

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 843-951

DIVISION "D"

S.L., *INDIVIDUALLY AND ON BEHALF OF HER MINOR CHILD, I.L.*

VERSUS

JEFFERSON PARISH SCHOOL BOARD AND JAMES GRAY

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into by [REDACTED] individually and on behalf of her minor child, [REDACTED] (collectively "Plaintiffs") and the Jefferson Parish School Board ("District") and James Gray, (collectively "Defendants"), who having negotiated a settlement as to the above-captioned matter and being satisfied that all claims therein, as stated in Plaintiffs' Amended Petition filed on September 11, 2023, are capable of being resolved, do hereby agree to abide by and fulfill the following terms and conditions of this Agreement:

I. SUBSTANTIVE OBLIGATIONS

In consideration of the covenants, agreements and representations hereinafter set forth, Plaintiffs and Defendants (collectively "the Parties"), and each of them, agree as follows:

1. The District agrees that all students must be afforded due process consistent with Louisiana Revised Statute § 17:416 prior to any involuntary placement (other than an IEP placement made by a student's IEP team) in an alternative school or alternative program. Within thirty (30) days of the full execution of this Agreement by all Parties, the District shall amend its "School Admission" policy (Board Policy JBC) to adopt the language set forth in Attachment A of this Agreement; shall amend its "Expulsion" policy (Board Policy JBE) to adopt the language set forth in Attachment B of this Agreement; and shall amend its "Discipline" policy (Board Policy JD) to adopt the language set forth in Attachment C of this Agreement.
2. The District agrees that no student shall be subjected to alternative placement for a felony conviction or incarceration in a juvenile institution for a felony-grade delinquent act without obtaining confirmation of said conviction or incarceration from the court in which the proceedings were held. Within thirty (30) days of the full execution of this Agreement by all Parties, the District shall amend its "School Admission" policy (Board Policy JBC) to adopt the language set forth in Attachment A of this Agreement; shall amend its "Expulsion" policy (Board Policy JBE) to adopt the language set forth in Attachment B of

this Agreement; and shall amend its "Discipline" policy (Board Policy JD) to adopt the language set forth in Attachment C of this Agreement.

3. Within thirty (30) days of the full execution of this Agreement by all Parties, the District shall amend all internal and external forms, documents, procedures, and policies related to student placement in alternative schools and alternative education programs to be consistent with the language outlined in Paragraph (1) and (2) above and Attachments A, B, and C of this Agreement. Specifically, the District agrees to modify all forms, documents, procedures, and policies as needed to ensure that all students are afforded due process consistent with Louisiana Revised Statute § 17:416 prior to involuntary alternative placement and that no student is subjected to alternative placement for a felony conviction or incarceration in a juvenile institution for a felony-grade delinquent act without obtaining confirmation of said conviction or incarceration from the court in which the proceedings were held.
4. Within forty-five (45) days of the full execution of this Agreement, the District agrees to notify and train all District staff who are involved in the admission, enrollment, and/or discipline of students on the changes in policy and procedures concerning student placement in alternative schools and alternative education programs as set forth in Paragraphs (1) – (3) above.

5.

[REDACTED]

Also within fifteen (15) days of the full execution of this Agreement by all Parties, the District shall remove any references to a disciplinary alternative placement from [REDACTED]'s educational records to the extent such references exist. Where any reference to attendance at Frederick Douglass Alternative School remains on [REDACTED]'s educational records during the Fall semester of the 2023-2024 school year, the District shall make a note that it was a non-disciplinary placement.

6.

7.

8. Within five (5) days of the execution of this Agreement by all Parties, Plaintiffs shall file a motion to dismiss the above-captioned matter in the 24th Judicial District Court for the

Parish of Jefferson. Plaintiffs acknowledge and agree that the dismissal of the matter shall be with prejudice.

