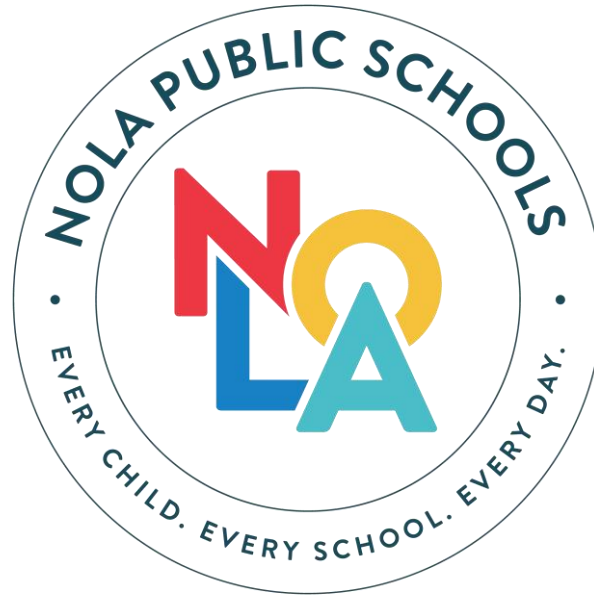


New Orleans Public Schools

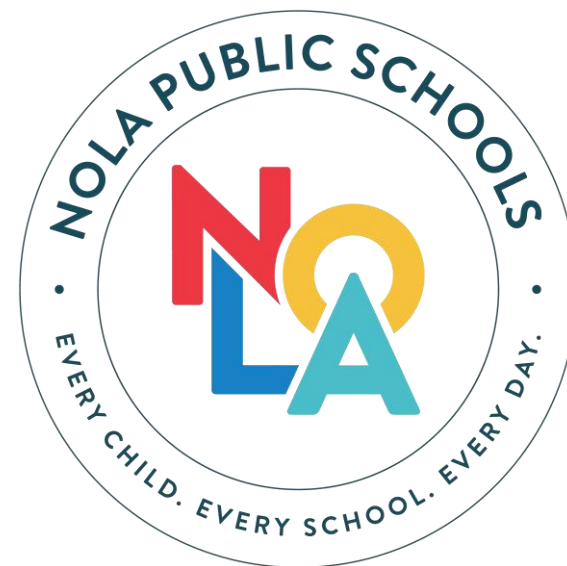


Student Code of Conduct 2020-2021

Creating a Positive School Culture

TABLE OF CONTENTS

Superintendent's Message	3
Student and Parent(s)/Legal Guardian(s) Acknowledgement	4
Non-Discrimination Statement	6
Corporal Punishment in Schools	6
Purpose of the Student Code of Conduct	7
Behavioral Expectations and Responsibilities	8
Bullying – ACT No. 861	9
Dress Code	12
Attendance	12
Absences and Truancy	13
School Bus Conduct	14
Behavior Infractions	15
Level 1 Infractions and Corrective Strategies	16
Level 2 Infractions	17
Level 3 Infractions	18
Tier One Offenses	18
Tier Two Offenses	19
Tier Three Offenses	20
Suspension Procedures for OPSB District Operated Schools*	21
Suspension Appeals for OPSB District Operated Schools*	21
Expulsion Process	22
Disciplinary Conference Procedures	23
Expulsion Procedures (Level 3 Infractions)	24
Expulsion Appeals	25
Student Placement	26
Discipline for Students with Disabilities	27
Factors for Determining Pattern of Suspension	28
Appeals	32
Appendix A: Determining Change of Placement Worksheet	35
Appendix B: Determining Change of Placement Worksheet	36
Appendix C: Glossary of Terms	37
Appendix D: Bullying Form	44
Appendix E: Complaint Policy and Contact Directory	45
Appendix F: OPSB Board Members	46



*Each OPSB Charter School will follow its own established procedures for suspensions and suspension appeals.



Greetings OPSB Parents and Guardians,

It is my strong belief that we are responsible for providing an educational environment that is safe for all students and supports learning. We cannot accomplish this objective without the help of our parents and students.

Safe learning environments must be created that are both physically and psychologically safe. Schools must provide safe-guards to protect the rights of all students while fostering respect for diversity.

The Orleans Parish School Board (OPSB), in partnership with the Recovery School District (RSD), developed this Student Code of Conduct to communicate the expectations and procedures that will help our families, students, teachers and administrators collectively achieve these goals.

The Student Code of Conduct was created based upon the collaborative recommendations of school leaders, students and community partners to ensure that our schools maintain safe and orderly learning environments.

Please take time to review this Code of Conduct with your child, and then together sign the acknowledgement on the next page. I truly believe that by working together, we can achieve safe and healthy learning environments, while continuing to define excellence in our schools.

Sincerely,

A handwritten signature in black ink that reads "Henderson Lewis, Jr." in a cursive script.

Henderson Lewis, Jr., Ph.D.
Superintendent
New Orleans Public Schools

The Student Code of Conduct for New Orleans Public Schools

2020-2021

www.opsb.us

Student and Parent(s)/Legal Guardian(s) Acknowledgment

The Student Code of Conduct is in place to help students gain the greatest possible benefit from their educational opportunities. We encourage parents/legal guardians and students to review this Student Code of Conduct together and talk about the importance of being safe, responsible, and respectful at school and in everyday life.

When you have read this document with your child, please SIGN below and RETURN this page to your child's school.

I have received, reviewed, and understand the Student Code of Conduct.

Print Student Name

Student Signature

Date

Print Parent/Legal Guardian Name

Parent/Legal Guardian Signature

Date

NOTE: State law requires that the Student Code of Conduct be shared with parents/legal guardians, students, and teachers and be reasonably and consistently enforced.

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NON-DISCRIMINATION STATEMENT

The Orleans Parish School Board prohibits discrimination in employment, educational programs, and activities on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or associational preference. The Board also affirms its commitment to providing equal opportunities and equal access to facilities according to local procedures. For additional information, contact the Office of the Superintendent.

DECLARACIÓN DE NO DESCRIMINACIÓN

La Junta de Escuelas de la Parroquia de Orleans prohíbe la discriminación en el empleo, programas educativos y actividades basadas en la raza, origen nacional, color, credo, religión, sexo, edad, discapacidad, estatuto de veterano, orientación sexual, identidad de género o preferencia de asociación. La Junta también afirma su compromiso de proporcionar igualdad de oportunidades y igualdad al acceso a las instalaciones de acuerdo con los procedimientos locales. Para obtener información adicional, póngase en contacto con la oficina del Superintendente.

CORPORAL PUNISHMENT IN SCHOOLS

The Orleans Parish School Board prohibits the use of any form of corporal punishment in any public school, program or activity under its jurisdiction, including direct operated or charter schools. Thus, neither the principal nor any member of the school staff or Orleans Parish School Board employee has the authority or discretion to use any form of corporal punishment against a student.

Corporal punishment refers to intentional application of physical pain as a method of changing behavior. It includes a wide variety of methods such as hitting, slapping, punching, kicking, pinching, shaking, choking, use of various objects (wooden paddles, belts, sticks, pins, or others), painful body postures, use of electric shock, use of excessive exercise drills, withholding meals, or prevention of urine or stool elimination. It also includes use of seclusion, i.e., locked isolation, and inappropriate restraint, i.e., restraint by individuals who are NOT Crisis Prevention Institute (CPI) certified or by those implementing inappropriate CPI protocol.

The Student Code of Conduct for Orleans Parish Schools

Purpose of the Student Code of Conduct

- Create a consistent set of expectations for student behavior
- Reinforce positive behavior and provide students with opportunities to develop appropriate social skills
- Outline the interventions and consequences for students who engage in inappropriate behavior
- Explain the rights and responsibilities of all members of the school community relative to student behavior.
- Engage students in a safe, positive, and supportive learning environment

Behavioral Expectations and Responsibilities

Responsibilities of District Administrators

- Provide appropriate training and resources as needed to implement *PBIS* and non-violent Crisis Prevention Intervention (*CPI*) at each school-site
- Require each school to have a crisis team trained in the *CPI* procedures
- Assist parents/legal guardians who are unable to resolve issues at the school-level
- Review and revise (if needed) the Student Code of Conduct annually
- Review attendance and discipline data to determine district-level decisions

Responsibilities of School Administrators

- Distribute the Student Code of Conduct to students, parents/legal guardians, and all school personnel
- Implement the Student Code of Conduct in a fair and consistent manner
- Based on school data, identify appropriate training and resources as needed to implement *PBIS*
- Require a team of at least three (3) staff be trained in *CPI* procedures. These team-members are the only personnel permitted to use the full continuum of *CPI* Non-violent Crisis Intervention procedures in situations that warrant use of physical restraint.
- Use research-based practices to prevent minor incidents from becoming major challenges
- Ensure accurate and timely entry of *discipline* referrals into the Student Information System (*SIS*) and maintain compliance (e.g. students with disabilities and qualified 504 students ten (10) day removal rule)
- Review discipline referrals and determine appropriate intervention(s) or consequence(s)
- Enforce corrective strategies which are grade level and age appropriate

Responsibilities of Students

- Be in attendance **EVERY** school day scheduled by the OPSB
- Follow the Student Code of Conduct
- Follow the school's expectations and rules
- Follow the school's dress code
- Respect school property and the property of others
- Work hard and do your best
- Ask teachers, school social workers, professional school counselors, parents/legal guardians, school administrators, and other adults for help to solve problems
- Report bullying and cyber bullying

Responsibilities of Parents/Legal Guardians

- Read, discuss and support the Student Code of Conduct
- Understand your child's rights and responsibilities
- Teach your child to respect the rights of others
- Make sure your child comes to school every day on time and ready to learn
- Teach your child to respect school property and the property of others
- Recognize that school personnel must enforce the Student Code of Conduct
- Seek available resources to assist and support your child within the school and the community

Responsibilities of Teachers

- Use appropriate classroom management strategies to maintain a learning environment that supports academic success
- Teach and positively reinforce the Student Code of Conduct
- Address infractions through a variety of interventions such as *PBIS* and *Response to Intervention (RTI)*, including alternatives to *suspension* and *expulsion*
- Provide corrective instruction to students who demonstrate challenging behavior
- Use professional judgment to prevent minor incidents from becoming major challenges
- Request additional professional staff development and/or training as needed

Bullying – ACT No. 861

(See also OPSB Policy JCDAF – BULLYING AND HAZING)

Definition. Behavior Constituting Bullying, and the Effect of Bullying on Others

Bullying is a pattern of any one or more of the following:

- gestures, including but not limited to obscene gestures and making faces;
- 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;
- physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property;
- repeatedly and purposefully shunning or excluding from activities; and
- where the pattern of behavior as provided 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.

