguish the identities of individuals.
2. *Custodian of student records* shall be defined as the person who has physical custody and control of books, records, or documents. Generally, this person is the Superintendent or such person designated as custodian of student records by the Superintendent.
3. *Disclosure* shall mean the release, transfer, provision of, access to, or divulging in any manner, of information outside the person or entity holding the information.
4. *Educational records* shall be defined as records which are directly related to a student and are maintained by the School Board or school by a person acting for the School Board or school. Excluded from the term *educational records* are records of instructional, supervisory or administrative personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a substitute.
5. *Legitimate educational interest* shall be defined as the interest that requires regular access for purposes of adding material, periodic review, filing new student data and/or removing inadequate, ambiguous, no longer relevant data; the interest having the educational wellbeing of the student in mind for purposes of continuing, improving or changing the education program of the student and the interest in which the person has a legitimate need to know.
6. *Parent or legal guardian* shall mean a student's parent, legal guardian, or other person or entity responsible for the student.
7. *Personally identifiable information* shall be defined as information about an individual that may be used on its own or with other information to identify, contact, or locate a single individual, including but not limited to the following:
 - A. Any information that can be used to distinguish or trace an individual's

identity such as full name, social security number, date and place of birth, mother's maiden name, or biometric records.

- B. Any other information that is linked or linkable to an individual such as medical, educational, financial, and employment information.
 - C. Two (2) or more pieces of information that separately or when linked together can be used to reasonably ascertain the identity of the person.
8. *School official* shall be defined as an administrator, supervisor, principal, support staff, or any person employed by or under contract to the School Board, or authorized volunteer, to perform a function or service on behalf of the School Board.

ANNUAL NOTIFICATION

All parents/guardians shall be notified annually of their rights under the *Family Educational Rights and Privacy Act of 1974* (FERPA) and applicable state law. 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 Calcasieu Parish School Board.

ACCESS TO RECORDS

- 1. A person employed in a public school or other person authorized by the Superintendent may be provided or have access to a student's records.
- 2. Any person who is authorized by state law or the Superintendent to access a student's records on a public school computer system, except a parent or legal guardian, shall maintain the confidentiality of any student information to which he/she has access. Failure to maintain the confidentiality of such information shall be punishable as provided in La. Rev. Stat. Ann. §17:3914.
- 3. Except as provided below, no person or public or private entity shall access a public school computer system on which student information is stored. No official or employee of the School Board shall authorize access to such a computer system to any person or public or private entity except as authorized below.
- 4. The following persons may access a public school computer system on which student information for students at a particular school is stored:
 - A. A student who has reached the age of eighteen (18) or is judicially emancipated or emancipated by marriage and the parent or legal guardian of a student who is under the age of eighteen (18) and not emancipated. Such access shall be limited to information about the student. A student who has reached the age of eighteen (18) or is emancipated and the parent

or legal guardian of a student who has not reached the age of eighteen and is not emancipated may authorize, in writing, another person to access such information.

- B. A teacher of record. Such access shall be limited to information about his/her current students.
 - C. The school principal and school registrar.
 - D. A School Board employee employed at the school and designated by the principal. Such access shall be limited to student information necessary to perform his/her duties.
 - E. A person authorized by the Superintendent to maintain or repair the computer system or to provide services that the School Board would otherwise provide.
 - F. A person authorized by the state to audit student records.
5. The following persons may access a computer system of the School Board on which student information for students from throughout the system is stored:
- A. The Superintendent.
 - B. A School Board employee designated by the Superintendent. Such access shall be limited to student information necessary to perform his/her duties.
 - C. A person authorized by the Superintendent to maintain or repair the computer system or to provide services that the school system would otherwise provide.
 - D. A person authorized by the state to audit student records.
6. Persons permitted access to a student's records shall only have access to those education records in which they have a *legitimate educational interest*. Proper administrative regulations and procedures shall be maintained to ensure compliance with this provision.
7. The School Board shall maintain a record of each request for access to the records of each student. The School Board shall maintain a record of all requests for access with the education records of the student, as long as the records are maintained.

DISCLOSURE OF STUDENT INFORMATION

Except as permitted by this policy or by State or federal law or regulations, no official or

employee of the School Board shall provide personally identifiable student information to any member of the School Board or to any other person or public or private entity, except such an official or employee may, in accordance with applicable state and federal law:

1. Provide a student's identification number and aggregate data to the School Board, the Louisiana Department of Education, or the Louisiana Board of Elementary and Secondary Education (BESE) solely for the purpose of satisfying state and federal reporting requirements.
2. Provide to the Louisiana Department of Education, for the purpose of satisfying state and federal assessment, auditing, funding, monitoring, program administration, and state accountability requirements, information from which enough personally identifiable information has been removed such that the remaining information does not identify a student and there is no basis to believe that the information alone can be used to identify a student. Notice of what items of student information collected and that disclosure shall be restricted to Louisiana postsecondary education institutions or to the Louisiana Office of Student Financial Assistance and of a parent's right to withdraw their previously provided consent shall be provided annually. The Louisiana Department of Education may make further disclosures of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, or as expressly authorized by statute, if applicable requirements are met.
3. Provide to the Louisiana Board of Regents, to be used only by Board of Regents staff for the purposes of providing reports to each public school governing authority on the postsecondary remediation needs, retention rates, and graduation rates for each high school under its jurisdiction and to evaluate comparative postsecondary performance outcomes based upon student transcript in order to develop policies designed to improve student academic achievement. Notice of what items of student information collected and that disclosure shall be restricted to the Board of Regents solely for the purposes of providing reports to the school governing authority and developing policies designed to improve student academic achievement and of a parent's right to withdraw their previously provided consent shall be provided annually.
4. Provide personally identifiable information regarding a particular student to any person or public or private entity if the sharing of the particular information with the particular recipient of the information has been authorized in writing by the parent or legal guardian of the student, or by a student who has reached the age of legal majority, or if the information is provided to a person authorized by the state, including the legislative auditor, to audit processes including student enrollment counts. Except as permitted by said authorization, any recipient of such information shall maintain the confidentiality of such information. Any person who knowingly and willingly fails to maintain the confidentiality of such information shall be subject to the penalties provided in La. Rev. Stat Ann. §17:3914.

5. Provide for the transfer of student information pursuant to the provisions of La. Rev. Stat Ann. §17:112.

With limited exception as allowed by state or federal law or regulation, by policy of the Calcasieu Parish School Board authorized by state or federal law or regulation, or by authorization of the parent or student who is eighteen years of age or older, any redisclosure and/or release of personally identifiable information shall require a *legitimate educational interest* of the recipient.

Release of Student Information

1. In accordance with federal statutory provisions, 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.
2. In accordance with La. Rev. Stat. Ann. §17:112, the principal of a public elementary or secondary school shall provide for the transfer of the education records, including special education records, if applicable, of any current or former student at his/her school upon the written request of any authorized person on behalf of a public or nonpublic elementary or secondary school, or an educational facility operated within any correctional or health facility, whether within or outside the state of Louisiana, where such student has become enrolled or is seeking enrollment. 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, whether by mail or otherwise, shall occur no later than ten (10) business days from the date of receipt of a written request.
3. 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.
4. Once the parent, guardian, or student of majority age has granted permission for collection of certain data in accordance with La. Rev. Stat. Ann. §17:3914 K, such data shall be disclosed solely for purposes of processing a student's application to a Louisiana postsecondary education institution or to the Louisiana Office of Student Financial Assistance for receipt of financial aid.
5. The School Board may disclose personally identifiable information from student records to appropriate parties, including the parents of a student 18 years old or older, in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
6. The School Board 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.

A record of all authorizations for release of information shall be maintained by the School Board and all such authorizations shall be included in the student's records.

- 7. Access to and disclosure of educational records and personally identifiable student information may be authorized by the Superintendent in accordance with the provisions of Calcasieu Parish School Board Policy JR-AP.

REVIEW INSPECTION OF STUDENT RECORDS BY THE PARENT

- 1. Schools shall provide for the review of student records by parents or guardians, or any student eighteen (18) years of age or older. Parents and students shall be given notification of their right to review the student records.

Access to school records shall not be denied to a parent solely because he/she is not the child's custodial or domiciliary parent.

- 2. The parent or legal guardian of a student shall be provided access to student records upon written request to the principal maintaining those records within the school system no more than ~~forty-five (45)~~ ten (10) days after the date of receipt of the request. There shall be no charge for a parent or legal guardian to receive student records electronically. If the parent or legal guardian requests hard copies of the records, a charge for copies as approved by the School Board shall be assessed per page of records.

The parent, legal guardian or student, if the student is eighteen (18) or over, shall,

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 parent, legal guardian, or student if 18 or older, may request a hearing.

3. If, as a result of the hearing, the School Board decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall:

- A. Amend the record accordingly; and
- B. Inform the parent or eligible student in writing.

If, as a result of the hearing, the School Board decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the School Board or both.

4. The hearing shall be held within a reasonable time after receipt of the request for the hearing from the parent or eligible student.

The hearing shall be conducted by the Superintendent or his designee. At the hearing the parent or student eighteen (18) or over shall be given a full and fair opportunity to present evidence relevant to issues raised. The parent or student may, at his/her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

The Superintendent or his designee shall make his/her decision in writing within a reasonable period of time after the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision. The decision shall be communicated to the school and parent in writing within ten (10) working days following the date of the hearing.

5. The School Board is not required to provide to a parent or eligible student a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student the right to inspect and review the records.

If the record involves answers to a standardized test, the School Board will not provide a parent a copy of standardized test questions.

TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS

The following is a list of the types of records that the District maintains, their location, and their custodians.

<u>TYPES</u>	<u>LOCATION</u>	<u>CUSTODIAN</u>
Cumulative School Records	School	School principal
Cumulative School Records (former students)	School	School principal
Health Records	School	School principal
Speech Therapy Records	Office of Education for the Handicapped	Supervisor of Speech
Psychological Records	Office of Education for the Handicapped	Supervisor of Pupil Appraisal
School Transportation Records	Transportation Office	Director of Transportation
Special Test Records	School/District Administrative Office	School principal/ District Administrative Office
* Occasional Records	School	School principal

* Student education records not identified above, such as those in Superintendent's Office, in the school attorney's office, or in the possession of teachers.

Nothing herein is intended to supersede the provisions of the Family Educational Rights and Privacy Act, and to the extent any provisions of this policy conflict with FERPA or federal regulations issued pursuant thereto, the provision of FERPA or its regulations which limit or prohibit disclosure of educational records shall prevail.

Revised: July, 1992
Revised: October, 1993
Revised: October, 2001
Revised: February, 2003
Revised: December, 2009
Revised: July 16, 2013
Revised: January, 2014
Revised: July, 2015

Revised: August 11, 2015
Revised: March 13, 2018
Revised: October, 2018

Ref: 20 USC 1232 (g-i) (*Family Educational Rights and Privacy Act*), 20 USC 7908 (*Armed Forces Recruiter Access to Student Information*), 34 CFR 99.1-99.67 (*Family Educational Rights and Privacy – Federal Regulations*); La. Rev. Stat. Ann. §§9:351, 17:81, 17:112, 17:221.3, 17:3914, 44:4, 44:4.1, 44:31, 44:32; La. Civil Code, Art. 131, 134, 250; Board minutes, 6-2-92, 10-5-93, 5-7-02, 6-3-03, 3-16-10, 7-16-13, 8-11-15, 3-13-18.

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- 2. Any person who is authorized by state law or the Superintendent to access a student's records on a public school computer system, except a parent or legal guardian, shall maintain the confidentiality of any student information to which he/she has access. Failure to maintain the confidentiality of such information shall be punishable as provided in La. Rev. Stat. Ann. §17:3914.
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or legal guardian of a student who has not reached the age of eighteen and is not emancipated may authorize, in writing, another person to access such information.

- B. A teacher of record. Such access shall be limited to information about his/her current students.
 - C. The school principal and school registrar.
 - D. A School Board employee employed at the school and designated by the principal. Such access shall be limited to student information necessary to perform his/her duties.
 - E. A person authorized by the Superintendent to maintain or repair the computer system or to provide services that the School Board would otherwise provide.
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 - B. A School Board employee designated by the Superintendent. Such access shall be limited to student information necessary to perform his/her duties.
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employee of the School Board shall provide personally identifiable student information to any member of the School Board or to any other person or public or private entity, except such an official or employee may, in accordance with applicable state and federal law:

1. Provide a student's identification number and aggregate data to the School Board, the Louisiana Department of Education, or the Louisiana Board of Elementary and Secondary Education (BESE) solely for the purpose of satisfying state and federal reporting requirements.
2. Provide to the Louisiana Department of Education, for the purpose of satisfying state and federal assessment, auditing, funding, monitoring, program administration, and state accountability requirements, information from which enough personally identifiable information has been removed such that the remaining information does not identify a student and there is no basis to believe that the information alone can be used to identify a student. Notice of what items of student information collected and that disclosure shall be restricted to Louisiana postsecondary education institutions or to the Louisiana Office of Student Financial Assistance and of a parent's right to withdraw their previously provided consent shall be provided annually. The Louisiana Department of Education may make further disclosures of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, or as expressly authorized by statute, if applicable requirements are met.
3. Provide to the Louisiana Board of Regents, to be used only by Board of Regents staff for the purposes of providing reports to each public school governing authority on the postsecondary remediation needs, retention rates, and graduation rates for each high school under its jurisdiction and to evaluate comparative postsecondary performance outcomes based upon student transcript in order to develop policies designed to improve student academic achievement. Notice of what items of student information collected and that disclosure shall be restricted to the Board of Regents solely for the purposes of providing reports to the school governing authority and developing policies designed to improve student academic achievement and of a parent's right to withdraw their previously provided consent shall be provided annually.
4. Provide personally identifiable information regarding a particular student to any person or public or private entity if the sharing of the particular information with the particular recipient of the information has been authorized in writing by the parent or legal guardian of the student, or by a student who has reached the age of legal majority, or if the information is provided to a person authorized by the state, including the legislative auditor, to audit processes including student enrollment counts. Except as permitted by said authorization, any recipient of such information shall maintain the confidentiality of such information. Any person who knowingly and willingly fails to maintain the confidentiality of such information shall be subject to the penalties provided in La. Rev. Stat Ann. §17:3914.

5. Provide for the transfer of student information pursuant to the provisions of La. Rev. Stat Ann. §17:112.

With limited exception as allowed by state or federal law or regulation, by policy of the Calcasieu Parish School Board authorized by state or federal law or regulation, or by authorization of the parent or student who is eighteen years of age or older, any redisclosure and/or release of personally identifiable information shall require a *legitimate educational interest* of the recipient.

Release of Student Information

1. In accordance with federal statutory provisions, 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.
2. In accordance with La. Rev. Stat. Ann. §17:112, the principal of a public elementary or secondary school shall provide for the transfer of the education records, including special education records, if applicable, of any current or former student at his/her school upon the written request of any authorized person on behalf of a public or nonpublic elementary or secondary school, or an educational facility operated within any correctional or health facility, whether within or outside the state of Louisiana, where such student has become enrolled or is seeking enrollment. 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, whether by mail or otherwise, shall occur no later than ten (10) business days from the date of receipt of a written request.
3. 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.
4. Once the parent, guardian, or student of majority age has granted permission for collection of certain data in accordance with La. Rev. Stat. Ann. §17:3914 K, such data shall be disclosed solely for purposes of processing a student's application to a Louisiana postsecondary education institution or to the Louisiana Office of Student Financial Assistance for receipt of financial aid.
5. The School Board may disclose personally identifiable information from student records to appropriate parties, including the parents of a student 18 years old or older, in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
6. The School Board 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.

A record of all authorizations for release of information shall be maintained by the School Board and all such authorizations shall be included in the student's records.

- 7. Access to and disclosure of educational records and personally identifiable student information may be authorized by the Superintendent in accordance with the provisions of Calcasieu Parish School Board Policy JR-AP.

INSPECTION OF STUDENT RECORDS BY THE PARENT

- 1. Schools shall provide for the review of student records by parents or guardians, or any student eighteen (18) years of age or older. Parents and students shall be given notification of their right to review the student records.

Access to school records shall not be denied to a parent solely because he/she is not the child's custodial or domiciliary parent.

- 2. The parent or legal guardian of a student shall be provided access to student records upon written request to the principal maintaining those records within the school system no more than ten (10) days after the date of receipt of the request. There shall be no charge for a parent or legal guardian to receive student records electronically. If the parent or legal guardian requests hard copies of the records, a charge for copies as approved by the School Board shall be assessed per page of records.

The parent, legal guardian or student, if the student is eighteen (18) or over, shall, 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 parent, legal guardian, or student if 18 or older, may request a hearing.

3. If, as a result of the hearing, the School Board decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall:
 - A. Amend the record accordingly; and
 - B. Inform the parent or eligible student in writing.

If, as a result of the hearing, the School Board decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the School Board or both.

4. The hearing shall be held within a reasonable time after receipt of the request for the hearing from the parent or eligible student.

The hearing shall be conducted by the Superintendent or his designee. At the hearing the parent or student eighteen (18) or over shall be given a full and fair opportunity to present evidence relevant to issues raised. The parent or student may, at his/her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

The Superintendent or his designee shall make his/her decision in writing within a reasonable period of time after the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision. The decision shall be communicated to the school and parent in writing within ten (10) working days following the date of the hearing.

5. The School Board is not required to provide to a parent or eligible student a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student the right to inspect and review the records.

If the record involves answers to a standardized test, the School Board will not provide a parent a copy of standardized test questions.

TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS

The following is a list of the types of records that the District maintains, their location, and their custodians.

<u>TYPES</u>	<u>LOCATION</u>	<u>CUSTODIAN</u>
Cumulative School Records	School	School principal
Cumulative School Records (former students)	School	School principal
Health Records	School	School principal
Speech Therapy Records	Office of Education for the Handicapped	Supervisor of Speech
Psychological Records	Office of Education for the Handicapped	Supervisor of Pupil Appraisal
School Transportation Records	Transportation Office	Director of Transportation
Special Test Records	School/District Administrative Office	School principal/ District Administrative Office
* Occasional Records	School	School principal

* Student education records not identified above, such as those in Superintendent's Office, in the school attorney's office, or in the possession of teachers.

Nothing herein is intended to supersede the provisions of the Family Educational Rights and Privacy Act, and to the extent any provisions of this policy conflict with FERPA or federal regulations issued pursuant thereto, the provision of FERPA or its regulations which limit or prohibit disclosure of educational records shall prevail.