II. OTHER TERMS

9. It is understood, acknowledged, and agreed that this is a compromise of the above-referenced dispute and that nothing contained herein shall be construed as an admission of liability, act, omission, or fault by any Party.
10. Each Party to this Agreement acknowledges and certifies that he or she has carefully read this instrument, that each party has executed this Agreement freely and of their own accord, that the District representative and the Plaintiffs' representative who sign this Agreement have the authority of their respective Party to sign on its behalf and to bind the respective Party to these terms, and that this Agreement resolves all existing claims between the Parties pertaining to the above captioned matter.
11. It is understood and agreed that this Agreement may be executed in a single original or in multiple originals, and that copies of any of which shall be deemed original and may be used for any and all purposes.
12. It is understood and agreed that this Agreement constitutes the entire substance of the Agreement reached by the Parties regarding the above-captioned matter.
13. The Parties agree that this Agreement does not confer prevailing party status on any Party for any purpose. The Parties agree that this Agreement does not confer prevailing party status on any Party for any purpose.
14. Prior to filing of any action to enforce the Agreement, the Parties will confer to attempt to amicably resolve any alleged non-compliance.
15. A breach of this Agreement, as determined by a court or administrative agency of competent jurisdiction, shall entitle the non-breaching party to legal and equitable remedies, as determined by such competent court or agency, including reimbursement for reasonable attorney's fees and costs.
16. The Parties represent and warrant that the undersigned are authorized to act on behalf of the respective Parties and have the authority to bind the respective Parties with respect to this Agreement. This Agreement shall be binding on the Parties and their employees, agents, contractors, subcontractors, successors, assigns, representatives, and trustees.

SIGNATURES

The undersigned declare that they have read and understand this document and its terms and freely enter into this Agreement.

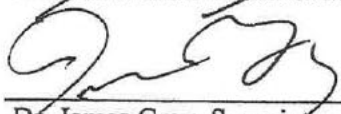
Dated: 2/8/24 By:



Dated: By:

~~Ajit Pethe, Chief of Student Support
Jefferson Parish Public Schools~~

Dated: 2.7.24 By:

~~
Dr. James Gray, Superintendent
Jefferson Parish Public Schools~~

Attachment A

SCHOOL ADMISSION

The Jefferson Parish School Board shall admit students to the schools of the school district once the student has been registered for school by the parent or legal guardian, under such rules and regulations as the School Board may prescribe.

The School Board shall grant admission or readmission to school to any person who meets all of the following criteria:

1. Resides within the geographic boundaries of the school system.
2. Meets the eligibility requirements for school entrance pursuant to statutory provisions
3. Is nineteen (19) years of age or younger on September 30th of the calendar year in which the school year begins or is twenty (20) years of age on September 30th of the calendar year in which the school year begins and has sufficient course credits that he/she will be able to graduate within one (1) school year of admission or readmission.
4. Has not received a high school diploma or its equivalent.
5. Is otherwise eligible for enrollment in a public school pursuant to state law and the policies of the School Board and the Louisiana Board of Elementary and Secondary Education.

If a person meets all of the criteria stated above, the School Board shall not deny admission or readmission based on any of the following characteristics:

1. The person voluntarily withdrew from school.
2. The person is pregnant.
3. The person is a parent.
4. The person is married.

The admission or readmission of a person who will be twenty (20) years of age on September 30th of the calendar year in which the school year begins shall be limited to grade twelve (12).

The admission or readmission of a person with an exceptionality shall be subject to federal and state law governing the age of eligibility for services for students with exceptionalities.

All students, upon entering any public school in the parish for the first time, shall present to school officials:

1. An official birth certificate. A short-form birth certification card shall be acceptable. Only records from the local or state registrar of vital statistics shall be accepted for children born in Louisiana, except as otherwise provided herein. Children born in Louisiana will be given a fifteen (15) day grace period to secure a copy of their birth record. Children born out of the state of Louisiana will have thirty (30) days grace in which to produce a copy of their birth record. At the end of the grace period, those pupils who have not had valid birth certificates submitted shall be reported to the Supervisor of Child Welfare and Attendance. Should the parents fail to respond within the time allotted, the Supervisor of Child Welfare and Attendance or his/her designee shall notify the parents by letter that an affidavit or baptismal certificate must be presented to the school. It shall contain the child's full name, date of birth, place of birth and the names of both parents. If a birth certificate or verification is not obtained by the end of the school year, the Supervisor of Child Welfare and Attendance or his/her designee shall notify the parents by letter that the student will not be allowed to enter a Jefferson Parish Public School the following year unless the parent appears in person at the appropriate regional superintendent's office with any and all records which may indicate the birth of the child. Such a notation shall be made on the student's cumulative record for follow-up purposes.
 - A. The regional superintendent will render a judgment of the information presented and will advise the school involved as to the disposition of the case.
 - B. Passports and visas will be accepted in lieu of birth certificates.
2. Present to school officials satisfactory evidence of immunity to or immunization against vaccine-preventable diseases according to the age appropriate schedule approved by the Office of Public Health, Department of Health and Hospitals.
3. All official school records of school previously attended or information needed to access such records when transferring from another school to one inside the School District, including necessary authorization to obtain and/or access any and all records of the enrolling student.
4. As a prerequisite to enrolling in the first grade, evidence of having attended at least a full-day public or private kindergarten for a full school year; or satisfactorily passed academic readiness screening administered by the school system prior to the time of enrollment in first grade.
5. Evidence of being bona fide residents of the school district, with limited exception. However, children temporarily residing within the jurisdiction of the School Board who have no permanent address, who have been

abandoned by their parents, or who are in foster care shall be admitted to school, except as may be allowed by statute.