The pattern of behavior as described 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.

Reporting an Act of Bullying

Procedure for students and parents:

1. Report bullying incidents to the principal/designee and/or security. Students and parents may go to the OPSB website at www.opsb.us and click on "Report Bullying" in the yellow tab or call the **REPORT BULLYING HOTLINE** at 504-304-5782.
2. The principal/designee and/or Security will then complete the LDE Bullying Report Form (see Appendix and www.doe.state.la.us).
3. An investigation of complaints and reports will be completed (see "Investigating an Act of Bullying" below).

The principal/designee is responsible for receiving complaints alleging violations of the bullying policy. All school employees and parents chaperoning or supervising school-sponsored functions and events are required to report alleged violations of this policy to the principal or the principal's designee. A verbal report must be reported on the same day as the employee or parents witnessed or otherwise learned of the incident and a written report must be filed no later than two days thereafter.

The victim of bullying, anyone who witnessed the bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying.

Retaliation and False Reports

Retaliation against any person who reports bullying in good faith, who is thought to have reported bullying, who files a complaint, or who otherwise participates in an investigation or inquiry concerning an allegation of bullying is prohibited conduct and is subject to disciplinary measures. Intentionally making false reports about bullying to school officials is prohibited and will result in appropriate disciplinary measures.

Investigating an Act of Bullying

- The principal/designee of the school must initiate the investigation the next business day during which school is in session after the report is received by a school official. The investigation must be completed no later than ten school days after the date the written report was submitted.
- The investigation must include an interview of the reporter, victim, the alleged bully, and any witnesses, and include obtaining copies or photographs of any audio-visual evidence.
- The principal/designee must notify the parent or legal guardian of a student under the age of eighteen of the allegation of bullying before the student can be interviewed and inform them of their right to attend the interview with the student.
- Documented interviews of the victim, alleged offender, and witnesses must be conducted privately, separately, and confidentially. At no time will the alleged offender and victim be interviewed together.
- The investigator will collect and evaluate the facts using the form developed by the LDE.
- The principal/designee may (in accordance with Act 861 of 2012) file a complaint with the court of juvenile jurisdiction pursuant to Children's Code Article 730(8) and 731(1), or Children's Code Article 730(1), if the parent or legal guardian refuses to attend a conference or meeting regarding the student's behavior.

The highest level of confidentiality possible must be upheld regarding the submission of a complaint or a report of bullying and the investigative procedures that follow.

Meetings with Parent or Legal Guardian of the Victim and Alleged Offender

- Meetings with the parents or legal guardians of the victim and meetings with the parents or legal guardians of the alleged offender must be separate.
- Parents or legal guardians of the victim and alleged offender must be informed of all of the available potential consequences, penalties, and counseling options at the initial meeting with school officials.

Notification to Parents/Legal Guardians of an Act of Bullying

The principal/designee will promptly notify the parents/legal guardians of all students involved of any incident of bullying as defined by this policy. Notification of the parent/legal guardian of all students involved must be made on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Resolution of Investigation/Disciplinary and Criminal Consequences of Bullying

The principal/designee shall compose a written document containing the findings of the bullying investigation, including input from the students' parents/legal guardians, and the decision of the school or school system official. The document will be placed in the record of both students. The principal/designee shall promptly notify the complainant of the finding of the investigation and the remedial action taken, if the release of the information does not violate the law.

If the school has determined that the discipline code has been violated, the school official should take prompt and appropriate disciplinary action pursuant to LA R.S. 17:417 and 17:417.1 and report criminal conduct to law enforcement, if appropriate.

The results of the investigation will determine the level of infraction for the bullying/cyber bullying incident(s).

Procedure for Appeal in Cases of Bullying

Failure to Act

A student, parent/legal guardian, or school employee may report a bullying incident to the LEA (city, parish, or local school board or local school governing authority) if the school official does not take timely and effective action to address the incident.

The LEA or governing authority must begin an investigation of any complaint of bullying that is properly reported the next business day in which school is in session.

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

Parental Relief (Parents/Legal Guardians of a Victim of Bullying)

The parent/legal guardian of a bullied student may request a transfer to another school if a parent, legal guardian, teacher, or other school official has made four or more reports of separate instances of bullying and no investigation has occurred.

The LEA must make space available for the student at another public elementary or secondary school under its jurisdiction within ten school days of the transfer request. If no other school that serves the bullied student's grade level is available within fifteen days of the transfer request, the superintendent or head of the LEA must facilitate the student's enrollment in a statewide virtual school or offer the student placement in a full-time virtual program or virtual school. The LEA may enter into a memorandum of understanding with another LEA to secure placement and transfer for the bullied student.

If none of the options above are made available to the student within thirty days after the transfer request is made, the parent or legal guardian may request a hearing with the school's governing authority. The hearing must be granted for the next scheduled meeting or within sixty calendar days, whichever is sooner.

The parent/legal guardian may request at the end of any school year that the student be transferred back to the school in which the student was enrolled when at least three of the bullying reports were made. The district must make space available for the student at the school where the student was originally enrolled. No other school will qualify for the transfer back.

Dress Code

Dress code policies support a positive school culture by identifying attire that promotes school safety and student health. Each school will develop a dress code policy. School staff will inform students, parents/guardians, and the school community of the dress code policy. All students and parents/guardians are expected to follow the written policy. Questions about the school's dress code policy should be referred to the school principal or designee.

Principals and staff will not remove a student from the instructional environment or send a student home for inappropriate attire or for not having an identification card. Staff will direct students to correct inappropriate attire that can be immediately corrected.

Notes on Face Masks:

Face Covering means a piece of material used to cover both the nose and mouth for the purpose of forming a barrier to droplets or airborne particles that are coughed, sneezed, or exhaled when talking. Face coverings are meant to protect both the wearer of the face covering and surrounding individuals.

b. The face covering is considered part of the school uniform/dress code for both students and employees (see Board policy/student handbook/employee handbook). The failure/refusal of employees and students to wear such face coverings shall result in their immediate separation from others and, for students, notification to the parent/custodian. Thereafter, the incident shall be treated like all other violations of Board policy and/or the student/employee dress/grooming code.

c. Face coverings shall be solid in color and shall contain no pictures, writings, or messages of any kind. Notwithstanding this requirement, face coverings that contain references to the school system (i.e., name or insignia) or individual schools within the system (i.e., name or mascot), which are provided to students by the school system or by individual schools within the system, may be worn.

Attendance

All children must attend a public or private school from their 7th to their 18th birthday, or until the child graduates from high school. Any child under seven years of age that enrolls in school must also continue to attend school. Parents are responsible for ensuring that their children attend school daily during school hours.

The Orleans Parish School District expects students to be in attendance every scheduled student-activity day.

- **Elementary and Middle School Students**

Elementary students shall be in attendance a minimum of 60,120 minutes (equivalent to 167 six-hour days) a school year.

- **High School Students**

In order to be eligible to receive grades, high school students shall be in attendance a minimum of 30,060 minutes (equivalent to 83.5 six-hour school days), per semester or 60,120 minutes (equivalent to 167 six-hour school days) a school year for schools not operating on a semester basis.

A student is considered to be in attendance when he or she is physically present and officially documented by school personnel at a school site, or is participating in an authorized school activity and is under the supervision of authorized school personnel.

Students are considered to be in attendance for one-half day when they are in attendance for 26%-50% of the student's instructional day.

Students are considered to be in attendance for a whole day when they are in attendance for 51%-100% of the student's instructional day.

Each school may allow students in danger of failing due to excessive absences to make up missed class time in class sessions held outside the regular class time. These make-up sessions must be completed before the end of the current semester.

Absences and Truancy

If a student has one or more instances of tardiness or unexcused absences, the parent/guardian can expect the school to take one or more of the following actions:

- Phone call or letter to parent/guardian
- Parent/guardian conference at the school
- Parent/guardian conference or home visit with the school social worker.

A student may be considered truant and referred to the Municipal Court by the school social worker when the student has had five (5) or more instances of tardiness or unexcused absences in one semester, and the school has made all reasonable efforts to correct the student's attendance problem.

Types of Absences

There are several types of absences that may affect a student differently for the purpose of receiving grades, earning credit, or being counted as truant (habitually tardy or absent).

1. These types of absences will not be counted against a student for the purposes of receiving grades and earning credit for work completed, or truancy. Students with these types of absences have a right to receive makeup work from the school for the days and classes missed:
 - travel for education that is approved in advance;
 - death in the immediate family (not to exceed one week);
 - natural catastrophe and/or disaster;
 - religious holidays of the student's own faith;
 - extended physical or emotional illness, hospital stay, recuperation from an accident, or contagious disease that has been verified by a doctor, nurse practitioner, or dentist; or
 - visiting a parent (for five days or less) who is a member of the US Armed Forces or National Guard and has been called to duty or is on a leave of absence from overseas deployment to a combat zone or combat support posting.
2. These types of absences will not be counted against the student for the purposes of truancy, but will be counted against the student for the purposes of receiving grades and earning credit. The school is not required to give students with these types of absences makeup work for the days and classes missed, but may do so.
 - student illness, with a doctor or parent/guardian note
 - serious illness in the family, with a doctor or parent/guardian note
3. Students who are suspended out of school will be counted as absent, but these absences will not be counted against the student for the purposes of truancy or receiving grades or credit for work completed. A student on suspension has the right to receive schoolwork from the school for the days the student was suspended. **In-school suspension is not considered an absence of any kind.**

4. Any other kind of absence will be counted as an “unexcused absence.” These types of absences may be counted against a student for the purposes of truancy, and receiving grades or credit. The school is not required to give students with these types of absences makeup work for the days and classes missed, but may do so. Absences to work on any job that is not part of an approved instructional program, even in a student’s own home or for a student’s parents, will be counted as an unexcused absence.

If the student is absent for any special circumstance other than those listed above that the parent/guardian believes should not be counted against the student for the purposes of truancy, or receiving grades or credit for work completed, the student’s parents/guardians should bring their concern to the school social worker or principal .

Tardiness

1. A student may be considered tardy if he or she:
 - Arrives late to class; or
 - Leaves or checks out of school unexcused before the end of the school day; or
 - Arrives late to class when coming from off-campus.
2. A student MAY NOT be considered tardy if he or she:
 - Reports late to class because a teacher or other school staff member held the student in another class or conference, causing them to arrive late.