Revised: July, 1992
Revised: October, 1993
Revised: October, 2001
Revised: February, 2003
Revised: December, 2009
Revised: July 16, 2013
Revised: January, 2014
Revised: July, 2015

Revised: August 11, 2015
Revised: March 13, 2018
Revised: October, 2018

Ref: 20 USC 1232 (g-i) (*Family Educational Rights and Privacy Act*), 20 USC 7908 (*Armed Forces Recruiter Access to Student Information*), 34 CFR 99.1-99.67 (*Family Educational Rights and Privacy – Federal Regulations*); La. Rev. Stat. Ann. §§9:351, 17:81, 17:112, 17:221.3, 17:3914, 44:4, 44:4.1, 44:31, 44:32; La. Civil Code, Art. 131, 134, 250; Board minutes, 6-2-92, 10-5-93, 5-7-02, 6-3-03, 3-16-10, 7-16-13, 8-11-15, 3-13-18.

THREATS OF TERRORISM OR VIOLENCE

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

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

DEFINITIONS

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

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

EVIDENCE

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

MANDATORY EVALUATION

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

New policy: September, 2018

Ref: La. Rev. Stat. Ann. ' ' 17:409.1, 17:409.2, 17:409.3, 17:409.5, 17:401, 17:416, 17:416.1, 17:416.13.

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ACCEPTABLE USE POLICY FOR INTERNET AND DISTRICT NETWORK RESOURCES

Internet access is available to students, employees and guests in the Calcasieu Parish School System. System e-mail accounts are only available to employees. The School Board is very pleased to bring this access, and believes that the Internet offers vast, diverse, and unique educational resources to all participants.

The Internet is an "electronic highway" connecting billions of computers and individual subscribers all over the world. The School Board's goal in providing this service to students is to enhance innovative education for students through access to unique resources and collaborations. Furthermore, employees and guests will improve learning and teaching through research, teacher training, communication, collaboration, and dissemination of successful educational practices, methods, and materials.

Terms and Conditions in a user's agreement are provided so that Internet users are aware of the responsibilities they will assume when using this Calcasieu Parish School Board (CPSB) resource. Responsibilities include efficient, ethical, and legal utilization of the network resources. All users, including students, employees, or any other users of School Board computers, hardware, and Board network shall abide by all policies of the School Board and any applicable administrative regulations and procedures.

Each user shall sign an *Internet and District Network Resources Contract* which shall be legally binding and indicates that he/she has read the *Terms and Conditions* carefully and agrees to abide by them.

The School Board 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 Board does 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 School Board.

Age and grade appropriate classroom instruction shall be provided regarding Internet and cell phone safety. Such instruction shall include appropriate online behavior, interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response, as well as areas of concern as authorized in state and federal law.

In addition, the School Board, in conjunction with local law enforcement agencies, shall develop and distribute age and grade appropriate information to each student regarding

Internet and cell phone safety and online content that is a threat to school safety. The information shall include the following:

- Instruction on how to detect potential threats to school safety exhibited online, including posting on any social media platform.
- Visual examples of possible threats.
- The process for reporting potential threats, which shall be in accordance with the procedures referenced in policy *EBBB, School and Student Safety*.

Such information shall be either distributed to or explained to students and school personnel at the beginning of each school year and shall be posted on an easily accessible page of the School Board's website and the website of each school.

If information reported to a school is deemed a potential threat to school safety, the school shall present the written form and any further evidence to local law enforcement.

TERMS AND CONDITIONS

1. Personal Safety and Privacy

- A. Users will not publish online any personal contact information (e.g., address, phone number) about themselves or any other person on any CPSB webpage. Calcasieu Parish School Board home pages will use Calcasieu Parish School Board phone numbers and cpsb.org e-mail addresses. Personal photos and work can be published if a signed district release form is on file.
- B. Users will not agree to meet with someone they have met online without appropriate approval. Inappropriate contacts should be reported to school authorities immediately.

2. Illegal Activities

- A. Users will not attempt to gain unauthorized access to the network, any computer system or another person's account or files.
- B. Users will not intentionally attempt to disrupt or intentionally disrupt the computer system or destroy data by spreading computer viruses or by any other means.
- C. Users will not engage in any illegal acts, such as selling drugs, engaging in criminal gang activity or threatening the safety of a person or persons, etc.

- D. Users will not attempt to impersonate another individual or organization using CPSB network or other technology resources for any reason (ie. "phishing").

3. Security

- A. Users are responsible for their individual accounts and should take all reasonable precautions to prevent others from being able to use your account. Under no condition should users give their password to another person nor post the password in written form where it can be easily seen by others.
- B. Users will log off or lock their personal accounts when away from the computer for more than a few moments to prevent unauthorized access.
- C. Users will immediately notify school authorities if they have identified a possible security problem. However, testing or purposely looking for possible security problems may be considered as an illegal attempt to gain access. Any security concerns should be addressed to the CPSB Tech Support Center.
- D. Users will avoid the spread of computer viruses by installing and maintaining up-to-date antivirus software provided by the district.
- E. Users will only use memory storage devices (ie. disks, CDs, pen drives, etc.) that have been scanned and found to be free of viruses.
- F. Users will not download and install unnecessary programs from the Internet since most of this installs "spyware" on the computer and hinders the performance of the computer (i.e. Toolbar helpers, e-mail add-ons, screen savers, search engine assistants, pop-up blockers, etc.).
- G. Users should be aware that the CPSB network, Internet use and system e-mail is maintained and regularly monitored for inappropriate use. If any misuse is detected by the staff, appropriate action will be taken against the person or persons involved.
- H. Users are not allowed to install software to capture or monitor the computer activity of other users on the network or network traffic. Only authorized CPSB tech support staff is permitted to do this in the course of administering the network.

4. Network

- A. All computers are to be setup and maintained with connection to the CPSB

domain for network administration and security. Removing a computer from the CPSB domain without the permission of a CPSB tech support staff member will be considered an act to circumvent district network security and is strictly prohibited.

- B. All wireless devices on the CPSB network will be setup by an authorized CPSB tech support staff member. All wireless devices purchased must be equipment approved by the network department. No unauthorized wireless devices will be attached to the CPSB network and doing so will be considered a network security breach and dealt with accordingly.
- C. Network bandwidth is a limited resource of which must be conserved to serve all of the network needs of the district. Users must understand that listening to online radio stations, viewing streaming video sites, and downloading very large files, etc. will be considered a misuse of this limited resource.
- D. Important information regarding the CPSB network will be sent out to all employees from time to time during the year addressed from the e-mail account "tech.help@cpsb.org." It is the responsibility of all employees to open and read all e-mails from this account and then act accordingly. Excuses such as "not reading" or deleting the messages from this account will not be acceptable.

5. Inappropriate Language

Users will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, unprofessional, or disrespectful language. This includes personal attacks or harassment of another person.

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- A. Users will use the system e-mail, Internet and network resources only for educational and professional development activities. Personal use of these resources is prohibited.
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- C. The Calcasieu Parish School Board allows for the suspension of inappropriate or illegal use of the Internet by students and employees. Other disciplinary action may also be warranted.
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DISCLAIMER

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District School Board uses a variety of vendor-supplied hardware and software. Therefore, the District School Board does not warrant that the functions or services performed by, or that the information or software contained on the system will meet the user's requirements. Neither does the District School Board warrant that the system will be uninterrupted or error-free, nor that defects will be corrected. Opinions, advice, services, and all other information expressed by system users, information providers, service providers, or other third party individuals in the system are those of the providers and not necessarily the District School Board.

The District School Board will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the District's School Board's computer systems and networks.

Revised: November, 2004

Revised: December, 2008

Revised: November, 2012

Revised: September, 2018

Ref: 47 USC 254(h), *Children's Internet Protection Act* (CIPA); La. Rev. Stat. Ann. §§17:81, 17:100.7, 17:280, 17:410; Board minutes, 9-7-99, 8-3-04, 9-14-04, 4-21-09, 2-5-13.

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BULLYING AND HAZING

The Calcasieu Parish School Board is committed to maintaining a safe, orderly, civil and positive learning environment so that no student ~~feels bullied, threatened, or harassed is~~ subject to bullying, hazing, or similar behavior 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 bullying, hazing, or similar behavior ~~such as threatening or harassment,~~ made on campus, at school-sponsored activities or events, on school buses, at school bus stops, and on the way to and from school shall not be tolerated. Even if made in a joking manner, these statements or actions of bullying, hazing, or similar behavior towards other students, or 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 shall mean:

1. A pattern of any one or more of the following:
 - A. Gestures, including but not limited to obscene gestures and making faces.
 - B. Written, electronic, or verbal communications, including but not limited to calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors. *Electronic communication* includes but is not limited to a communication or image transmitted by email, instant message, text message, blog, or social networking website through the use of a telephone, mobile phone, pager, computer, or other electronic device.
 - C. Physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property.
 - D. Repeatedly and purposefully shunning or excluding from activities.
2. Where the pattern of behavior as enumerated above is exhibited toward a student, more than once, by another student or group of students and occurs, or is received by, a student while on school property, at a school-sponsored or school-related function or activity, in any school bus or van, at any designated school bus stop, in any other school or private vehicle used to transport students to and from schools, or any school-sponsored activity or event.
3. The pattern of behavior as provided above must have the effect of physically harming a student, placing the student in reasonable fear of physical harm,

damaging a student's property, placing the student in reasonable fear of damage to the student's property, or must be sufficiently severe, persistent, and pervasive enough to either create an intimidating or threatening educational environment, have the effect of substantially interfering with a student's performance in school, or have the effect of substantially disrupting the orderly operation of the school.

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.

NOTICE TO STUDENTS AND PARENTS

The School Board shall inform each student, orally and in writing, at the required orientation conducted at the beginning of each school year, of the prohibition against bullying, hazing, or similar behavior of a student by another student; the nature and consequences of such actions; including the potential criminal consequences and loss of driver's license, and the proper process and procedure for reporting any incidents involving such prohibited actions. A copy of the written notice shall also be delivered to each student's parent or legal guardian.