In addition, other information the School Board may require shall include:

1. Certified copy of the judgment showing legal custody provisions (children of divorced or separated parents or legal guardians).
2. VISA/Passport (if applicable)
3. Final report card from the previous year (except kindergarten)

Other requirements, regulations and procedures affecting school admissions are outlined in the School Board's *Student Services Policies and Procedures Handbook*.

ADMISSION OF CHILDREN OF MILITARY FAMILIES

The School Board shall allow a dependent child of an active duty member of the United States Armed Forces, of the military reserve forces, or of the National Guard or a Department of Defense civilian to register and preliminarily enroll in a public school under its jurisdiction by remote means, including electronic means, prior to becoming a resident of the state, provided all of the following apply:

1. The student's parent or legal guardian is transferred or pending transfer to a military installation or comparable duty location in Louisiana pursuant to an official military order.
2. The student's parent or legal guardian provides a copy of the official military order transferring the parent or legal guardian to a military installation or comparable duty location in Louisiana to the School Board.
3. The student's parent or legal guardian completes and submits all required registration and enrollment forms and documentation, except that proof of residency shall not be required until ten (10) days after the arrival date specified on the parent or legal guardian's transfer orders.

The School Board shall provide a student of a military family who remotely registers the same enrollment opportunities available to resident students, including requesting and applying for school assignment, registering for courses, participating in extracurricular activities, and applying to any school or program that requires an additional request, including a lottery for admission to a specific school or program.

A student of a military family registered and enrolled shall not attend school until proof of residency is provided in accordance School Board policy.

ADMISSION OF EXPELLED STUDENTS

No student who has been expelled in accordance with state law from any school in the state shall be admitted to any school in the school system except upon the review and approval of the School Board.

No student who has been expelled from any school outside the state of Louisiana or any nonpublic school within Louisiana for committing any of the offenses enumerated in state law shall be admitted to any school in the school system except upon the review and approval of the governing body of the admitting school.

ADMISSION OF STUDENTS WHO COMMIT A FELONY

The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act, whether committed in Louisiana or any other state or country, which had it been committed by an adult would have constituted a felony in Louisiana, may be sufficient cause, for the Superintendent to refuse admission of the student to any school in the school district and to place the student in an alternative school for a period of less than one semester, except upon review and approval of a majority of the elected members of the School Board when a request for admission has been made to the School Board. Incarceration in a juvenile institution means an order of commitment to state's custody in a secure care facility imposed as part of a disposition in a delinquency proceeding.

The student shall be provided with notice of the particular grounds on which the School Board is considering to refuse the student admission and the basis on which such grounds are believed to exist. The student shall be given an opportunity to explain his version of the facts and why admission should not be refused at a conference with the Superintendent or his designee. In lieu of the conference, the student may submit, and the Superintendent (or his designee) shall consider, a statement and supporting documents explaining why the student believes that he or she should not be denied admission or assigned to an alternative placement pursuant to La. R.S. 17:416(D). The student shall not be refused admission on the grounds of a felony conviction or incarceration for a felony-grade offense without confirmation of such conviction or incarceration from the court in which the proceedings were held.

ADMISSION OF HOMELESS STUDENTS

Except as provided above with regard to students who have been expelled, no provision in this or any other Jefferson Parish School Board policy shall be interpreted to impede the immediate or continued enrollment of homeless youth, as addressed in policy *JBCBB, Homeless Children and Youth*.

ADMISSION OF STUDENTS WITH SPECIAL NEEDS

Neither the School Board nor any public school shall require the parent or legal guardian of any student to disclose the student's medical information or special education needs prior to enrolling the student in a public school, unless otherwise specifically required by law.

Nothing herein shall prohibit a public school from providing an enrollment preference to a student with special needs when the student's parent or legal guardian has voluntarily provided the school with information regarding such needs.