Each school may determine whether an instance of tardiness is excused or unexcused, depending on the school’s own tardiness policy, and the individual circumstances of each instance of tardiness. **Five unexcused instances of tardiness will equal one unexcused absence.**

A parent/guardian may not be referred to the Municipal Court for truancy of his or her child based on instances of tardiness that are solely the responsibility of the student (for example: multiple instances of tardiness for arriving late to class when transferring from another class).

School Bus Conduct

A student may be suspended from riding a school bus by the school principal for any Level 2 or Level 3 infraction (below). The school principal has the exclusive authority to suspend a student from a school bus, and no other school official or employee—including the bus driver—may suspend a student from riding the bus. A student may be suspended from the school bus even though he or she is not suspended from school. In that case, it is the responsibility of the parent/guardian to ensure the student is transported to and from school by some other means of transportation.

Parents/guardians may appeal a school bus suspension according to the process outlined in this book for appeal of suspensions from school (in the “Suspension Procedures” section).

Students with transportation documented on their Individual Education Plan (IEP), who are suspended from riding the school bus, must be provided alternative transportation by the school. If transportation is not documented on the IEP, it is the responsibility of the parent/guardian to ensure the student is transported to and from school.

Behavior Infractions

Students who do not follow the school's rules and expectations will receive consequences appropriate to the severity of their infractions. The following pages list examples of infractions and appropriate responses for school officials to take.

Discipline incidents will be classified as Level 1, Level 2, and Level 3 Infractions.

Level 1 Infractions: Non-Suspendable Offenses

Discipline incidents that can be handled by the teacher and do not warrant a *discipline* referral to the principal or designee. Any behavior that is of low level intensity, passive in nature and/or of a non-threatening manner is a Level 1 Infraction.

Level 2 Infractions: Suspendable Offenses

Discipline incidents that interfere with anyone's safety and learning, are of a threatening or harmful nature, legal violations and warrant administrative interventions. Such behaviors should be considered Level 2 Infractions.

Level 3 Infractions: Expellable Offenses

Discipline incidents that severely interfere with anyone's safety and learning, are of a threatening or harmful nature, are legal violations and warrant immediate response from administration, crisis team, entire staff, and/or community support are Level 3 Infractions.

Please note that there are three tiers of Level 3 Infractions, as detailed in the Level 3 section.

Because every behavior infraction cannot be listed in advance, school principals may decide if an unlisted infraction is a Level 1 or Level 2 offense.

Students may only be expelled for infractions that are described in Level 3.

Level 1 Infractions: Non-Suspendable Offenses

Level 1 infractions are incidents that occur in school buildings or grounds, or at school activities, that are the responsibility of the teacher or principal to address through corrective strategies. **A student may not be given an out-of-school suspension for Level 1 infractions.**

- | | | | |
|------|--|------|--|
| 1.01 | Boarding and de-boarding school transportation at incorrect stop | 1.11 | Littering |
| 1.02 | Horseplay | 1.12 | Failing to do or complete homework |
| 1.03 | Entering an off-limits or restricted area | 1.13 | ID violation (if applicable) |
| 1.04 | Habitual tardiness and/or absenteeism | 1.14 | Making an unfounded charge against authority |
| 1.05 | Eating/drinking during prohibited times | 1.15 | Refusing to sit in assigned seat |
| 1.06 | Skipping class/school | 1.16 | Engaging in inappropriate public displays of affection (holding hands, kissing, hugging, etc.) |
| 1.07 | Dress code violation | 1.17 | Talking in class at inappropriate times |
| 1.08 | Not having proper materials or supplies for class | 1.18 | Any other infraction that the principal or designee deems similar in severity to other level 1 infractions |
| 1.09 | Not participating in class | | |
| 1.10 | Not wearing required clothing for physical education class | | |

Corrective Strategies

Multiple corrective strategies may be used to address problematic behavior before a suspension, depending on the individual student's needs. For some students, including those with disabilities, this may include conducting or revising the Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP). Corrective strategies for infractions may include but are not limited to:

- | | |
|--|---|
| <ul style="list-style-type: none">• Creation of a Behavior Improvement Plan (BIP)• Contact and/or conference with parent/guardian• School-to-Home Communication System• Check-In/Check-Out Process• Personalized Behavior contract that includes expected student behavior, incentives for demonstrating expected behavior, and consequences for infractions• Positive Behavior Intervention Support (PBIS) Systems• After-school or lunch detention• Saturday School | <ul style="list-style-type: none">• In-School Suspension• Loss of privileges• Referral to the Response to Intervention (RTI) team• Referral to school social worker or school counselor• Intensive academic support• Intensive social skills teaching• Self-management program• School bus suspension (if applicable)• Multi-agency collaboration |
|--|---|

Level 2 Infractions: Suspendable Offenses

Level 2 infractions are incidents that occur in school buildings or grounds or at school activities that threaten safety or interfere with learning. **A student may be given an out-of-school suspension for Level 2 infractions; however, schools should use the corrective strategies listed on the previous page whenever possible.** A Disciplinary Conference with the Student Hearing Officer is also a possible corrective strategy for Level 2 offenses when prior interventions at the school site have not resulted in positive change. (*Refer to Disciplinary Conference Procedures on page 23.*)

- | | | | |
|------|---|------|--|
| 2.01 | Intentionally or habitually failing to attend detention or in-school suspension | 2.12 | Instigating or participating in fights (one-on-one or groups) |
| 2.02 | Possessing or using tobacco and/or possession of a lighter | 2.13 | Bullying* |
| 2.03 | Using or possessing alcohol | 2.14 | Causing a false fire alarm |
| 2.04 | Leaving school bus without permission | 2.15 | Intentionally causing a major, unnecessary disturbance in classroom/school campus |
| 2.05 | Using objects dangerously or inappropriately to harm others or damage property | 2.16 | Improper use of a cell phone and/or electronic devices |
| 2.06 | Vandalism to school property or school bus | 2.17 | Inappropriate bodily contact or harassment |
| 2.07 | Leaving school and/or classroom without permission | 2.18 | Improper use of computer: Viewing obscene, pornographic, violent, or sexually harassing material; or information on manufacturing of weapons |
| 2.08 | Gambling | 2.19 | Forging a signature on documentation required by the school, cheating, or lying to school personnel about academic matters |
| 2.09 | Extortion (blackmail, etc.) | 2.20 | Habitual level 1 behaviors |
| 2.10 | Willful disobedience to authority figures that substantially interferes with the learning of others or threatens the safety of others | 2.21 | Any other infraction that the principal deems to be similar in severity to other level 2 infractions |
| 2.11 | Using profanity and/or obscene language | | |

A principal may also suspend a student for some Level 3 infractions if the school believes a suspension would be more appropriate than a recommendation for expulsion. Some drug and weapon related offenses require an expulsion; these offenses are noted on the following pages.

*"Bullying" means:

- (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)
 - (a) Where the pattern of behavior as provided in Paragraph (1) of this Subsection 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.
 - (b) The pattern of behavior as provided in Paragraph (1) of this Subsection 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.

Level 3 Infractions: Expellable Offenses and Interventions

Expellable offenses are incidents that occur on school property or grounds, on school transportation, or at school activities that severely interfere with anyone's safety and learning, are of a threatening or harmful nature, and/or are legal violations. All expulsion recommendations are at the discretion of the school. **Students cannot, under any circumstances, be recommended for expulsion for disrespect or willful disobedience, uniform violations, or repeated suspensions for violations not listed in expellable offenses.**

Tier One Offenses and Interventions:

Tier One Offenses 2020-21: Expellable for up to Two Semesters

- Distributing, selling, giving, or loaning any controlled dangerous substance governed by the Uniform Controlled Dangerous Substance Law, or any prescription drug
- Carrying, possessing, or using a firearm, knife with a blade of two inches or longer, or any other instrument the purpose of which is lethal force
- Sexual assault and other sexual acts where one party is non-consenting
- Intentional battery or assault on any individual using a weapon or which causes serious, documentable injury that necessitates medical care
- Engaging in student-initiated intentional physical altercation with a member of the school staff
- Assault or threat with a weapon

Tier One Interventions 2020-21

The duration of each expulsion will be determined by the Student Hearing Office at the conclusion of the hearing, in accordance with the facts at hand, district policy, all relevant laws and regulations, and the guidelines below. For a student who commits a Tier One offense or a second Tier Two offense and is found guilty, the consequences range as follows:

- Removal to an alternative school or program for up to two semesters plus the remainder of the current semester
- Homebound services or virtual option provided by the sending school for a length of time agreed upon at the hearing
- Probation at the sending school for up to two semesters plus the remainder of the current semester where the student can be sent to an alternative school by committing another Tier One or Two offense
- A principal-to-principal transfer for the student
- Referral to an outside program (i.e. substance abuse counseling) where the student can be sent to an alternative school by failing to comply with the terms of the referral
- A Disciplinary Conference held with the Student Hearing Office

Level 3 Infractions: Expellable Offenses and Interventions

Tier Two Offenses and Interventions:

Tier Two and Tier Three Offenses may be submitted to the Student Hearing Office at each school's discretion.

Tier Two Offenses 2020-21: Expellable for up to One Semester

- Possessing any controlled dangerous substance governed by the Uniform Controlled Dangerous Substance Law, or any prescription drug, or unmarked medication
- Possession or use of any implement/substance with the ability to seriously harm another person
- Robbery of an individual on school property or at any activity of which the school has jurisdiction
- Unauthorized entry of school property, or any space which the school has jurisdiction, with evidence of theft or vandalism
- Engaging in consensual sexual acts on school property or at any activity of which the school has jurisdiction
- Engaging in nonconsensual exposure of body parts in a sexual manner to another
- Assault (threat) of an individual with a dangerous substance or implement
- Propping open external facing doors
- Inviting or bringing non-students or unpermitted students onto campus
- Theft of school property or the personal property of individuals valued at \$500 or more on the school property or at any other activity over which the school has jurisdiction

Tier Two Interventions 2020-21:

The duration of each expulsion will be determined by the Student Hearing Office at the conclusion of the hearing, in accordance with the facts at hand, district policy, all relevant laws and regulations, and the guidelines below. For a student who commits a Tier Two offense or a second Tier Three offense and is found guilty, the consequences range as follows:

- Removal to an alternative school or program for one semester, plus the remainder of the current semester
- Homebound services or virtual option provided by the sending school for a length of time agreed upon at the hearing
- Probation at the sending school for up to one semester plus the remainder of the current semester
- A principal-to-principal transfer for the student
- Referral to an outside program (i.e. substance abuse counseling) where the student can be sent to an alternative school by failing to comply with the terms of the referral
- A Disciplinary Conference held with the Student Hearing Office
- Commission of a second Tier Two offense makes a student eligible for the range of Tier One interventions

Level 3 Infractions: Expellable Offenses and Interventions

Tier Three Offenses and Interventions:

Tier Two and Tier Three Offenses may be submitted to the Student Hearing Office at each school's discretion.