REPORTING

The principal or his/her designee shall be authorized to receive complaints alleging violation of this policy. All employees, parents, volunteers, or any other school personnel shall report alleged violations to the principal or his/her designee. Any written or oral report of an act of bullying, hazing, or similar behavior shall be considered an official means of reporting such act(s). Complaints, reports, and investigative reports of bullying, hazing, or similar behavior shall remain *confidential*, with limited exception of state or federal law.

The reporting of incidents of bullying, hazing, or similar behavior shall be made on the *Bullying Report* form, which shall include an *affirmation of truth*. Any bullying, hazing, or similar behavior report submitted, regardless of recipient, shall use this form, but additional information may be provided.

Students and Parents

Any student who believes that he/she has been, or is currently, the victim of bullying, hazing, or similar behavior, or any student, parent, or guardian, who witnesses bullying, hazing, or similar behavior or has good reason to believe bullying, hazing, or similar behavior is taking place, may report the situation to a school official, who in turn shall report the situation to the principal or his/her designee. A student, or parent or guardian, may also report concerns regarding bullying, hazing, or similar behavior to a teacher, counselor, other school employee, or to any parent chaperoning or supervising a school function or activity. Any such report shall remain *confidential*.

School Personnel

Any school employee, whether full- or part-time, and any parent/volunteer chaperoning or supervising a school function or activity, who witnesses or learns of bullying, hazing or similar behavior from a student or parent, immediately shall report the incident to the principal or his/her designee. Verbal reports shall be submitted by the employee or parent/volunteer on the same day as the employee or parent/volunteer witnessed or otherwise learned of the incident, and a written report shall be filed no later than two (2) days thereafter.

All other members of the school community, including students, parents/legal guardians, volunteers, and visitors shall be encouraged to report any act that may be a violation of this policy to the principal or his/her designee.

False Reports

Intentionally making false reports about bullying, hazing, or similar behavior to school officials shall be prohibited conduct and shall result in appropriate disciplinary measures as determined by the School Board.

INVESTIGATION PROCEDURE

Investigations of any reports of bullying, hazing, or similar behavior of a student ~~by another student~~ shall be in accordance with the following:

1. Timing

The school shall begin an investigation of any complaint that is properly reported and that alleges the prohibited conduct the next business or school day after the report is received by the principal or his/her designee. The investigation shall be completed as expeditiously as possible, but not later than ten (10) school days after the date the written report of the incident is submitted to the principal or his/her designee. If additional information is received after the end of the ten-day period, the school principal or his/her designee shall amend all documents and reports required to reflect such information.

2. Scope of Investigation

An investigation shall include documented interviews of the reporter, the alleged victim, the alleged bully or offender, and any witnesses, and shall include obtaining ~~copies or photographs of any audio-visual~~ oral, visual or written evidence, including, but not limited to statements, writings, recordings, electronic messages, and photographs. Interviews ~~must~~ shall be conducted privately, separately, and confidentially. ~~At no time shall~~ Unless necessary for the purpose of the investigation, the alleged offender and alleged victim shall not be interviewed together.

The principal or his/her designee shall collect and evaluate all facts using the *Bullying Investigation* form.

3. Parental Notification

Upon receiving a report of bullying, hazing, or similar behavior, the school shall notify the parents or legal guardians of the alleged offender and the alleged victim no later than the following business or school day. Delivery of notice to the parents or legal guardians by an involved student shall **not** constitute the required parental notice.

Before any student under the age of eighteen (18) is interviewed, his/her parent or legal guardian shall be notified by the principal or his/her designee of the allegations made and shall have the opportunity to attend any interviews with their child conducted as part of the investigation.

All meetings with the parents or legal guardians of the alleged victim and the parents or legal guardians of the alleged offender shall be in compliance with the following:

- A. Separate meetings shall be held with the parents or legal guardians of the alleged victim and the parents or legal guardians of the alleged offender.
- B. Parents or legal guardians of the alleged victim and of the alleged offender shall be informed of the potential consequences, penalties, and counseling options.

In any case where a teacher, principal, or other school employee is authorized to require the parent or legal guardian of a student who is under the age of eighteen (18) and not judicially emancipated or emancipated by marriage 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, pursuant to Louisiana Children's Code, Article 730 or 731, with a court exercising juvenile jurisdiction. The principal may also file a complaint on the grounds the student is a truant or has willfully and repeatedly

violated school rules, or any other applicable ground when, in his/her judgment, doing so is in the best interests of the student.

4. Documentation

At the conclusion of an investigation of bullying, hazing, or similar behavior, and after meeting with the parents or legal guardians, the principal or his/her designee or School Board shall:

- A. Prepare a written report containing the findings of the investigation, including input from students' parents or legal guardians, and the decision by the principal or his/her designee or school system official. The document shall be placed in the school records of both students.
- B. Promptly notify the reporter/complainant of the findings of the investigation and whether remedial action has been taken, if such release of information does not violate the law.
- C. Keep reports/complaints and investigative reports confidential, except where disclosure is required to be made by applicable federal laws, rules, or regulations or by state law.
- D. Maintain reports/complaints and investigative reports for three (3) years.
- E. As applicable, provide a copy of any reports and investigative documents to the School Board for disciplinary measures, or to the Louisiana Department of Education, as necessary.

During the pendency of an investigation, the school district may take immediate steps, at its discretion, to protect the alleged victim, students, teachers, administrators or other school personnel pending completion of the investigation.

Handling Evidence

Whenever an employee/administrator receives notice of a bullying or hazing, or similar behavior, such as threats, any physical evidence of the act/communication shall be secured in the building administrator's office with as little physical contact as possible. If the act/communication is in the form of graffiti, the area shall be sealed off by the building administrator. Photographs shall be taken as soon as possible. Student/public exposure shall be as minimal as possible. Graffiti shall not be removed until law enforcement has properly examined the area.

APPEAL

If the school principal or his/her designee does not take timely and effective action in any bullying incident, the student, parent, or school employee may report, in writing, the

incident to the School Board. The School Board shall begin an investigation of any properly reported complaint that alleges prohibited conduct the next business day during which school is in session after the report is received by the School Board.

If the School Board does not take timely and effective action, the student, parent, or other school employee may report any bullying incident to the Louisiana Department of Education.

DISCIPLINARY ACTION

Once a report has been received at a school, and a school principal or his/her designee has determined that an act of bullying, hazing, or similar behavior has occurred, and after having met with the parent or legal guardian of the student involved, the principal or his/her designee, or applicable school official shall take prompt and appropriate disciplinary action against the student, and report criminal conduct to law enforcement. Counseling and/or other interventions may also be recommended.

Students may be disciplined for off-campus bullying, hazing, or similar behavior the same as if the improper conduct occurred on campus, if the actions of the offender substantially interferes with the education opportunities or educational programs of the student victim and/or adversely affects the ability of the student victim to participate in or benefit from the school's education programs or activities.

PARENTAL RELIEF

If a parent, legal guardian, teacher, or other school official has made four (4) or more reports of separate instances of bullying, and no investigation pursuant to state law or this policy has occurred, the parent or legal guardian of the alleged victim may request that the student be transferred to another school operated by the School Board.

Such request shall be filed with the Superintendent. Upon receipt of the request to transfer the student to another school, the School Board shall make a seat available at another school under its jurisdiction within ten (10) school days of the parent or legal guardian's request for a transfer. If the School Board has no other school under its jurisdiction serving the grade level of the victim, within fifteen (15) school days of receiving the request, the Superintendent shall:

1. Inform the student and his/her parent or legal guardian and facilitate the student's enrollment in a statewide virtual school.
2. Offer the student a placement in a full-time virtual program or virtual school under the School Board's jurisdiction.
3. Enter into a memorandum of understanding with the Superintendent or director of another governing authority to secure a placement and provide for the transfer of the student to a school serving the grade level of the student, in accordance with

statutory provisions.

If no seat or other placement is made available within thirty (30) calendar days of the receipt of the request by the Superintendent, the parent or legal guardian may request a hearing with the School Board, which shall be public or private at the option of the parent or legal guardian. The Board shall grant the hearing at the next scheduled meeting or within sixty (60) calendar days, whichever is sooner.

At the end of any school year, the parent or legal guardian may make a request to the School Board to transfer the student back to the original school. The School Board shall make a seat available at the original school that the student attended. No other schools shall qualify for transfer under this provision.

TRAINING

The School Board shall provide a minimum of four (4) hours of training for all new employees who have contact with students and two (2) hours of training each subsequent year for all school employees who have contact with students, including bus operators, with respect to bullying, in accordance with state statutory provisions.

RETALIATION

Retaliation against any person who reports bullying, hazing, or similar behavior in good faith, who is thought to have reported such behavior, who files a complaint, or who otherwise participates in an investigation or inquiry concerning allegations of bullying, hazing, or similar behavior is prohibited conduct and subject to disciplinary action.

CHILD ABUSE

The provisions of this policy shall not be interpreted to conflict with or supersede the provisions requiring mandatory reporting pursuant to Louisiana Children's Code, Art. 609 and as enforced through La. Rev. Stat. Ann. §14:403.

Revised: July, 2004
Revised: August, 2010
Revised: November, 2012
Revised: October 8, 2013

Revised: September, 2018

Ref: 20 USC 1232(g-i) (*Family Educational Rights and Privacy Act*); La. Rev. Stat. Ann. "14:40.3, 14:40.7, 14:40.8, 14:403, 17:105, 17:105.1, 17:183, 17:416, 17:416.1, 17:416.13; La. Children's Code, Art. 609, 730, 731; Davis v. Monroe County Board of Education, 119 S. Ct. 1661 (1991); Board minutes, 8-5-03, 12-7-04, 10-5-10, 2-5-13, 10-8-13.