Revised: April, 2008
Revised: August, 2010
Revised: September, 2014
Revised: December 6, 2016
Revised: November, 2021

Ref: 42 USC 11431 et seq. (*Stewart B. McKinney Homeless Assistance Act*); La. Rev. Stat. Ann. §§17:101, 17:151.3, 17:167, 17:221, 17:221.2, 17:222, 17:235.1, 17:238, 17:416, 17:3914; Singleton v. Jackson Municipal Separate School District, 19 F. 2d 1211 (5th Cir., 1970); Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education; Board minutes, 12-6-16.

Attachment B

EXPULSION

The Jefferson Parish School Board may expel a student from school if an offense committed by the student is serious enough to warrant such action or is in violation of state law or the School Board's code of conduct. Prior to any expulsion the school principal or his/her designee shall advise the student of the particular misconduct of which he/she is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his/her version of the facts. The principal/designee shall contact the parent or legal guardian of the student to notify them of the expulsion, and establish a date and time for a conference with the principal or designee as a requirement for readmitting the student. Notice shall be given by contacting the parent or legal guardian by telephone at the telephone number shown on the student's registration card, or by electronic communication and additionally by a certified letter sent to the address shown on the student's registration card. If the parent or legal guardian fails to attend the required conference within five (5) school days of notification, the truancy laws shall be effective.

Upon the recommendation for expulsion of a student by the principal, a hearing shall be conducted by the Superintendent or his/her designee within fifteen (15) school days to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of The School Board must provide written notice of the hearing to the student and his/her parent or legal guardian, and the notice shall advise the student and his/her parent or legal guardian of their rights. Notification of the time, date, and place of the expulsion hearing shall be mailed to the parents. Expulsion hearings shall be conducted in accordance with provisions outlined in the *Procedures and Policies for Students and Families*.

At the hearing, the principal and/or teacher concerned may be represented by any person appointed by the Superintendent and the concerned teacher shall be permitted to attend and present any relevant information. Until the hearing, the student shall remain suspended with access to classwork and the opportunity to earn academic credit. A student who is expelled or otherwise suspended for longer than ten (10) days, shall be provided with academic instruction at an alternative setting in accordance with La. Rev. Stat. Ann. §17:416.2.

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

APPEALS

The parent or legal guardian of the student who has been recommended for expulsion in accordance with state law may, within five (5) days after the decision to expel has been rendered, submit a request to the School Board to review the findings of the Superintendent or designee at a time set by the School Board; otherwise the decision of the Superintendent shall be final. The parent or legal guardian of the student shall have such right of review even if the recommendation of expulsion is reduced to a suspension.

Upon receipt of a timely request for School Board review, the Superintendent shall place the recommendation on the Consent Agenda with a complete copy of the hearing record attached for Board review only. School Board review shall be limited to the hearing record provided by the Superintendent.

The Board may vote to go into executive session to discuss the case. Discussion of the matter in executive session shall be limited to the hearing record provided by the Superintendent. The Board will not hear oral argument from either party, nor consider any evidence outside of the record.

The Board may seek guidance from the Administration should it wish to modify the recommendation of the Superintendent or his designee. The Board may also seek legal advice from the Board or System attorney. The Board may vote to uphold, reverse or modify the Superintendent's recommendation.

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

EXPULSION INVOLVING FIREARMS

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

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

attorney for appropriate action.

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

EXPULSION INVOLVING DRUGS

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

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

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

VIRTUAL INSTRUCTION

The provisions related to mandatory recommendation for expulsion shall not be applied to virtual instruction received by a student in the student's home.

ADDITIONAL REASONS FOR EXPULSION

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

1. Any student, after being suspended for committing violations of any discipline policy or other infraction, depending on the severity of the behavior, may be expelled upon recommendation by the principal to the Superintendent or designee. Expulsions shall be reserved for serious infractions involving weapons or drugs, or when the safety of students and staff has been put in jeopardy.
2. Any student who is found carrying or possessing a knife with a blade which equals or exceeds two and one-half (2 ½) inches in length.
3. In accordance with federal regulations, a student determined to have brought a

weapon to a school under the School Board's jurisdiction shall be expelled for a minimum of one calendar year. The Superintendent may modify the expulsion requirement on a case-by-case basis. A *weapon*, in accordance with federal statutes, means a firearm or any device which is designed to expel a projectile or any destructive device, which in turn means any explosive, incendiary or poison gas, bomb, grenade, rocket, missile, mine or similar device.