Tier Three Offenses 2020-21: Expellable for up to One Semester

- Well-documented and on-going commission of serious acts that threaten the safety of others
- Well-documented and on-going behaviors that threaten, intimidate, or bully another individual, including the use of any electronic device to threaten, intimidate, or bully
- Sharing sexually explicit material, including through the use of an electronic device
- Theft of school property or the personal property of individuals on school property or at any activity of which the school has jurisdiction
- Being under the influence of any controlled dangerous substance governed by the Uniform Controlled Dangerous Substance Law, or any prescription drug not prescribed to the accused student, or any chemical substance that affects the central nervous system and produces stimulant, depressant, euphoric, or hallucinogenic effects to the mind or body

Tier Three Interventions 2020-21:

For a student who commits a Tier Three offense and is found guilty, the consequences range as follows:

- A Disciplinary Conference held with the Student Hearing Office
- Referral to an outside program (i.e. substance abuse counseling)
- **Commission of a second Tier Three offense makes a student eligible for the range of Tier Two interventions**

Suspension Procedures *(for OPSB District Operated Schools*)*

An out-of-school suspension, in which the student is not allowed to attend school for a designated period of time, is a consequence which a school may utilize if a student commits a Level 2 or Level 3 infraction. For a student to be suspended, the following procedures must be followed:

- 1) First, the principal or designee will meet with the student. At this student meeting, the student will be advised of the behavior infraction and given the opportunity to explain his or her version of the facts.
- 2) If, after the student meeting, the principal still chooses to suspend the student, the principal or designee will contact the student's parent/guardian by phone, email, or mail. The principal will give notice of the suspension, the length of the suspension, the reason for the suspension, the appeals process, and the date of the readmission conference. The principal must attempt to give this information to the parent/guardian in writing.
- 3) If a minor, the student shall remain in school until the end of the school day unless released into the care of his/her parent/guardian. However, if the student poses a danger to himself/herself or others, the principal may remove the student from the school immediately. After the student's removal, the school will follow the regular suspension process as soon as is practicable. **No student shall be sent home without the school properly documenting the reason for the suspension.**
- 4) Students suspended three (3) or more consecutive days shall be provided schoolwork during their suspension, which must be picked up by the parent/guardian at the school. A student suspended less than three (3) consecutive days will receive the assignments on return from suspension.
- 5) Before a minor student returns to school, the parent/guardian (or their pre-determined adult designee) must participate in the scheduled readmission conference. This conference can be held in person or by phone. If a parent refuses to respond, the principal may choose not to readmit the student until the parent, guardian, or other adult designee responds, and the school social worker may refer the student to Municipal Court for truancy. **If it is the student's first suspension of the school year, the principal may readmit the student if it is in the best interest of the student, even if the parent does not attend the readmit conference.**

Suspension Appeals *(for OPSB District Operated Schools*)*

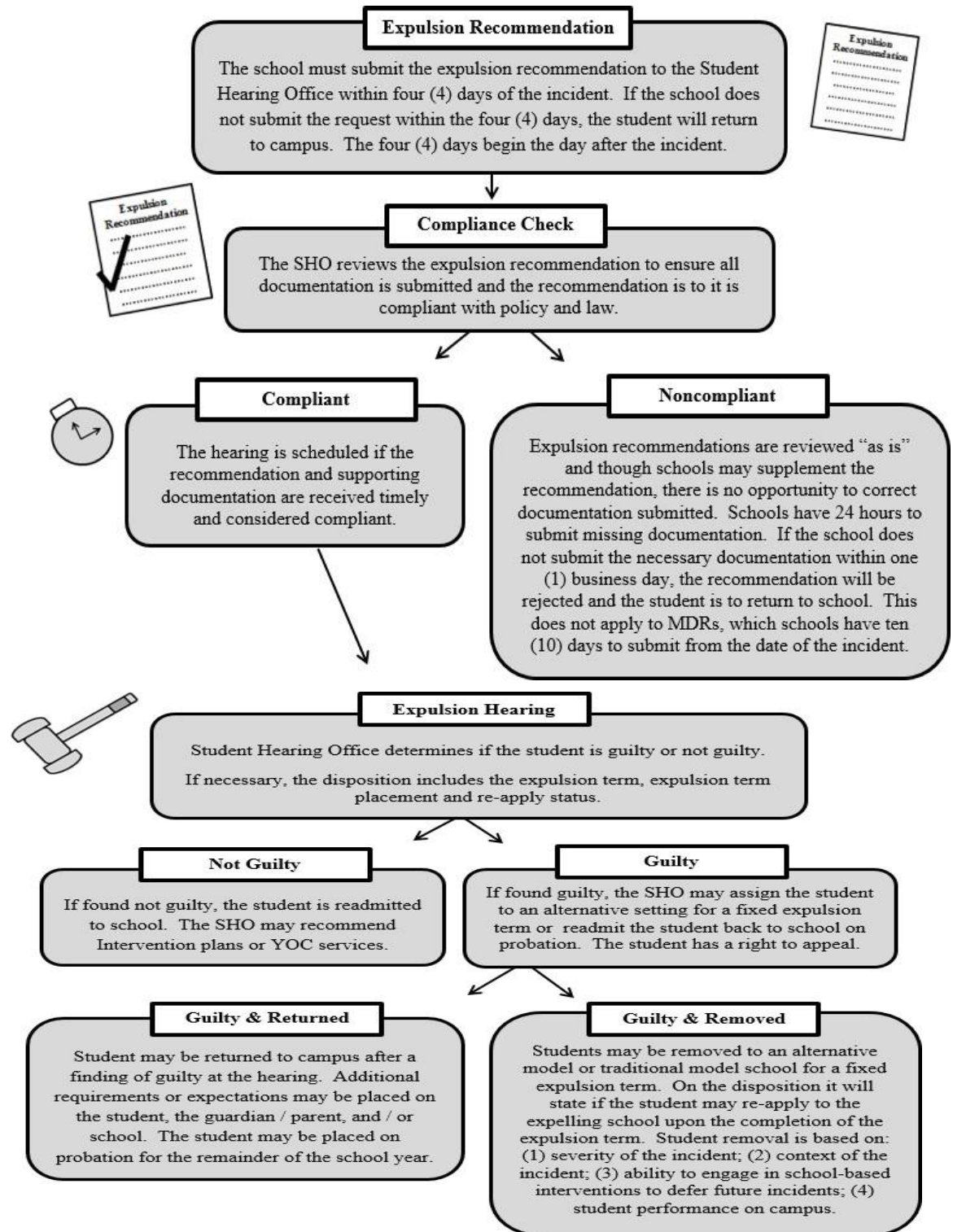
Any parent or guardian of a student or a non-minor student given an out-of-school suspension at a District Operated OPSB school has the right to appeal the suspension to the Orleans Parish School Board. The parent may appeal the reason for the suspension or the length of the suspension.

To appeal a suspension:

- 1) The parent must submit a written request to appeal to the OPSB Superintendent. The request must be made no later than five (5) school days after the start date of the suspension. Include a copy of the suspension documentation provided to the student, parent, or guardian.
- 2) Appeals are conducted in person with the student, school representative, parent/guardian and an additional representative of the student, parent/guardian's choice. School representatives must be present during the appeal.
- 3) The OPSB Superintendent or designee will assess the merits of the case and make a final determination. The decision of the OPSB Superintendent or designee shall be final. The OPSB Superintendent or designee may uphold, modify, or reverse the decision of the school.

***NOTE: Each OPSB Charter School will follow its own established procedures for suspensions and suspension appeals.**

Expulsion Process



Disciplinary Conference Procedures *(for OPSB District Operated and OPSB Charter Schools)*

Disciplinary Conferences are held with students through the Student Hearing Office in order to address significant behavioral concerns, including both expellable and non-expellable offenses. Disciplinary Conferences are used to supplement prior interventions at the school-level that have not resulted in changed behavior. The purpose of the conference is to deter future incidents that could lead to expulsion. Student Disciplinary Conferences cannot directly result in an expulsion. The following procedures must be followed:

- 1) The Disciplinary Conference process begins when a student commits an offense or a repeated problematic behavior. Parents should be notified in writing by the school about the incident or behavior and should be asked to sign the written document.
- 2) The principal or designee conducts a school-level investigation within three (3) days after the incident, if applicable. The student will be advised of the behavior infraction and given the opportunity to explain his or her version of the facts. Depending on the school and the nature of the behavior or incident, the student may be suspended until the Disciplinary Conference is held. *(Refer to Suspension Procedures for more information.)*
- 3) If the principal chooses to recommend the student for a Disciplinary Conference, the principal will submit a Recommendation for Disciplinary Action to the Student Hearing Office. If the recommendation is as a result of a specific incident, the form must be submitted within one (1) school day of the incident or within one (1) school day after completion of the investigation. On this form, the principal will describe the incident or behaviors that precipitated this recommendation, the due process for the student, and request an intervention for the student's offense. A Disciplinary Conference cannot result in expulsion. The school must notify the parent/guardian of minors of the misbehavior and recommendation for a Disciplinary Conference.
- 4) When the Student Hearing Office receives the paperwork, the documentation will be reviewed for compliance with the law, and the Student Code of Conduct, and Student Hearing Office policies. If the recommendation is deemed compliant, a Disciplinary Conference will be scheduled within (5) days of the Student Hearing Office receiving it. The Student Hearing Office will contact parents and schools to inform them of the date and time of the Conference. If the recommendation is incomplete, the form will be sent back to schools and schools will be given one (1) school day to complete the paperwork and resubmit it to the SHO.
- 5) The following persons have a right to attend the Disciplinary Conference:
 - The student
 - The student's parents/guardians
 - An additional person of the student's/parents'/guardians' choosing to represent the student
 - The student's principal or designee (may include teacher or school staff witnessing the incident)
 - Person victimized by the student (school must inform victim(s) and/or parents of the victim(s) of hearing time and place)
 - Any other person the Student Hearing Officer determines is necessary.
- 6) At the Disciplinary Conference, the student, parent/guardian, school representative, and Student Hearing Officer will collaboratively develop ways to improve behavior in order to avoid future disciplinary action. Students cannot be expelled at a Disciplinary Conference.