BULLYING AND HAZING

The Calcasieu Parish School Board is committed to maintaining a safe, orderly, civil and positive learning environment so that no student is subject to bullying, hazing, or similar behavior 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 bullying, hazing, or similar behavior made on campus, at school-sponsored activities or events, on school buses, at school bus stops, and on the way to and from school shall not be tolerated. Even if made in a joking manner, these statements or actions of bullying, hazing, or similar behavior towards other students or school personnel 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 shall mean:

1. A pattern of any one or more of the following:
 - A. Gestures, including but not limited to obscene gestures and making faces.
 - B. Written, electronic, or verbal communications, including but not limited to calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors. *Electronic communication* includes but is not limited to a communication or image transmitted by email, instant message, text message, blog, or social networking website through the use of a telephone, mobile phone, pager, computer, or other electronic device.
 - C. Physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property.
 - D. Repeatedly and purposefully shunning or excluding from activities.
2. Where the pattern of behavior as enumerated above is exhibited toward a student, more than once, by another student or group of students and occurs, or is received by, a student while on school property, at a school-sponsored or school-related function or activity, in any school bus or van, at any designated school bus stop, in any other school or private vehicle used to transport students to and from schools, or any school-sponsored activity or event.
3. The pattern of behavior as provided above must have the effect of physically harming a student, placing the student in reasonable fear of physical harm, damaging a student's property, placing the student in reasonable fear of damage

to the student's property, or must be sufficiently severe, persistent, and pervasive enough to either create an intimidating or threatening educational environment, have the effect of substantially interfering with a student's performance in school, or have the effect of substantially disrupting the orderly operation of the school.

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.

NOTICE TO STUDENTS AND PARENTS

The School Board shall inform each student, orally and in writing, at the required orientation conducted at the beginning of each school year, of the prohibition against bullying, hazing, or similar behavior of a student by another student; the nature and consequences of such actions; including the potential criminal consequences and loss of driver's license, and the proper process and procedure for reporting any incidents involving such prohibited actions. A copy of the written notice shall also be delivered to each student's parent or legal guardian.

REPORTING

The principal or his/her designee shall be authorized to receive complaints alleging violation of this policy. All employees, parents, volunteers, or any other school personnel shall report alleged violations to the principal or his/her designee. Any written or oral report of an act of bullying, hazing, or similar behavior shall be considered an official means of reporting such act(s). Complaints, reports, and investigative reports of bullying, hazing, or similar behavior shall remain *confidential*, with limited exception of state or federal law.

The reporting of incidents of bullying, hazing, or similar behavior shall be made on the *Bullying Report* form, which shall include an *affirmation of truth*. Any bullying, hazing, or similar behavior report submitted, regardless of recipient, shall use this form, but additional information may be provided.

Students and Parents

Any student who believes that he/she has been, or is currently, the victim of bullying, hazing, or similar behavior, or any student, parent, or guardian, who witnesses bullying, hazing, or similar behavior or has good reason to believe bullying, hazing, or similar behavior is taking place, may report the situation to a school official, who in turn shall report the situation to the principal or his/her designee. A student, or parent or guardian, may also report concerns regarding bullying, hazing, or similar behavior to a teacher, counselor, other school employee, or to any parent chaperoning or supervising a school function or activity. Any such report shall remain *confidential*.

School Personnel

Any school employee, whether full- or part-time, and any parent/volunteer chaperoning or supervising a school function or activity, who witnesses or learns of bullying, hazing or similar behavior from a student or parent, immediately shall report the incident to the principal or his/her designee. Verbal reports shall be submitted by the employee or parent/volunteer on the same day as the employee or parent/volunteer witnessed or otherwise learned of the incident, and a written report shall be filed no later than two (2) days thereafter.

All other members of the school community, including students, parents/legal guardians, volunteers, and visitors shall be encouraged to report any act that may be a violation of this policy to the principal or his/her designee.

False Reports

Intentionally making false reports about bullying, hazing, or similar behavior to school officials shall be prohibited conduct and shall result in appropriate disciplinary measures as determined by the School Board.

INVESTIGATION PROCEDURE

Investigations of any reports of bullying, hazing, or similar behavior of a student shall be in accordance with the following:

1. Timing

The school shall begin an investigation of any complaint that is properly reported and that alleges the prohibited conduct the next business or school day after the report is received by the principal or his/her designee. The investigation shall be completed as expeditiously as possible, but not later than ten (10) school days after the date the written report of the incident is submitted to the principal or his/her designee. If additional information is received after the end of the ten-day period, the school principal or his/her designee shall amend all documents and reports required to reflect such information.

2. Scope of Investigation

An investigation shall include documented interviews of the reporter, the alleged victim, the alleged bully or offender, and any witnesses, and shall include obtaining oral, visual or written evidence, including, but not limited to statements, writings, recordings, electronic messages, and photographs. Interviews shall be conducted privately, separately, and confidentially. Unless necessary for the purpose of the investigation, the alleged offender and alleged victim shall not be interviewed together.

The principal or his/her designee shall collect and evaluate all facts using the *Bullying Investigation* form.

3. Parental Notification

Upon receiving a report of bullying, hazing, or similar behavior, the school shall notify the parents or legal guardians of the alleged offender and the alleged victim no later than the following business or school day. Delivery of notice to the parents or legal guardians by an involved student shall **not** constitute the required parental notice.

Before any student under the age of eighteen (18) is interviewed, his/her parent or legal guardian shall be notified by the principal or his/her designee of the allegations made and shall have the opportunity to attend any interviews with their child conducted as part of the investigation.

All meetings with the parents or legal guardians of the alleged victim and the parents or legal guardians of the alleged offender shall be in compliance with the following:

- A. Separate meetings shall be held with the parents or legal guardians of the alleged victim and the parents or legal guardians of the alleged offender.
- B. Parents or legal guardians of the alleged victim and of the alleged offender shall be informed of the potential consequences, penalties, and counseling options.

In any case where a teacher, principal, or other school employee is authorized to require the parent or legal guardian of a student who is under the age of eighteen (18) and not judicially emancipated or emancipated by marriage 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, pursuant to Louisiana Children's Code, Article 730 or Article 731, with a court exercising juvenile jurisdiction. The principal may also file a complaint on the grounds the student is a truant or has willfully and repeatedly violated school rules, or any other applicable ground when, in his/her

judgment, doing so is in the best interests of the student.

4. Documentation

At the conclusion of an investigation of bullying, hazing, or similar behavior, and after meeting with the parents or legal guardians, the principal or his/her designee or School Board shall:

- A. Prepare a written report containing the findings of the investigation, including input from students' parents or legal guardians, and the decision by the principal or his/her designee or school system official. The document shall be placed in the school records of both students.
- B. Promptly notify the reporter/complainant of the findings of the investigation and whether remedial action has been taken, if such release of information does not violate the law.
- C. Keep reports/complaints and investigative reports confidential, except where disclosure is required to be made by applicable federal laws, rules, or regulations or by state law.
- D. Maintain reports/complaints and investigative reports for three (3) years.
- E. As applicable, provide a copy of any reports and investigative documents to the School Board for disciplinary measures, or to the Louisiana Department of Education, as necessary.

During the pendency of an investigation, the school district may take immediate steps, at its discretion, to protect the alleged victim, students, teachers, administrators or other school personnel pending completion of the investigation.

Handling Evidence

Whenever an employee/administrator receives notice of a bullying or hazing, or similar behavior, such as threats, any physical evidence of the act/communication shall be secured in the building administrator's office with as little physical contact as possible. If the act/communication is in the form of graffiti, the area shall be sealed off by the building administrator. Photographs shall be taken as soon as possible. Student/public exposure shall be as minimal as possible. Graffiti shall not be removed until law enforcement has properly examined the area.

APPEAL

If the school principal or his/her designee does not take timely and effective action in any bullying incident, the student, parent, or school employee may report, in writing, the incident to the School Board. The School Board shall begin an investigation of any

properly reported complaint that alleges prohibited conduct the next business day during which school is in session after the report is received by the School Board.

If the School Board does not take timely and effective action, the student, parent, or other school employee may report any bullying incident to the Louisiana Department of Education.

DISCIPLINARY ACTION

Once a report has been received at a school, and a school principal or his/her designee has determined that an act of bullying, hazing, or similar behavior has occurred, and after having met with the parent or legal guardian of the student involved, the principal or his/her designee, or applicable school official shall take prompt and appropriate disciplinary action against the student, and report criminal conduct to law enforcement. Counseling and/or other interventions may also be recommended.

Students may be disciplined for off-campus bullying, hazing, or similar behavior the same as if the improper conduct occurred on campus, if the actions of the offender substantially interferes with the education opportunities or educational programs of the student victim and/or adversely affects the ability of the student victim to participate in or benefit from the school's education programs or activities.

PARENTAL RELIEF

If a parent, legal guardian, teacher, or other school official has made four (4) or more reports of separate instances of bullying, and no investigation pursuant to state law or this policy has occurred, the parent or legal guardian of the alleged victim may request that the student be transferred to another school operated by the School Board.