4. Any student, *after being suspended on three (3) occasions* for committing drugs or weapons offenses during the same school year, **shall, upon committing the fourth offense**, be expelled from all the public schools of the system until the beginning of the next regular school year, and the student's reinstatement shall be subject to the review and approval of the School Board.
5. The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the student for a period of time as determined by the School Board; such expulsions shall require the vote of two-thirds $\frac{2}{3}$ of the elected members of the School Board, shall not be for a period of time longer than the student's period of adjudication as determined by the applicable court presiding over the student's criminal matter, and shall run concurrent to the student's period of disposition. If the student was serving an expulsion period when the student was incarcerated for a separate offense and the student completes the period of incarceration with time left in the expulsion period, the Superintendent or his/her designee may require the student to serve the time left in the expulsion period. Incarceration in a juvenile institution means an order of commitment to state's custody in a secure care facility imposed as part of a disposition in a delinquency proceeding. The student shall not be expelled or subjected to involuntary alternative placement on these grounds without confirmation of such conviction or incarceration from the court in which the proceedings were held.
6. EXPULSION NOT APPLICABLE

Expulsion shall not apply to the following:

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

discretion and shall exercise such discretion in imposing on a student any disciplinary actions authorized by state law for possession by a student of a firearm or knife on school property when such firearm or knife is stored in a motor vehicle and there is no evidence of the student's intent to use the firearm or knife in a criminal manner.

DRESS CODE VIOLATIONS

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

RE-ADMISSION FOLLOWING EXPULSION

Required Parent Conference

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

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

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

Re-admission After All Expulsions

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

Re-admission After Expulsion for Firearms, Knives, Weapons, or Drugs

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

Review of Records

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

CREDIT FOR SCHOOL WORK MISSED

A student who is expelled and receives educational services at an alternative school site shall be assigned work by a certified teacher and shall receive credit for school work if it is completed satisfactorily and timely as determined by the teacher. Such work shall be aligned with the curriculum used at the school from which the student was expelled.

RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

Any school administrator or administrator's designee who is required to make a recommendation, decide an issue, or take action in a matter involving the discipline of a student shall recuse himself/herself whenever a member of the immediate family of the administrator or administrator's designee is involved in any manner in the discipline matter. The administrator or designee shall confirm his/her recusal, and the reason therefore, in writing to the Superintendent.

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

EXPULSION OF STUDENTS WITH DISABILITIES OR EXCEPTIONALITIES

Expulsion of students with disabilities or exceptionalities, or an Individualized Education Program or Section 504 Individualized Accommodation Plan, shall be to the extent

allowed by applicable state or federal law and regulations or the provisions of the student's specific plan.

DEFINITIONS

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

Revised: August, 2007
Revised: September, 2007
Revised: September, 2008
Revised: April, 2009
Revised: September, 2009
Revised: June 4, 2013
Revised: December 9, 2015
Revised: December, 2021

Ref: 18 USC 921 (*Firearms – Definitions*); 20 USC 7961 (*Gun-Free Schools Act*); La. Rev. Stat. Ann. "17:223, 17:416, 17:416.1, 17:416.2, 17:2092; Goss v. Lopez, 95. S. Ct. 729 (1973); Regulations for Implementation of the Exceptional Children's Act, Bulletin 1706, Louisiana Department of Education; Board minutes, 4-11-07, 6-4-13, 12-9-15.

Attachment C

DISCIPLINE

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

The Jefferson Parish School Board shall endeavor to address student behavior with a focus on evidence-based interventions and supports, and to prioritize classroom- and school-based interventions in lieu of out-of-school disciplinary removals to address student misconduct in order to minimize the loss of academic instructional time. Every teacher and other school employees shall endeavor to hold each student accountable for his/her behavior in school, including during virtual classes, or on the playgrounds of the school, on any school bus, on the street or while going to or returning from school, during intermission or recess, or at any school sponsored activity or function.

To assist the teacher, the School Board shall establish regulations for the use of disciplinary measures within the schools and continually monitor and appraise their usefulness. Discipline shall be administered uniformly, consistently, and in a nondiscriminatory manner, in accordance with the School Board's *Student Code of Conduct*.

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

Each teacher may take disciplinary action to correct a student who violates school rules, or who interferes with an orderly education process. The disciplinary action taken by the teacher shall be in accordance with such regulations and procedures established by the School Board.