Expulsion Procedures (Level 3 Infractions) *(for OPSB District Operated and OPSB Charter Schools)*

In an expulsion, the student is officially removed from his or her school for a set period of time. This corrective strategy will only be used if a student commits a Level 3 infraction that is a Tier One, Tier Two or repeat Tier Three offense. *(See Level Three offenses section on pages 18-20.)*

For a student to be expelled, the following procedures must be followed:

- 1) The expulsion process begins with the student committing a Level 3 infraction that is a Tier One, Tier Two or repeat Tier Three offense. The student's parent/guardian should be notified about the incident in writing and should be asked to sign the written document. From this point on, the student may not transfer to another school until the expulsion process is concluded.
- 2) Anytime the student commits a Level 3 infraction, the principal or designee must conduct a student conference and school-level investigation within three (3) school days of the incident, if applicable.
- 3) During the investigation and expulsion hearing process, the student may be suspended. For students with disabilities, at no point may the student's suspension exceed the maximum number of days allowed by law. The school is responsible for the continual provision of a Free Appropriate Public Education (FAPE) for students with disabilities throughout this time. *(Refer to page 27 for more information.)*
- 4) After the student conference and principal's investigation, if the principal chooses to recommend the student for expulsion, the principal will submit required paperwork to the Student Hearing Office within one (1) school day of the incident or within one (1) school day after completion of the investigation.
 - If the paperwork is not submitted to the Student Hearing Office within this period, the student will be allowed to return to school (excluding special circumstances).
 - If the principal chooses to not recommend the student for expulsion, the principal will send written notification to the Student Hearing Office formally waiving the right to recommend the student for expulsion.
- 5) The school must ensure due process for the student. This includes:
 - notifying the parent/guardian of minors of the misbehavior and recommendation for expulsion;
 - allowing the student to tell his or her side of the story; and
 - mailing a copy of the incident report home to the parent/guardian of minors.
- 6) When the SHO receives the paperwork, the principal's recommendation for expulsion will be reviewed for compliance with the law, the Student Code of Conduct, and SHO policies. If the recommendation for expulsion is deemed compliant, an Expulsion Hearing will be scheduled within (5) days of the Student Hearing Office receiving it. The SHO will contact parents and schools to inform them of the date and time of the Hearing.
 - If the recommendation is incomplete, the form will be sent back to schools and schools will be given one (1) school day to complete the paperwork and resubmit it to the SHO.
 - If the recommendation for expulsion is not in compliance with the law and the Student Code of Conduct, the Student Hearing Office will contact the school and the parent. The recommended student will then be referred back to the sending school.

- 7) The following persons have a right to attend the expulsion hearing:
- The student
 - The student's parents/guardians
 - An additional person of the student's/parents'/guardians' choosing to represent the student
 - The student's principal or designee (may include teacher or school staff witnessing the incident)
 - Person victimized by the student (school must inform victim(s) and/or parents of the victim(s) of hearing time and place)
 - Any other person the Student Hearing Officer determines is necessary.
- 8) If the student or parent/guardian chooses not to attend the hearing, the hearing **can and will** be conducted in their absence.
- 9) All expulsion hearings will be tape-recorded and kept on file with the Student Hearing Office. At the hearing, the school and student will provide testimony and evidence related to the incident under consideration.
- 10) After the hearing, the Student Hearing Officer will make a determination of the student's guilt based on the evidence gathered during the school's investigation and any additional evidence or testimony presented during the hearing. The determination will be given, in writing, to the school, the student, and/or the minor student's parents/guardians. The Student Hearing Officer will determine the appropriate length of the expulsion according to the guidelines on expulsion length above, and the expulsion will begin immediately. The Student Hearing Office will make arrangements for the student to attend the alternative education facility, if applicable, after the hearing.
- **If the student is found guilty, the expulsion will begin immediately.**
 - **If the student is found not guilty, the student may return to school the following day.**
- 11) After the student has completed their full expulsion term at the alternative education facility to which the student is assigned, the student has the right to return to the school from which he or she was expelled.
- **If the student was found guilty of violence against another person, and the victim of that offense is still a student or staff member at the school, the student may be required to attend a different school at the completion of their expulsion term.**
 - At the hearing, the Hearing Officer, in concert with the sending school, will determine the student's eligibility to return to the expelling school.

Expulsion Appeals *(for OPSB District Operated and OPSB Charter Schools)*

Any non-minor student, or the student's parent/guardian, has the right to appeal the Student Hearing Officer's determination to the Recovery School District Superintendent or his/her designee. To appeal an expulsion, the parent/guardian of the student may, within five (5) school days after the decision to expel the student has been made, request that the RSD review the findings of the Student Hearing Officer. The parent/guardian or non-minor student must complete the Request for an Expulsion Appeal Form (Appendix C) and submit it to the Student Hearing Office. The RSD, in reviewing the case, may uphold, modify, or reverse the decision. Otherwise the determination of the Student Hearing Officer shall be final.

If the RSD Superintendent or his/her designee upholds the decision of the Student Hearing Officer, the non-minor student or student's parent/guardian may appeal the expulsion to the Municipal Court in which the student's school is located within ten (10) days of the RSD Superintendent's decision. The parish court may uphold, modify, or reverse the decision of the RSD.

Throughout the appeal process, the student must report to their designated alternative educational placement.

Student Placement

At the conclusion of the hearing, students found guilty will be given one of four designations that determine whether and when the student will be allowed to return to the expelling school.

Right to Return

Students found guilty and placed at an alternative education setting will be returned to their sending school at the conclusion of their expulsion term unless the Student Hearing Officer determines that there are compelling reasons that the sending school is not the best placement for the student.

No Right to Return

At the conclusion of their expulsion term, students guilty of offenses against identified victims at the sending school may be ineligible to return to the school. Certain other offences, depending on the facts, may qualify for this ineligibility for return to the sending school. Decisions about a student's right to return will be made by the Student Hearing Officer in consultation with the principal of the expelling school and based on all evidence available as of the time of the hearing.

Tier One Early Return

Students found guilty of Tier One offenses and placed at an alternative education setting may have the right to return to the expelling school prior to the conclusion of their expulsion term. A student's eligibility for early return will be determined by the expelling school at the conclusion of the hearing.

Written criteria for early return will be established by the expelling school and Student Hearing Officer at the conclusion of the hearing in consultation with the receiving school. Students eligible for early return will receive a review of their performance after being enrolled at the alternative education setting for the length of time established at the conclusion of the hearing, but not before completion of the remainder of the current semester and one additional semester. Students may only return to their sending schools under the early return policy at semester breaks.

This review will determine whether and when the student will return to the expelling school. The review for early return will be conducted by the Student Hearing Officer and expelling school and based on data provided by the alternative education placement. Students that are allowed to return to their expelling school based on their eligibility for early return may be subject to probationary conditions.

Probation

Students found guilty may have the right to early return to the expelling school prior to the conclusion of their expulsion term on a probationary basis. A student's eligibility for probation will be determined by the expelling school at the conclusion of the hearing.

Written criteria for probation will be established by the expelling school and Student Hearing Officer at the conclusion of the hearing and agreed upon in writing by the school leader and the student.

A student that is eligible for probation and who violates the terms of that probation will be eligible for placement at an alternative education setting for the remainder of the expulsion term.

Note: For additional information on Disciplinary Conferences and Expulsion Hearings, please see the Student Hearing Office Manual for Disciplinary Procedures, available on the Orleans Parish School Board website.

Discipline Policy & Procedures for Students with Disabilities

Overview of Procedural Safeguards

A. General. Disciplinary actions give students with disabilities extra legal protections when the discipline constitutes a change in placement. If a student violates the Student Code of Conduct, before consequences or punishment are imposed, the principal/designee must consider whether the student:

- Has an IDEA or Section 504 disability; or
- Is a student who is “thought to have a disability.”

While all students may be disciplined, the placement of students with disabilities cannot be “changed” when the offense is directly related to his/her disability or when the IEP or Section 504 plan is not implemented, *except in the case of emergency circumstances (drugs, weapons, significant bodily injury)*. See Section II for more information about emergency circumstances.

B. Determining Change in Placement. A change in placement is a legal term that applies to the situations described below. A student’s school suspension that occurred in a LA local education agency (LEA) during the same school year of transfer into another LA LEA “counts” and is added to any additional suspensions in the new school.

1. More than 10 Consecutive Days of Suspension, i.e., Expulsion

Any suspension that is for more than 10 consecutive days is considered to be a change in placement.

2A. More than 10 Total Days of Suspension in One School Year. Option 1

A series of suspensions with days that total more than 10 total school days in a school year is a change in placement.¹ The special education chairperson, with assistance and documentation from the Administration/Disciplinarian, monitors the number of days each student has been suspended. Students with disabilities who have not reached this 10-day threshold may be suspended under the procedures that apply to all students.

2B. More than 10 Total Days of Suspension in One School Year. Option 2

A series of suspensions with days that total more than 10 total school days in a school year may be a change in placement.² The special education chairperson, with assistance and documentation from the Administration/Disciplinarian, monitors the number of days each student has been suspended. Students with disabilities who have not reached this 10-day threshold may be suspended under the procedures that apply to all students.

¹ In-school suspension and suspension from the bus may constitute a suspension to the extent they impact implementation of a student’s IEP. See additional information on the next page.

² In-school suspension and suspension from the bus may constitute a suspension to the extent they impact implementation of a student’s IEP. See additional information on the next page.

FACTORS FOR DETERMINING PATTERN OF SUSPENSIONS

Substantially Similar Behavior. Is the student's behavior substantially similar to the behavior for which the student has previously been suspended? (Factors may include same type of behavior, same victim, same class, same day of the week or same time of day, etc.) If the answer is **yes**, continue with the following analysis:

Other Pattern Considerations. Consider such factors as:

- Length of each suspension, e.g., 1 day, 4 days, etc.
- Total cumulative days of suspensions, e.g., 11 days, 20 days, etc.
- Proximity of (time between) suspensions, e.g., 1 week apart, 2 months apart, etc.

A pattern is more likely to exist when the facts in each factor are more extreme, e.g., longer suspension lengths, more cumulative days of suspension and fewer days between each suspension. Also, consider whether the suspensions are: from the same class on a regular basis; on the same day of the week; at the same time of day; for the same activity; involving same staff or other students.

Consistent Decision-Making. Determining whether a pattern exists is very subjective. Thus, school staff should consult with their central administrator to ensure that factors are considered consistently across schools.

The *Determining a Pattern of Suspensions Worksheet*, Appendix A or B should be used to document consideration of this issue whenever a student's suspension has surpassed 10 cumulative days for the year.