Such request shall be filed with the Superintendent. Upon receipt of the request to transfer the student to another school, the School Board shall make a seat available at another school under its jurisdiction within ten (10) school days of the parent or legal guardian's request for a transfer. If the School Board has no other school under its jurisdiction serving the grade level of the victim, within fifteen (15) school days of receiving the request, the Superintendent shall:

1. Inform the student and his/her parent or legal guardian and facilitate the student's enrollment in a statewide virtual school.
2. Offer the student a placement in a full-time virtual program or virtual school under the School Board's jurisdiction.
3. Enter into a memorandum of understanding with the Superintendent or director of another governing authority to secure a placement and provide for the transfer of the student to a school serving the grade level of the student, in accordance with statutory provisions.

If no seat or other placement is made available within thirty (30) calendar days of the receipt of the request by the Superintendent, the parent or legal guardian may request a hearing with the School Board, which shall be public or private at the option of the parent or legal guardian. The School Board shall grant the hearing at the next scheduled meeting or within sixty (60) calendar days, whichever is sooner.

At the end of any school year, the parent or legal guardian may make a request to the School Board to transfer the student back to the original school. The School Board shall make a seat available at the original school that the student attended. No other schools shall qualify for transfer under this provision.

TRAINING

The School Board shall provide a minimum of four (4) hours of training for all new employees who have contact with students and two (2) hours of training each subsequent year for all school employees who have contact with students, including bus operators, with respect to bullying, in accordance with state statutory provisions.

RETALIATION

Retaliation against any person who reports bullying, hazing, or similar behavior in good faith, who is thought to have reported such behavior, who files a complaint, or who otherwise participates in an investigation or inquiry concerning allegations of bullying, hazing, or similar behavior is prohibited conduct and subject to disciplinary action.

CHILD ABUSE

The provisions of this policy shall not be interpreted to conflict with or supersede the provisions requiring mandatory reporting pursuant to Louisiana Children's Code, Art. 609 and as enforced through La. Rev. Stat. Ann. §14:403.

Revised: July, 2004

Revised: September, 2018

Revised: August, 2010

Revised: November, 2012

Revised: October 8, 2013

Ref: 20 USC 1232(g-i) (*Family Educational Rights and Privacy Act*); La. Rev. Stat. Ann. "14:40.3, 14:40.7, 14:40.8, 14:403, 17:105, 17:105.1, 17:183, 17:416, 17:416.1, 17:416.13; La. Children's Code, Art. 609, 730, 731; Davis v. Monroe County Board of Education, 119 S. Ct. 1661 (1991); Board minutes, 8-5-03, 12-7-04, 10-5-10, 2-5-13, 10-8-13.

DISMISSAL OF EMPLOYEES

~~The Calcasieu Parish School Board shall strive to assist personnel in adjusting to their positions and performing their duties satisfactorily.~~

With the exception of lay-offs caused by programmatic changes, budget cuts, staff reorganizations, and/or other personnel actions reducing numbers of employees, no Calcasieu Parish School Board employee shall be dismissed except as provided ~~below~~ by state law and this policy. ~~Any school employee shall be dismissed by the Superintendent or by the School Board, in accordance with statutory provisions, upon final conviction of or pleading *nolo contendere* to certain crimes enumerated in La. Rev. Stat. Ann. §15:587.1 and/or any other felony offense.~~

CRIMINAL OFFENSES

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

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

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

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

ABANDONMENT OF POSITION

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

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

CERTIFICATED EMPLOYEES

Non-tenured Teachers

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

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

Tenured Teachers

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

Contract Appointees

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

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

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

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

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

NON-CERTIFICATED EMPLOYEES

Non-Tenured Bus Operators

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

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

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

~~A non-tenured bus operator may also be dismissed by the School Board upon the Superintendent's written recommendation. The employee shall not be entitled to a hearing before the School Board.~~

Tenured Bus Operators

~~The School Board may dismiss any tenured bus operator only after written and signed charges against the bus operator, and the bus operator have been prepared by the Superintendent and submitted to the School Board. The School Board, if it decides to~~

~~proceed upon the charges, shall notify the bus operator 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 bus operator.~~ A tenured bus operator may be dismissed for willful neglect of duty, or incompetence, or immorality, or drunkenness while on duty, or failure to comply with requirements of La. Rev. Stat. Ann. §17:491.3 relative to being arrested for one or more of the specified offenses, or physical disability to perform his/her duties, or failure to keep his/her transfer equipment in a safe, comfortable, and practical operating condition, or of being a member of or contributing to any group, organization, movement, or corporation that is prohibited by law or injunction from operating in the state, ~~and then only if found guilty after a hearing by the School Board by a majority of the School Board's membership.~~

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

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

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

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

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

School Employees

The Superintendent may terminate the employment of any school employee whose dismissal is not governed by the provisions of La. Rev. Stat. Ann. §§17:441-446, or by the provisions of La. Rev. Stat. Ann. §§17:491-494, or other School Board policy, after providing such employee with the written reasons therefor and providing the employee the opportunity to respond. The employee shall have ten (10) days from the date of the Superintendent's written reasons for termination to respond, and such response shall be included in the employee's personnel file. If the employee chooses to respond, the Superintendent shall make a final determination regarding dismissal and will send notice thereof to the employee. If no response is received by the Superintendent within ten (10) days from the date of the Superintendent's written reasons for termination, the Superintendent's action shall be considered final with no further review or notice to the employee. If circumstances require immediate removal of an employee from employment the Superintendent may terminate employment without following the above procedure, but the employee will as soon as practicable thereafter be informed of the reasons for termination and be given an opportunity to respond. Such employee may file a request for review of the termination by the Superintendent within ten (10) days from the date of termination. The request shall provide the employee's response to the reasons for termination given by the Superintendent. The Superintendent will respond to the request in writing, and if the employee is fully reinstated, the employee may, in the discretion of the Superintendent, be paid for work time during which he or she was removed from the employment. No employee who is terminated pursuant to the provisions of this paragraph shall be entitled to a hearing before the School Board.

Revised: November, 1985

Revised: December, 1990

Revised: December, 1992

Revised: November, 2003

Combined with GCN: December, 2006

Revised: September, 2010

Revised: October 2, 2012

Revised: October 8, 2013

Revised: September 9, 2014

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

DISMISSAL OF EMPLOYEES

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

CRIMINAL OFFENSES

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

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

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

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

ABANDONMENT OF POSITION

If an employee is absent for ten (10) or more days without explanation or approved leave, the School Board may consider the job as abandoned and the employee may be terminated, unless the employee can provide acceptable and verifiable evidence of extenuating circumstances. The Superintendent or his/her designee shall be responsible for determining acceptability of evidence of extenuating circumstances.

CERTIFICATED EMPLOYEES

Non-tenured Teachers

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

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

Tenured Teachers

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

Contract Appointees

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

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

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

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

NON-CERTIFICATED EMPLOYEES

Non-Tenured Bus Operators

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

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

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

Tenured Bus Operators

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

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

1. the abolition, discontinuance, or consolidation of routes, but then only if it is found as a fact, based upon a determination by the Superintendent that it is in the best interests of the school system to abolish, discontinue, or consolidate said route or routes. If abolition, discontinuance, or

consolidation of bus routes is approved, the principle of seniority shall apply, so that the last school bus operator hired to serve within the school system to be affected shall be the first to be removed.

2. conviction of or plea of nolo contendere to a violation of a parish or municipal ordinance that prohibits operating a vehicle while intoxicated or any of the existing state offenses relative to operating a vehicle while intoxicated, as enumerated in La. Rev. Stat. Ann. §17:493, regardless of whether the violation occurred while performing in his/her official capacity as a school bus operator at the time of the offense.

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

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

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

School Employees

The Superintendent may terminate the employment of any school employee whose dismissal is not governed by the provisions of La. Rev. Stat. Ann. §§17:441-446, or by the provisions of La. Rev. Stat. Ann. §§17:491-494, or other School Board policy, after providing such employee with the written reasons therefor and providing the employee the opportunity to respond. The employee shall have ten (10) days from the date of the Superintendent's written reasons for termination to respond, and such response shall be included in the employee's personnel file. If the employee chooses to respond, the Superintendent shall make a final determination regarding dismissal and will send notice thereof to the employee. If no response is received by the Superintendent within ten (10) days from the date of the Superintendent's written reasons for termination, the Superintendent's action shall be considered final with no further review or notice to the employee. If circumstances require immediate removal of an employee from employment

the Superintendent may terminate employment without following the above procedure, but the employee will as soon as practicable thereafter be informed of the reasons for termination and be given an opportunity to respond. Such employee may file a request for review of the termination by the Superintendent within ten (10) days from the date of termination. The request shall provide the employee's response to the reasons for termination given by the Superintendent. The Superintendent will respond to the request in writing, and if the employee is fully reinstated, the employee may, in the discretion of the Superintendent, be paid for work time during which he or she was removed from the employment. No employee who is terminated pursuant to the provisions of this paragraph shall be entitled to a hearing before the School Board.

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

EMPLOYEE DISCIPLINE

The Superintendent and his/her designee shall possess the authority to discipline employees when an employee's behavior warrants such action. A principal shall have the authority to recommend to the Superintendent when appropriate that employees at the school in which he/she is employed should be disciplined.

Discipline of an employee shall be progressive in nature such that penalties for poor job performance or broken rules become increasingly harsh as similar or related conditions continue or infractions are repeated. Such progressive discipline, however, shall not inhibit the Superintendent's authority or, in the case of certain employees, the School Board's authority, to discipline, suspend, or terminate an employee based on the circumstances of any single event. Documentation of employee behavior, employee performance and any disciplinary action taken shall be properly and thoroughly recorded.

Should any disciplinary measure become necessary, any documentation shall be considered *confidential* and treated in accordance with statutory provisions and School Board policy.