Disciplinary action by a school employee may include, but is not limited to:

1. Oral or written reprimands.

2. Referral for a counseling session which shall include but shall not be limited to conflict resolution, social responsibility, family responsibility, peer mediation, and stress management.
3. Written notification of parents of disruptive or unacceptable behavior, a copy of which shall be provided to the principal.
4. Other disciplinary measures approved by the principal and faculty of the school and in compliance with School Board policy.

STUDENT REMOVAL FROM CLASSROOM

When a student's behavior prevents the orderly instruction of other students, poses an immediate threat to the safety of students or the teacher, or when a student violates the school's code of conduct the teacher may have the student immediately removed from his/her classroom and placed in custody of the principal or his/her designee.

Any student removed from class in kindergarten through grade five (5) shall not be permitted to return to class for at least thirty (30) minutes unless agreed to by the teacher. A student removed from class in grades six (6) through twelve (12) shall not be permitted to return to class during the same class period, unless agreed to by the teacher initiating the disciplinary action.

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

Upon the student being removed from class and sent to the principal's office, the principal or designee shall advise the student of the particular misconduct of which he is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his/her version of the facts. The principal or his/her designee then shall conduct a counseling session with the student as may be appropriate to establish a course of action, consistent with School Board policy to identify and correct the behavior for which the student is being disciplined.

Once removed, the student shall not be readmitted to the classroom until the principal has implemented at least one of the following disciplinary measures:

1. Conferencing with the principal or his/her designee.
2. Referral to counseling.
3. Peer mediation.
4. Referral to the school building level committee.
5. Restorative justice practices.
6. Loss of privileges
7. Detention

8. In-school suspension
9. Out-of-school suspension
10. Initiation of expulsion hearings
11. Referral for assignment to an alternative school setting
12. Requiring the completion of all assigned school and homework that would have been assigned and completed by the student during the period of out-of-school suspension.
13. Any other disciplinary measure authorized by the principal with the concurrence of the teacher or building level committee.

PARENTAL NOTIFICATION

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

When a student has been removed from a classroom, the teacher or the principal or his/her designee may require the parent or legal guardian of the student to have a conference with the teacher or the principal or his/her designee before the student is readmitted. Such conference may be in person or by telephone or other virtual means.

Upon the student's *third* removal from the same classroom, the teacher and principal shall discuss the student's disruptive behavior and appropriate disciplinary measures before any such disciplinary measures are taken. In addition, a conference between the teacher or other appropriate school employee and the student's parent or legal guardian may be required prior to the student being readmitted to that same classroom. Such conference may be in person or by telephone or other virtual means. If such conference is required by the school, the school shall give written notice to the parent.

For students who experience multiple behavioral incidents or disciplinary referrals, a principal or his designee shall consider a referral of the matter to an appropriate school building level committee. If the disruptive behavior persists, the teacher may request that the principal transfer the student into another setting.

PARENT CONFERENCES

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

REPORTS TO PRINCIPAL

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

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

DELINQUENT STUDENTS

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

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

RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

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

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

DISCIPLINE OF STUDENTS WITH DISABILITIES OR EXCEPTIONALITIES

Discipline of students with disabilities or exceptionalities shall be in accordance with the IDEA, Section 504 of the Rehabilitation Act of 1973 and La. R.S. 17:1943, *et seq.*, and with the student's Individualized Education Program or Section 504 Individualized Accommodation Plan

DISCIPLINE OF STUDENTS ENGAGED IN VIRTUAL INSTRUCTION

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

ALTERNATIVE PLACEMENT OF STUDENTS

Prior to any involuntary assignment to alternative placement, a student shall be afforded the due process required by La. R.S. 17:416.

DEFINITIONS

Out-of-school suspension means the removal of a student from all in-person and virtual classes of instruction, school grounds, school bus and all other school-sponsored activities.

In-school suspension means removing a student from his/her normal classroom setting but maintaining him under supervision within the school. Students participating in in-school suspension shall receive credit for work performed during the in-school suspension. However, any student who fails to comply fully with the rules for in-school suspension may be subject to immediate out-of-school suspension.

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

Expulsion (unless otherwise defined as a permanent expulsion by law) shall mean the removal of a student from school for at least one school semester. During an expulsion the Superintendent shall place the student in an alternative school or in an alternative educational placement.

Firearm means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, blackpowder weapon, or assault rifle that is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

Dangerous weapon means any gas, liquid, or other substance or instrumentality, which in the manner used, is likely to produce death or great bodily harm.

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

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Revised: December, 2021

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