3. **Additional Considerations.** The following considerations apply to in-school suspension; a suspension or removal for a portion of the school day; and for suspensions from transportation.

- In-school Suspension.** An in-school suspension will not be considered as a suspension for the above purposes as long as a student is given the opportunity to continue to: appropriately participate in the general curriculum; receive IEP specified services; and participate with nondisabled children to the extent (s)he would have in the current placement. Any in-school suspension that does not meet this standard must be considered as a suspension for purposes of these procedures.
- Suspension/Removal for Portion of School Day.** Students sent home from school in the morning because of misconduct is considered to have a full-day suspension. Students sent home in the afternoon is considered to have a half-day suspension. These conditions apply unless the student's BIP specifically calls for the student to receive a shortened school day when certain behaviors are exhibited.³
- Bus Suspension.** The following standards apply based on whether transportation is a related service on the IEP:
 - 1) Bus Transportation Is IEP Service.** When transportation is an IEP service, a student's removal from the bus is considered to be a suspension **unless** transportation is provided in some other way. In this case, transportation has been determined to be necessary for the student to access educational services.

³ Note: The Student Information System allows only the entry of suspension for a full day; half days are not permitted. Thus, there may be a difference between a student's actual total number of suspension days and the total recorded on the System. The student's "actual" full time equivalent days of suspension, however, are relevant to the application of these standards. Schools are strongly encouraged to enter suspension data in "real time."

- 2) **Bus Transportation Is Not IEP Service.** When transportation is not an IEP service, the student's removal from the bus is NOT considered to be a suspension. In this case the student/parent have the same obligations for the student to get to and from school as any nondisabled peers suspended from the bus. However, school officials should consider whether the bus behavior is similar to classroom behavior that IS addressed in an IEP and whether the bus behavior should be addressed in the IEP or through a BIP.

Monitoring Suspensions - Principals must have procedures in place to monitor and cumulatively total all suspensions for students with disabilities.

C. Determining Manifestation Determination & Services.

1. **Manifestation Determination.** Within 10 days of any decision resulting in a change of placement the LEA representative, parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA representative) must meet and determine whether the student's behavior is a manifestation of his/her disability using the Manifestation Determination form. The procedures below are used to make this determination.

a. Making the Decision

- 1) **Review Relevant Information.** The team participants review all relevant information in the student's file, including the IEP. If the IEP was not implemented, the team documents why it was not implemented and whether the failure to implement the IEP impacted the student's behavior.
- 2) **Observe Behavior.** The team also reviews documentation of staff observations regarding the student's behavior. This should include an analysis of the student's behavior across settings and times throughout the school day.
- 3) **Information from Parents.** The team reviews any relevant information provided by the parents.
- 4) **Ask Two Questions to Determine Manifestation.** The team must consider the two questions below to determine if a student's behavior was manifested by his/her disability.

- a) **Relationship of Behavior to Misconduct.** Was the conduct caused by or directly and substantially related to the student's disability?

Consider whether the behavior in question has been consistent and/or has an attenuated association with the disability:

- **Consistent Behavior.** Behavior that has been consistent across settings and across time may meet this standard.
- **Attenuated Association.** Behavior that is not an attenuated association, such as low self-esteem, to the disability would not have a direct and substantial relationship to the student's disability.

- b) **IEP Implementation.** Was the conduct a direct result of the school's failure to follow the student's IEP? If so, the principal must ensure that immediate steps are taken so that the identified deficiencies are remedied.

- d. **Behavior Is Manifestation of Disability.** If the relevant members of the IEP team answers yes to either question, then the student's behavior is a manifestation of his/her disability.

- 1) **Return to Placement.** Unless the IEP team agrees to a change of placement as part of the modification of the BIP, the school must return the student to the placement from which (s)he was removed. Note: this provision does not apply to students involved with weapons, drugs or serious bodily injury. (See Section II.)
- 2) **FBA & BIP.** The IEP team must conduct or review a functional behavioral assessment (FBA) and create a behavior intervention plan (BIP) addressing ways that the school can help the student with the conduct at issue. If the student already has a BIP, it must be reviewed and modified to address how the school can better assist the student with the conduct at issue. **Note:** If the FBA requires a new assessment of student behavior, parental consent is required.

e. Behavior is NOT Manifestation of Disability

- 1) **Same Consequences.** If the IEP team members agree that the student's conduct was not a manifestation of his/her disability, then the student may be subject to the same consequences as all students.⁴
- 2) **Required Services.** A student with a disability who is removed from his/her current placement must receive the following services beginning on the 11th day of *cumulative* suspensions during the school year. The IEP team:
 - a) **Identifies Services.** Identifies and documents educational services the students will receive to enable the student to continue to participate in the general education curriculum, although in another setting (e.g., an interim alternative educational setting (IAES), etc.) and to progress toward meeting the goals set out in the student's IEP; and
 - b) **Develops/Reviews FBA/BIP.** Provides, as appropriate, an FBA and BIP services and modifications, which are designed to address the behavior violation so that it does not recur.
 - c) **Considers Need for More Restrictive Services.** May convene and modify the student's IEP.
School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements of this section, is appropriate for a student with a disability who violates a code of student conduct.

II. Weapons, Drugs or Serious Bodily Injury: Emergency Procedures

In circumstances related to a student's use of weapons, drugs or imposition of serious bodily injury, school officials may remove a student for 45 school days by following the procedures below.

A. Criteria for Emergency Removal.

1. **Weapons.** A student carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the school's jurisdiction.

A weapon is a device, instrument, material or substance animate or inanimate that is used for or is readily capable of causing death or serious bodily injury (excluding pocket knife with a blade of less than 2 ½ inches in length); firearms, including a starter gun; the frame or receiver of such a weapon; a muffler or silencer; any destructive device including any explosive incendiary or poison gas bombs, grenades, rockets, missiles and mines; does not include antique firearms.

⁴ If a parent disagrees with the team's decision that the behavior was not a manifestation of the student's disability or with the interim alternative educational services or location, the parent may request an expedited due process hearing to challenge this finding. If the Hearing Officer agrees with the parent, the student will remain in the school where the offense was committed unless the parent and the school agree otherwise.

2. **Drugs.** A student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the school's jurisdiction;

A controlled substance is a drug or other substance in the Federal Code that does not include a substance legally used and possessed under the supervision of a licensed health-care professional.

- Possession of alcohol and tobacco does not fall under "controlled substance." Therefore, the principal cannot move a student to an IAES for possession of these items under this section. Instead, the removal is subject to the procedural safeguards applicable to other types of misconduct.

3. **Serious Bodily Injury.** A student inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or an LEA.⁵

Serious bodily injury involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

B. Removal

1. **General.** The school may immediately remove the student for up to 45 school days to an IAES. Because drugs, weapons and serious bodily injury are so dangerous to a safe school climate, a school may remove a student under these circumstances for 45 school days regardless of whether the team believes that the behavior is a manifestation of the student's disability.

The 45 school days do not include those days the school is not in session, e.g., Spring Break. The IEP team may specify a removal for fewer days than the maximum 45 days.

- C. **Action during Removal.** During the 45 school day period, the school must convene a meeting to determine whether the student's behavior is a manifestation of his/her disability. (See Section I.C. above for more information about the manifestation determination process.)

1. Behavior IS Manifestation of Disability

- a. **FBA/BIP.** As discussed above, the IEP team must conduct or review an FBA and create a BIP addressing ways that the school can help the student with the conduct at issue. If the student already has a BIP, it must be reviewed and modified to address how the school can better assist the student with the conduct at issue. Note: if the FBA requires a new assessment of student behavior, parental consent is required.
- b. **Reevaluation.** The student may be referred for a reevaluation.
- c. **More Intensive Services.** The IEP team may meet to consider more intensive special education services upon the expiration of the 45 day IAES or sooner.

2. Behavior is NOT Manifestation of Disability

- a. **Disciplinary Hearing.** If all team members determine that the conduct was not a manifestation of the student's disability, then the 45 school day emergency placement may proceed to a disciplinary proceeding afforded to all students.
- b. **FBA/BIP.** The student must receive, as appropriate, an FBA and BIP services and modifications, which are designed to address the behavior related to the disciplinary violation so that it does not recur.

⁵ To comply with the law, a 45 school day emergency removal for serious bodily injury must be extremely serious, i.e., requiring medical treatment.

III. Appeals

A. Reasons for Requesting an Expedited Due process Hearing

1. **Parent Disagreement.** Parents who disagree with the appropriateness of the alternative placement or remedial disciplinary setting or services may request an expedited due process hearing.
2. **School Considers Student to be Dangerous.** If a school has documented reasons to believe that keeping the student in his/her current school is **substantially likely to result in injury to the student or to others**, the school should request an emergency hearing for the purpose of transferring the student to an IAES for up to 45 school days. *Note: this standard is not as high as serious bodily injury; it does **not** allow for an immediate 45 school day removal.*

B. Authority of Hearing Officer

1. A hearing officer may:
 - a. Return the student to the placement from which the student was removed if the hearing officer determines that the removal did not comply with these procedures or that the student's behavior was a manifestation of the student's disability; or
 - b. Order a change of placement to an IAES for not more than 45 school days if maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
2. The school may repeat its request for an expedited hearing if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

C. Expedited Due Process Hearing Procedures.

1. An expedited hearing must occur within 20 school days of the date the request is filed. The hearing officer must make a determination within 10 school days after the hearing.
2. Unless the parents and school personnel agree in writing to waive the resolution meeting or agree to mediate the dispute:
 - a. A resolution meeting must occur within seven days of receiving notice of the hearing request; and
 - b. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the hearing request.
3. Evidence not disclosed to the other party three business days before the hearing is excluded, unless the parties agree otherwise. Expedited due process hearing decisions are appealable to state or federal court.

D. Placement during Appeal of Discipline Decision

1. **Weapons, Drugs or Serious Bodily Injury.** The student remains in the IAES pending the decision of the hearing officer or until the expiration of the 45-day or code violation time period (if less than 45 school days), whichever occurs first, unless the parent and school personnel agree otherwise.
2. **Behavior Not Manifested by the Student's Disability.** The student remains in the IAES pending the decision of the hearing officer or until the expiration of the 45-day or code violation time period (if less than 45 school days), whichever occurs first, unless the parent and school

personnel agree otherwise.

Behavior Is Manifested by Student's Disability but Belief Behavior is Substantially Likely to Cause Injury.

The student remains in the placement (s)he was in at the time of the behavior in question unless the parent and school personnel agree otherwise.