TEACHERS

Hearing procedures are statutorily required for certain disciplinary actions for teachers as defined below. However, such procedures do not prevent the Superintendent and/or principal from taking other disciplinary measures which do not require a hearing, as he/she feels appropriate.

Definitions

For the purpose of this section:

Discipline and *disciplinary action* shall include **only** suspension without pay, reduction in pay, involuntary demotion, or dismissal.

Written notice shall be considered given when the notice is hand delivered to the teacher, or on the day it is delivered to the teacher by registered mail, certified mail, or a commercial courier.

Non-Tenured Teachers

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

hearing before the School Board.

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

Tenured Teachers

A teacher with tenure shall not be disciplined except upon written and signed charges by the Superintendent or his/her designee of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state of Louisiana, and then only if furnished with a copy of such written charges and given the opportunity to respond.

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

Within ten (10) calendar days after written notice of the interim disciplinary action or within ten (10) calendar days after receipt of the teacher's response if no interim disciplinary action is taken, a teacher may request a hearing before a disciplinary hearing officer. If the teacher fails to timely request a hearing, the disciplinary action shall become final.

Hearing Procedures

Upon request for a review hearing, the Superintendent shall randomly appoint a hearing officer from a list of persons previously approved by the School Board as *disciplinary hearing officers*. If the school district serves fewer than twenty thousand students, the School Board shall maintain a list of at least five (5) hearing officers. If the school district serves twenty thousand students or more, the School Board shall maintain a list of at least ten (10) hearing officers. All hearing officers shall be qualified to serve as a disciplinary hearing officer in accordance with state law. If the School Board fails to maintain such a list, the Superintendent may randomly appoint a hearing officer from a list of persons previously approved by the Louisiana Board of Elementary and Secondary Education.

Such hearing may be private or public, at the option of the teacher, and shall commence no sooner than ten (10) calendar days nor later than thirty (30) calendar days after receipt

of the teacher's request for such hearing. The disciplinary hearing officer shall have the power to issue subpoenas, and shall conduct the hearing in accordance with procedures adopted by the School Board.

The teacher shall have the right to appear before the disciplinary hearing officer with witnesses on his/her behalf and with counsel of his/her selection. The disciplinary hearing officer shall hold a hearing and review on whether the interim decision of the Superintendent was arbitrary or capricious and shall either affirm or reverse the action of the Superintendent. The disciplinary hearing officer shall notify the Superintendent and the teacher of his/her final determination, with written reasons, within ten (10) days from the date of the hearing. If the Superintendent's disciplinary action is affirmed, it shall become effective upon the teacher's receipt of the decision of the disciplinary hearing officer. If the Superintendent's disciplinary action is reversed, the teacher shall be restored to duty.

Within sixty (60) days from the postmarked date of such written notification of the decision of the disciplinary hearing officer, the School Board or the teacher may petition a court of competent jurisdiction to review the matter as a summary proceeding.

The time periods contained above may be extended by mutual agreement of the parties.

BUS OPERATORS/CONTRACT APPOINTEES

The Superintendent shall have the authority to discipline tenured bus operators and persons employed on performance contracts, including suspension with or without pay, when circumstances necessitate immediate action. If sufficient grounds for suspension without pay are subsequently not found to exist by the School Board or Superintendent, the bus operator or contract appointee shall be reimbursed for any loss of compensation.

NON-TENURED EMPLOYEES

The Superintendent shall have the authority to discipline, including suspension, any non-tenured, non-contract employee with or without pay, when circumstances warrant such action.

New policy: November, 2006
Revised: July, 2012
Revised: September 9, 2014
Revised: October, 2018

Ref: La. Rev. Stat. Ann. "17:81, 17:81.8, 17:443; 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; Board minutes, 2-6-07, 10-2-12, 9-9-14.

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

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

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Such hearing may be private or public, at the option of the teacher, and shall commence no sooner than ten (10) calendar days nor later than thirty (30) calendar days after receipt

of the teacher's request for such hearing. The disciplinary hearing officer shall have the power to issue subpoenas, and shall conduct the hearing in accordance with procedures adopted by the School Board.

The teacher shall have the right to appear before the disciplinary hearing officer with witnesses on his/her behalf and with counsel of his/her selection. The disciplinary hearing officer shall hold a hearing and review on whether the interim decision of the Superintendent was arbitrary or capricious and shall either affirm or reverse the action of the Superintendent. The disciplinary hearing officer shall notify the Superintendent and the teacher of his/her final determination, with written reasons, within ten (10) days from the date of the hearing. If the Superintendent's disciplinary action is affirmed, it shall become effective upon the teacher's receipt of the decision of the disciplinary hearing officer. If the Superintendent's disciplinary action is reversed, the teacher shall be restored to duty.

Within sixty (60) days from the postmarked date of such written notification of the decision of the disciplinary hearing officer, the School Board or the teacher may petition a court of competent jurisdiction to review the matter as a summary proceeding.

The time periods contained above may be extended by mutual agreement of the parties.

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The Superintendent shall have the authority to discipline tenured bus operators and persons employed on performance contracts, including suspension with or without pay, when circumstances necessitate immediate action. If sufficient grounds for suspension without pay are subsequently not found to exist by the School Board or Superintendent, the bus operator or contract appointee shall be reimbursed for any loss of compensation.

NON-TENURED EMPLOYEES

The Superintendent shall have the authority to discipline, including suspension, any non-tenured, non-contract employee with or without pay, when circumstances warrant such action.

New policy: November, 2006
Revised: July, 2012
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Ref: La. Rev. Stat. Ann. "17:81, 17:81.8, 17:443; 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; Board minutes, 2-6-07, 10-2-12, 9-9-14.

HEARING PROCEDURES FOR EMPLOYEE DISCIPLINE

La. Rev. Stat. Ann. §17:443, ~~and~~ La. Rev. Stat. Ann. §17:444, ~~and~~ La. Rev. Stat. Ann. §17:493 require school districts to utilize Disciplinary Hearing Officers (DHO) when certain disciplinary actions as defined by law are contemplated against tenured teachers, ~~and against~~ administrators, ~~and~~ permanent school bus operators. This procedure shall govern the conduct of such hearings before a DHO within the school district.

I. LIST OF HEARING OFFICERS

A list of persons meeting ~~those~~ qualifications imposed by law to serve as a DHO shall be approved and maintained by the School Board. The minimum number of persons on such list shall be fixed in accordance with law depending upon the number of students enrolled in the school district.

II. SELECTION OF DISCIPLINARY HEARING OFFICERS; CONFLICTS OF INTEREST

When the services of a DHO are required, the Superintendent shall randomly select the name of a DHO from the School Board-approved list in the presence of at least one witness, shall immediately provide the DHO with notice of selection and shall provide the teacher, ~~or~~ administrator, ~~or~~ school bus operator with the name and contact information of the DHO. Such random appointment shall be made by the use of either a random name generator or by the blind drawing of a name from the entire list of School Board-approved DHOs.

Within five (5) days of notice of selection of the DHO each party shall provide the DHO and the other party with a list of potential witnesses. The DHO must promptly respond to the parties with a notification attesting to both the DHO's continued qualification to serve and the absence of a conflict of interest that would prohibit him/her from serving.

In the event that the DHO selected is an immediate family member of any of the parties or witnesses to testify at the hearing, prohibited from serving due to a conflict of interest proscribed by the *Louisiana Rules of Professional Conduct*, or is otherwise unavailable to conduct the hearing within the time delays provided by law, another name shall be randomly selected.

III. COMPENSATION OF DISCIPLINARY HEARING OFFICERS

Each person selected as a DHO shall be entitled to compensation at the maximum rate provided for attorneys with like experience by the Louisiana Attorney

General. The DHO shall submit a detailed, itemized invoice to the Superintendent no later than fifteen (15) days after the conclusion of his/her duties. The invoice of the DHO shall be paid by this School Board no later than forty-five (45) days after submission. Any expense for which reimbursement is sought must be supported by detailed receipts.

IV. DUTIES OF AND RESPONSIBILITIES DISCIPLINARY HEARING OFFICERS

The DHO appointed as provided herein shall have the duty and responsibility to:

- A. Confer with the parties and their counsel regarding scheduling;
- B. Advise the teacher, ~~or~~ administrator, ~~or school bus operator~~ that the hearing will be either public or private, at the option of the teacher, ~~or~~ administrator, ~~or school bus operator~~;
- C. Review whether the interim decision of the Superintendent was arbitrary or capricious and shall either affirm or reverse the action of the Superintendent;
- D. Notify the Superintendent and the teacher, ~~or~~ administrator, ~~or school bus operator~~ of his/her final determination, with written reasons, within ten (10) days of the conclusion of the hearing;
- E. Maintain and safeguard all exhibits accepted or proffered into evidence at the hearing; and
- F. Such other duties and responsibilities as may be imposed upon him/her by law and/or this policy.

V. POWERS AND AUTHORITY OF DISCIPLINARY HEARING OFFICERS

The DHO appointed as provided herein shall have the powers and authority to:

- A. Schedule the date, time and location of the hearing, if the parties cannot agree;
- B. Administer oaths and affirmations;
- C. Regulate the course and conduct of the hearings;
- D. Fix the time for filing pre or post-hearing briefs, if requested;
- E. Direct the parties to appear and confer to consider simplification of the issues; and

- F. Sign and issue subpoenas requiring attendance, giving of testimony by witnesses, and/or production of documents at the hearing.

All parties shall have the right to (1) present evidence on issues of fact, (2) present argument on issues of law and policy, and (3) conduct such examination of witnesses as may be required for the development of a complete record, subject to the authority of the DHO to regulate the course and conduct of the proceedings.

VI. GENERAL RULES CONCERNING HEARINGS

- A. Hearings shall be scheduled in accordance with the timelines established by law and shall be held in private or open session, at the option of the teacher, ~~or~~ administrator, ~~school bus operator~~. Hearings shall be held at the School Board's central office, unless a different location is fixed by the DHO.
- B. Hearings shall be conducted on weekdays during normal business hours, unless the DHO determines that the just and efficient completion of the hearing, compliance with the mandated delays, or the DHO's, counsel's or party's schedule requires a deviation from such times.
- C. The DHO may suspend a hearing, upon both parties' agreement and request, when it appears that a resolution of the disciplinary action at issue has been reached between the parties. Before the proceedings are dismissed, the fact of such resolution, but not the terms thereof, shall be entered upon the record of such proceedings. Any verbal agreements placed into the record shall be memorialized in writing and signed by all parties within seven (7) calendar days.
- D. The DHO shall require that the proceedings be conducted with dignity and in an orderly and expeditious manner and shall control the proceedings so that justice is done.
- E. The normal order of the hearing shall be as follows:
1. The opening statements ~~by~~ ~~of~~ the Superintendent and the teacher, ~~or~~ administrator, ~~school bus operator~~, in that order;
 2. The presentation of the evidence of the Superintendent and of the teacher, ~~or~~ administrator, ~~or school bus operator~~, in that order;
 3. The presentation of the evidence of the Superintendent in rebuttal; and

4. The argument of the Superintendent, of the teacher, or administrator, or school bus operator, and of the Superintendent in rebuttal, in that order.

This order may be varied by the DHO when circumstances so justify.

- F. Before testifying, every witness shall be required to declare that he will testify truthfully, by oath or affirmation.
- G. A witness who is subpoenaed but who fails to appear or a witness who appears but refuses to testify without proper cause shall be considered in contempt, and the DHO may apply to a district judge in the Parish where the hearing is being held for an Order holding the recalcitrant witness in contempt.
- H. The DHO may order, upon a showing of appropriate safeguards, live testimony of a witness to be presented during the hearing by teleconference, video link, or other visual remote technology, if the witness is beyond the subpoena power of the DHO or when compelling circumstances are shown.
- I. Formal exceptions to rulings or orders of the DHO are unnecessary. Contemporaneous objections with the reasons stated therefore to such rulings are sufficient.
- J. In all cases, the DHO shall state the reason for his ruling as to the inadmissibility of the evidence.
- K. When the DHO rules against the admissibility of any evidence, he shall either permit the party offering such evidence to make a complete record thereof, or permit the party to make a statement setting forth the nature of the evidence.
- L. At the request of any party, the DHO may allow any excluded evidence to be proffered, subject to cross-examination on the record during a recess or such other time as the DHO shall designate. When the record is completed during a recess or other designated time, there will be no necessity for the requesting party to make a statement setting forth the nature of the evidence.
- M. If the DHO permits a party to make a complete record of the evidence held inadmissible, it shall allow any other party the opportunity to make a record in the same manner of any evidence bearing upon the evidence held to be inadmissible or, in case of the unavailability of such evidence or inability of the other party to do so, to make a statement setting forth the nature of the evidence.

- N. The Louisiana Administrative Code is not applicable to hearings conducted before the DHO. In addition, a strict interpretation of the Louisiana Code of Evidence shall not be used to exclude evidence when, in the opinion of the DHO, the principles underlying the Code of Evidence and attendant circumstances suggest that such evidence is competent and reliable.
- O. Each hearing shall be recorded by a certified court reporter.
- P. Such court reporter's appearance fee shall be paid by the School Board within forty-five (45) days of the presentation of an invoice.
- Q. Upon the request of any party to the DHO, he/she shall request the court reporter to transcribe the record of the entire hearing and transmit the original transcript of the hearing to the DHO. The requesting party shall be obligated to pay all costs and fees associated with the transcription of the hearing by the certified court reporter and for obtaining a copy thereof. Notice of such request for transcription shall be contemporaneously transmitted to all parties who may obtain a copy of such transcript from the court reporter upon paying for same.
- R. Upon request of any party directed to the DHO, he/she shall cause the original transcript of the hearing and all exhibits accepted or proffered into evidence to be filed with the appropriate district court. The requesting party shall be obligated to pay all costs and fees associated with the filing of the transcript and exhibits directly to the clerk of court at the time of filing.
- S. All exhibits accepted or proffered into evidence shall be maintained and safeguarded by the DHO for a period of not less than 120 days after transmission of his/her final determination to the Superintendent. After the expiration of such 120 day period, all evidence shall be sealed and returned to the Superintendent.
- T. The DHO shall not be called as a witness upon review by the District Court, unless there is a dispute as to the formalities required by law for such hearings and only when ordered by the District Court.

~~New procedures:~~ November 18, 2014;

Calcasieu Parish School Board

HEARING PROCEDURES FOR EMPLOYEE DISCIPLINE

La. Rev. Stat. Ann. §17:443, La. Rev. Stat. Ann. §17:444, and La. Rev. Stat. Ann. §17:493 require school districts to utilize Disciplinary Hearing Officers (DHO) when certain disciplinary actions as defined by law are contemplated against tenured teachers, administrators, and permanent school bus operators. This procedure shall govern the conduct of such hearings before a DHO within the school district.

I. LIST OF HEARING OFFICERS

A list of persons meeting qualifications imposed by law to serve as a DHO shall be approved and maintained by the School Board. The minimum number of persons on such list shall be fixed in accordance with law depending upon the number of students enrolled in the school district.

II. SELECTION OF DISCIPLINARY HEARING OFFICERS; CONFLICTS OF INTEREST

When the services of a DHO are required, the Superintendent shall randomly select the name of a DHO from the School Board-approved list in the presence of at least one witness, shall immediately provide the DHO with notice of selection and shall provide the teacher, administrator, or school bus operator with the name and contact information of the DHO. Such random appointment shall be made by the use of either a random name generator or by the blind drawing of a name from the entire list of School Board-approved DHOs.

Within five (5) days of notice of selection of the DHO each party shall provide the DHO and the other party with a list of potential witnesses. The DHO must promptly respond to the parties with a notification attesting to both the DHO's continued qualification to serve and the absence of a conflict of interest that would prohibit him/her from serving.

In the event that the DHO selected is an immediate family member of any of the parties or witnesses to testify at the hearing, prohibited from serving due to a conflict of interest proscribed by the *Louisiana Rules of Professional Conduct*, or is otherwise unavailable to conduct the hearing within the time delays provided by law, another name shall be randomly selected.

III. COMPENSATION OF DISCIPLINARY HEARING OFFICERS

Each person selected as a DHO shall be entitled to compensation at the maximum rate provided for attorneys with like experience by the Louisiana Attorney

General. The DHO shall submit a detailed, itemized invoice to the Superintendent no later than fifteen (15) days after the conclusion of his/her duties. The invoice of the DHO shall be paid by this School Board no later than forty-five (45) days after submission. Any expense for which reimbursement is sought must be supported by detailed receipts.

IV. **DUTIES OF AND RESPONSIBILITIES DISCIPLINARY HEARING OFFICERS**

The DHO appointed as provided herein shall have the duty and responsibility to:

- A. Confer with the parties and their counsel regarding scheduling;
- B. Advise the teacher, administrator, or school bus operator that the hearing will be either public or private, at the option of the teacher, administrator, or school bus operator;
- C. Review whether the interim decision of the Superintendent was arbitrary or capricious and shall either affirm or reverse the action of the Superintendent;
- D. Notify the Superintendent and the teacher, administrator, or school bus operator of his/her final determination, with written reasons, within ten (10) days of the conclusion of the hearing;
- E. Maintain and safeguard all exhibits accepted or proffered into evidence at the hearing; and
- F. Such other duties and responsibilities as may be imposed upon him/her by law and/or this policy.

V. **POWERS AND AUTHORITY OF DISCIPLINARY HEARING OFFICERS**

The DHO appointed as provided herein shall have the powers and authority to:

- A. Schedule the date, time and location of the hearing, if the parties cannot agree;
- B. Administer oaths and affirmations;
- C. Regulate the course and conduct of the hearings;
- D. Fix the time for filing pre or post-hearing briefs, if requested;
- E. Direct the parties to appear and confer to consider simplification of the issues; and

- F. Sign and issue subpoenas requiring attendance, giving of testimony by witnesses, and/or production of documents at the hearing.

All parties shall have the right to (1) present evidence on issues of fact, (2) present argument on issues of law and policy, and (3) conduct such examination of witnesses as may be required for the development of a complete record, subject to the authority of the DHO to regulate the course and conduct of the proceedings.

VI. **GENERAL RULES CONCERNING HEARINGS**

- A. Hearings shall be scheduled in accordance with the timelines established by law and shall be held in private or open session, at the option of the teacher, administrator, school bus operator. Hearings shall be held at the School Board's central office, unless a different location is fixed by the DHO.
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- I. Formal exceptions to rulings or orders of the DHO are unnecessary. Contemporaneous objections with the reasons stated therefor to such rulings are sufficient.
- J. In all cases, the DHO shall state the reason for his ruling as to the inadmissibility of the evidence.
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- S. All exhibits accepted or proffered into evidence shall be maintained and safeguarded by the DHO for a period of not less than 120 days after transmission of his/her final determination to the Superintendent. After the expiration of such 120 day period, all evidence shall be sealed and returned to the Superintendent.
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November 18, 2014;

Calcasieu Parish School Board