IV. Students Without IEPs or Section 504 Plans "Deemed to Have a Disability"

In some cases, a student without a disability will be deemed to have a disability. The criteria for making this determination and the applicable procedures relevant to such a finding are discussed below.

A. Knowledge of suspected disability (Thought to be a student with a disability)

There are certain circumstances that would indicate a school had knowledge that a student might (or is thought to) have a disability prior to the violation of the disciplinary violation. The following three situations give rise to such legal evidence:

1. **Evaluation Requested.** The parent requested an evaluation.
2. **Written Concern.** The parent expressed concern in writing to the student's teacher or school administration about the student's need for special education and related services
3. **Specific Concerns by Staff about Pattern of Behavior.** The student's teacher or other school staff told school supervisory personnel of specific concerns about the student's pattern of behavior.

If any of the three factors above are present, then school officials consider disciplinary action as if the student has a disability.

B. NOT Deemed To Have Knowledge. This provision does not apply if:

1. Parent did not consent to an initial evaluation of the student
2. Parent refused special education and related services for the student **or**
3. The student was evaluated and was determined not to have disability.

If any of these three circumstances exist, the student may be subjected to the same disciplinary measures applied to those without disabilities engaging in similar behaviors.

The US Department of Education's comments to the IDEA states: a public agency will **not** be considered to have a basis of knowledge merely because a child receives services under the coordinated, early intervening services of the IDEA law UNLESS a parent or teacher of a child receiving early intervening services expresses a concern, in writing, to appropriate agency personnel that the child may need special education and related services.

C. School Personnel Have No Knowledge and Parent Subsequently Requests an Evaluation

If the parent requests an evaluation for a suspected disability after the student is sent to an IAES, the school must conduct an expedited evaluation at parental request. However, the student remains in placement, including an IAES, during the evaluation. If the student is found to have a disability, an IEP must be developed. The IEP team must then conduct a **manifestation determination**. If the behavior is manifested by the student's disability, the team reconsiders the student's placement in light of the new information.

V. Referral to and Action by Law Enforcement and Judicial Authorities

- A. Reporting Crimes.** Nothing in this part prohibits school personnel from reporting a crime committed by a student with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student with a disability.
- B. Transmittal of Records.** School personnel reporting a crime committed by a student with a disability must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the agency reports the crime. Records must be transmitted only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

VI. Application of Section 504 and ADA

Generally, students with disabilities eligible for services only under Section 504/ADA (i.e., need related and supplementary aids and services only) are entitled to the procedural safeguards specified in this section. An exception to this general rule applies to students with behavior that is not a manifestation of his/her disabilities. In this case, these students are entitled to those services normally available to nondisabled students who are suspended or removed pursuant to the school's *Code of Student Conduct*.

Appendix A. Determining Change of Placement Worksheet

Student Name _____ ID _____ School _____

Disability _____ Grade _____ Date _____

Determining if Pattern of Suspensions Exists For Students Suspended for More than 10 Cumulative School Days in School Year and NO Special Circumstances Apply (i.e., weapons, drugs or severe bodily injury)

Description of behavior related to disciplinary action:

Description of prior behavior:

Was behavior in question substantially similar to the student's behavior in previous incidents?

___Yes___No If "yes," continue to determine if there's a pattern. If "no" the behavior is not part of a pattern.

For all suspensions, attach dates of suspensions and number of days for each suspension & determine:

1. What is the cumulative number of days for all suspensions combined? _____ days
2. How many days of suspension were ordered for each separate incident?
3. What period of time separated each period of suspension? (days, weeks, months)

CONCLUSION: Pattern of Suspensions Exists NO Pattern of Suspensions Exists

Basis for Decision:

Individual Completing Review: _____ Title: _____

Consultation with: _____ Title: _____

Appendix B. Determining Change of Placement Worksheet

Student _____ School _____ School Year _____

Grade:_____Page _____

Change in Placement Chart: To Determine if Series of Suspensions Constitute a Pattern (Consider offenses, length of each, total number & proximity?)

[illegible]

GLOSSARY OF TERMS

Accommodations - changes in how a test is administered that do not substantially alter what the test measures; includes changes in presentation format, response format, test setting or test timing. Appropriate *accommodations* are made to level the playing field, i.e., to provide equal opportunity to demonstrate knowledge.

Aggravated Assault – an assault committed with a *dangerous weapon* (La. R.S. 14:37). A *dangerous weapon* includes any gas, liquid, or other substance or instrumentality, which, in the manner used, is calculated or likely to produce death or great bodily harm.[La. R.S. 14:2 (A)(3)].

Battery – the unlawful beating or other use of violent force on another person.

Behavior Contract – a written document between the teacher, student, and parent(s)/legal guardian(s) which specifies: expected behavior(s), positive and negative consequences, and time frame of the contract with review date.

Behavior Intervention Plan (BIP) – a plan that is the result of a *FBA*. *BIPs* are written documents that describe the inappropriate behavior to be changed as well as strategies or interventions implemented to address the target behavior. *BIPs* are developed by either the classroom teacher or a team of school personnel who assist the teacher in proactively, consistently, and effectively addressing inappropriate behavior. *BIPs* aid in communicating behavioral expectations to individual students or an entire classroom and also communicate the consequences of achieving the goal or objective. In addition, *BIPs* allow frequent feedback regarding the effectiveness of the management strategies being employed, assist in documentation of student or class progress and provide useful guidelines for interacting with students.

Bullying – a pattern of any one or more of the following:

- gestures, including but not limited to obscene gestures and making faces;
- 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;
- physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property;
- repeatedly and purposefully shunning or excluding from activities; and
- where the pattern of behavior as provided 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.

The pattern of behavior as described 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.

Case Coordination – monitoring, communication, and support between family, school(s), and outside community agencies.

Change of Placement – occurs when either the school removes the student from his or her educational placement for more than ten (10) consecutive school days or the school removes the student from his or her educational placement on several occasions that constitute a pattern and add up to more than ten (10) school days.

Charter School – an independent school that is publicly funded. Under Louisiana law, private groups may apply for a charter which allows them to operate an independent school using public money. There are various types of charter schools. Some are chartered by the state Board of Elementary and Secondary Education (*BESE*), while others are chartered either by the Orleans Parish School Board or the Recovery School District. ***Charter schools MUST follow the same state law regarding discipline and the same state and federal law regarding special education.***

Check-In/Check-Out (CICO) – a positive behavioral support for students who demonstrate moderate behavior problems. It is intended to provide frequent reinforcement for compliance with behavioral goals. Each of the behavioral goals should be defined in clear behavioral terms. The goals are set and altered by the CICO coordinator (e.g., school social worker, professional school counselor) with the support of the *Response to Intervention (RTI)* team. The CICO coordinator meets twice daily with the student to individually provide social skills training related to each of the designated behavioral goals. The student will review the goals each morning with the CICO coordinator in order to completely understand the behavioral expectations.

Corrective Strategies – a list of strategies to be used as alternatives to *suspension* and *expulsion*.

Crisis Prevention Institute (CPI) – a training organization that specializes in non-violent crisis interventions.

Dangerous Weapon – a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and a half (2 ½) inches in length.

Day – means calendar day unless otherwise indicated as school day or business day.

Detention – a form of *discipline* in which a student is required to spend extra time in school. A *detention* may take place before or after the school day, on the weekend (traditionally known as ***Saturday School***), and during breaks in the school day, such as lunch. *Detention* is usually considered one of the milder forms of disciplinary action available to a school.

Discipline – the steps, action, or training teachers, administrators, support staff, and parents/legal guardians implement to enhance student academic, social, moral, or mental improvement.

Disciplinary Conference – Student Hearing Office conference held with students in order to address significant behavioral concerns, including both expellable and non-expellable offenses; used to supplement prior interventions at the school level that have not resulted in changed behavior.

Disrespect for Authority – Talking back, mocking, or gesturing; any act which demonstrates a disregard or interference with authority or supervising personnel.

Due Process Hearing – a formal hearing to resolve special education disputes between parents and schools. *IDEIA 2004* includes rules of procedure for resolving such disputes. These rules include mediation, *due process hearings* and appeals to state or federal court. A *due process hearing* is usually a formal, contested trial.

Exceptionality – a student’s special learning needs identified through the Multi-Disciplinary Evaluation process. There are several types of exceptionalities, as defined by Louisiana Bulletin 1508 and *IDEIA 2004*.

Expulsion – any denial of school attendance for the remainder of the school year, for a time designated during the current or next school year, or permanently.

Extortion – the communication of threats to another in order to obtain money, property or services.

Free and Appropriate Public Education (FAPE) – the standard of education that schools must provide to children with special needs or exceptionalities. The school must create a specific plan to address the child’s learning needs, place them in the appropriate educational setting for their needs, and deliver special education and *related services* required for the child to learn. *FAPE* differs for each student and ensures that all students with disabilities receive an appropriate public education at no expense to the family.

Functional Behavior Assessment (FBA) – a process of examining the function that a particular behavior serves for a student that includes an analysis of the frequency, intensity and duration of a behavior. The end result of the *FBA* is a *BIP*.

Group Fight – a severe attack of several students engaging in the use of physical force or the unlawful beating of others with the intent to harm or cause injury with or without the use of weapons or other objects (including, but not limited to guns, knives, brass knuckles, razor blades, batons, mace, pepper spray, etc.)

Horseplay – rowdy, rough, or boisterous play.

Home-to-School and School-to-Home Communication System – communication with families regarding school programs and student progress through effective *home-to-school and school-to-home communications*.

Individualized Accommodation Plan (IAP) – a written plan developed by a group of individuals who have knowledge of a student’s disability, knowledge of the student that addresses the student’s disability and documents specific accommodations and modifications to be provided in school so that the student benefits educationally.

Individualized Accommodation Plan (IAP) Committee – a group of individuals who review and discuss all relevant student data that results in the development of an *IAP*.

Individualized Education Plan (IEP) – a written plan developed by school staff, parents/legal guardians, and the student that outlines the student’s abilities, goals and objectives, how progress will be measured, and how the team will work together to meet these goals.

Individualized Education Plan (IEP) Team – a group of individuals who are responsible for developing, reviewing, and revising the *IEP* for a student with special needs. The *IEP Team* must review each student's progress, as needed, to determine current progress and future needs. The review should also consider whether annual goals for the student are being achieved, staff and parental concerns regarding the student's progress, the results of any *re-evaluation* conducted, and any changes that need to be made. By law, the *IEP Team* must include the following individuals:

- At least one general education teacher, if the student is (or will be) participating in the general education environment
- At least one special education teacher or provider
- A representative of the *LEA* who is knowledgeable about specially designed instruction for students with disabilities, the general curriculum, and the availability of *LEA* resources
- Parent(s)/legal guardian(s)
- The student, as appropriate
- Someone who is able to interpret the instructional implications of evaluation results
- Other individuals whom the parent(s)/legal guardian(s) or the school choose to invite

Individuals with Disabilities Education Improvement Act 2004 (IDEIA 2004) – federal law governing how states and public agencies provide all children with disabilities a *FAPE* that emphasizes early intervention, special education, and *related services* designed to meet their unique needs and prepare them for employment and independent living. *IDEIA 2004* provides funds to assist states in addressing the educational needs and rights of children with disabilities from birth to 26 and addresses 13 specified categories of disability.

In-School Suspension – the temporary removal of a student from his/her assigned classes and the placement of a student in an approved “time-out” program, usually at the same school.

Interim Alternative Educational Setting (IAES) – any public or private elementary or secondary school offering a more structured program of study than a traditional school. Under Louisiana law, children who are expelled must be offered alternative education.

Least Restrictive Environment (LRE) – federal law (*IDEIA 2004*) mandates that students with disabilities must be educated with their non-disabled peers to the maximum extent appropriate based on the student's needs. This is known as the *Least Restrictive Environment* (LRE). The *IEP Team* (including the parent) determines the placement that the student needs to provide the services on the student's *IEP* and the team must choose the *LRE* able to provide those services. This means the student should attend the school he or she would attend if non-disabled, unless the team determines that the nature of the student's disability will not allow that student to have a successful educational experience in that environment.

Local Education Agency (LEA) – a public board of education or other public authority within a state that maintains administrative control of public elementary or secondary schools in a city, county, township, school district or other political sub-division.

Manifestation Determination Review (MDR) – a safeguard to ensure that students are not being punished because of their exceptionalities. An *MDR* examines the child's behavior and previously documented information about the student in an effort to determine whether the behavior for which the student is being disciplined is not a manifestation of the student's disability. The *MDR Committee* consists of the parent and at least two individuals, one who is familiar with the student's behavioral patterns and one who is knowledgeable of the student's *exceptionality*.

Manifestation Determination Review (MDR) Committee – a group of individuals who meet to determine if the behavior for which disciplinary action is taken is or is not a manifestation of the student's disability; every effort must be made by the school to have the parent/legal guardian participate in the decision.

Modifications – substantial changes in what the student is expected to demonstrate; includes changes in instructional level, content, performance criteria, and alternate assessments; may include changes in test form or format.

Multi-Disciplinary Evaluation (MDE) – an assessment of a student's current functioning levels, strengths, and educational needs. Federal and state regulations require that a comprehensive evaluation be conducted to determine if a student has a disabling condition which qualifies him/her to receive special education services. A *re-evaluation* should occur at least every three (3) years.

Murder – the unlawful killing of another human being.

Out-of-School Suspension – the temporary removal of a student from school. *Suspensions* are limited in time and the student should be able to return to school after the term of *suspension* is completed. During the *suspension* period, students are not allowed on any school property.

Personal Searches (La. R.S. 17:417.3) – The teacher, principal, school security guard, or administrator may search the person or personal effects of a student when, based on the circumstances at the time of the search, there are reasonable grounds to suspect that the search will reveal evidence that the student has violated the law, a school rule, or a District policy.

Placement – if a student is receiving special education or *related services* under *IDEIA 2004*, the student's placement is the educational setting that the *IEP Team* determines is best for the student, as reflected in his/her written *IEP*. *Placement* does not mean the room the student is in, but the program and services most appropriate for him/her as stated in the *IEP*.

Positive Behavior Interventions & Support (PBIS) – a school system's approach to creating and maintaining a climate of safety and learning in our schools. Use of *PBIS* is a "best practice" that decreases the need for more intrusive or aversive interventions (i.e., *suspension*) and can lead to both systemic as well as individualized change.

Probationary Status – a process of being re-admitted to school on terms and conditions stipulated by the Student Hearing Officer and agreed to in writing by the student and the student's parent or legal guardian responsible for the student's attendance.

Probation Violation – the act of a student breaking or breaching the written contractual agreement among the student, parent/legal guardian, and school which was previously accepted by all parties upon conclusion of the student's hearing.

Re-evaluation – the process of determining whether a student continues to have a disability and continues to require special education and *related services*. A *re-evaluation* is conducted to 1) identify how the student is functioning in school, 2) identify the student's educational needs, and 3) identify any changes in the student's *IEP* to assist in meeting the annual goals and objectives included in the *IEP* and participating, as appropriate, in the general curriculum.

Reflective Activity – an assignment designed to give the student an opportunity to think critically about an instance in which he/she broke a rule. The assignment should guide the student towards determining an appropriate behavior for the given situation instead of the behavior that broke a school rule. An example of a *reflective activity* given to a student: “Write a paragraph answering these two questions: 1) What caused you to walk out of the classroom?; and 2) What you could have done differently when you started to feel like you wanted to walk out of the classroom?” Another *reflective activity* would include asking the student to fill out a self-evaluation that the teacher then reviews with the student. After discussing the self-evaluation, the teacher and student could develop a plan to help address the student’s areas of weakness.

Related Services – developmental, corrective, and other supportive services that assist a student with a disability. *Related services* include: speech- language pathology and audiology services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities in children; counseling services, including rehabilitation counseling; orientation and mobility services; medical services for diagnostic or evaluation purposes; school health services; social work services in schools; parent/legal guardian counseling and training; and transportation.

Response to Intervention (RTI) – a process that provides high-quality research-based instruction and interventions that are matched to a student’s needs. This process incorporates data developed to examine the student’s learning rate over time to make appropriate educational and instructional decisions regarding assistance to at-risk students. In the *RTI* process, students with academic delays and/or behavioral deficits are given one or more research-validated interventions. The student’s academic and behavior progress is monitored frequently to see if the interventions are sufficient to assist the student in reaching the instructional level of his or her grade. If collected data indicates that the student does not demonstrate adequate progress despite several implemented research-based interventions, consideration for special education may be warranted.

Restorative Justices Practices – the practice of bringing victims and offenders into contact so that victims can describe the impact of the crime on them, have their questions answered, and receive an apology so that offenders can understand and make good on the harm caused by their crime; restorative justice helps meet victims’ needs, confronts offenders with the effects of their actions, and can help to engage the community and build confidence in the criminal justice system.

Robbery – an act or instance of illegally taking another’s property by the use of intimidation or violence.

School Bus Suspension – a *corrective strategy* in which a student is not allowed to ride the school bus for a specified period of time. This strategy can be used if a student commits an infraction addressed in the Student Code of Conduct on a school bus after other *corrective strategies* have been implemented.

School day – a day when children attend school for instructional purposes.

School Level Investigation – a detailed search or examination of questionable student activities/incidents (at school, during school, or at school-related functions) to discover related facts; the investigation is conducted by the school administrator/designee.

Section 504 – a civil rights law that prohibits discrimination against individuals with disabilities. *Section 504* ensures that the student with a disability has equal access to an education. The student may receive accommodations and modifications.

Serious Bodily Injury - defined in USC 1365(g) to mean a bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty. [617(k)(7)(D)]

Sexting – transmitting pictures, written material, text and/or voice messages, and emails that are sexual in nature using the internet, cell phones, or any other electronically-related device (includes Internet chat rooms and online messaging services).

Sexual Assault – conduct of a sexual or indecent nature toward another person that is accompanied by actual or threatened physical force that induces fear, shame, or mental suffering.

Social Networking – transmitting pictures and/or written materials, via My Space, Facebook, Twitter, You Tube, LinkedIn or any similar social networking website, with the intent to harm others.

Special Circumstances – IDEIA defines special circumstances as follows: use of illegal drugs, weapons, and behavior causing serious bodily injury.

State Education Agency (SEA) – the agency primarily responsible for the supervision of the state’s public elementary and secondary schools. In Louisiana, the *SEA* is the Louisiana Department of Education.

“Stay Put” – the term used referring to a student’s right to remain in the current educational placement pending a disciplinary hearing (expulsion recommendation or request for a change of school setting) or a parent(s)/legal guardian(s)’ appeal to challenge a placement, manifestation determination, suspension, or expulsion; this right ensures that the student continues to receive *FAPE* in the *LRE*.

Student Information System (SIS) – data management for student information.

Suspension – see listing for “*In-School Suspension*” and “*Out-of-School Suspension*”.

Theft – the unauthorized entering of any school structure, vehicle, or property, movable or immovable, with the intent to commit a felony or any theft therein.

Vandalism – willful or malicious destruction of public or private property.

Willful Disobedience – deliberate choice to break a rule or disobey a directive given by a person in authority.

Appendix D. Bullying Form



BULLYING REPORT FORM

Instructions: Complete this form, responding only to the questions that you feel comfortable answering and are able to report accurately. Submit this form to the principal or other school employee. This form may be completed by the person reporting the incident or by the school employee to whom the incident is being reported.

Person Reporting the Incident:	Date of Report:
Person Reporting the Incident: <input type="radio"/> Student <input type="radio"/> Parent/Guardian <input type="radio"/> School Employee <input type="radio"/> Chaperone	

Description of Incident (Include the names of those involved and as much detail as possible: what, where, when, how, etc.)

List the name(s) of any witnesses to the incident.

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature of Person Filing Report	Date
-----------------------------------	------

Received by :

Name	Position	Date
------	----------	------

Appendix E. Complaint Policy and Contact Directory

Complaint Policy

1. Parents or guardians should contact **their student's school** if they wish to get information or have an issue related to the following:
 - Disagreement with a teacher or staff member at the school
 - Student records, except if the school is no longer open
 - Discipline decisions, except if it could involve expulsion or special education
 - Issues with another student at the school
2. Parents or guardians should contact the **OPSB Central Office** if they wish to get information or have an issue related to the following:
 - Student has been expelled or there are other serious discipline issues
 - Student isn't receiving needed special education services
 - Student is in danger and the school has not responded
 - Any other serious legal, safety, or special education issues that the school has not addressed

Contact Directory

Student Hearing Office

2405 Jackson Avenue
New Orleans, LA 70113
Phone: 504-359-6836 or 504-450-3919
Email: hearingoffice@nolapublicschools.com

OPSB Central Office

2401 Westbend Parkway,
New Orleans, Louisiana 70114
Phone: 504-304-3520
www.opsb.us
Henderson Lewis, Jr., Ph.D., Superintendent

OPSB Family Resource Center

2401 Westbend Parkway, Suite 1101
New Orleans, LA 70114
Phone: 877-343-4773

Orleans Parish School Board Members



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