



City of Baker School Board  
**BOARD MEETING**

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**CITY OF BAKER SCHOOL BOARD OFFICE**  
14750 Plank Road  
February 2, 2021  
6:00 p.m.

***Please be advised that, due to concerns about public health and safety caused by the Coronavirus Disease 2019 (COVID-19), the City of Baker School Board will conduct this Board Meeting electronically via telephone and/or video conference.***

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*Mission Statement: Providing a quality education for all students...empowering excellence.*

**AGENDA**

1. Call to Order
2. Explanation on the Use of Zoom Teleconferencing to Attend Meeting and Provide Questions and Comments on Agenda Items. Use the following email address: [comments@bakerschools.org](mailto:comments@bakerschools.org). Emails must include the individual's name (not screen name) and address. **(Individuals may comment/ask questions on agenda items with a limit of no more than 3 persons per item.)**
3. Roll Call
4. Silent Meditation
5. Pledge of Allegiance
6. Welcome of Visitors
7. Adoption of Certification for Electronic Meeting **(Action)**
8. Consideration and Approval of Motion to Consider All Items on the Agenda (Act 42 of 2020, 2<sup>nd</sup> Ext. Session) **(Action)** (President Parker)
9. Approval of Agenda **(Action)**
10. Presentations:
  - Quest to Excellence Award
  - Recognition of Outgoing School Board President, Ms. Sharlous Booker
11. Consideration and Approval of Minutes from the Meeting of January 12, 2021 **(Action)**

12. Consideration and Approval of Superintendent's Personnel Actions **(Action)**  
(Interim Supt. Perry/Mr. Grisby)
13. Consideration and Acceptance of Monthly Financial Report Including Budget to Actual Comparisons for the Period Ending December 31, 2020 **(Action)** (Mrs. Stewart)
14. Announcements:
  - a. Superintendent's Remarks
  - b. School Board Retreat: Rebuilding Baker High School
  - c. Date of Next Meeting -- March 2, 2021
15. Adjournment **(Action)**

**CITY OF BAKER SCHOOL BOARD**

**CERTIFICATION OF INABILITY TO ACHIEVE IN-PERSON QUORUM  
&  
NOTICE TO MEET THROUGH ELECTRONIC MEANS**

*Issued January 29, 2021*

I hereby certify that the February 2, 2021 meeting of the City of Baker School Board be held via videoconference in accordance with La. R.S. 42.17.1. The State of Louisiana continues to operate under a state of public health emergency declared by the Governor. An in-person meeting will be detrimental to public safety and health of the public. Additionally, the matters considered by the Board are critical to the continuation of the business of the public body and further delay will cause a hardship on the school system.

Pursuant to La. R.S. 42.17.1, the School Board will provide for attendance via video or teleconference, in a manner that allows for observation and input by members of the public, including a mechanism to receive electronic comments both prior to and during the meeting, as set forth in the public notice of the meeting.

Public comments may be submitted to [comments@bakerschools.org](mailto:comments@bakerschools.org) and members of the public may view the meeting.

Thank you in advance for your understanding in these unusual circumstances.



Vanessa Parker  
President  
City of Baker School Board

**City of Baker School Board Meeting**  
**February 2, 2021**  
**Agenda Item 7**

**MOTION**

This is a motion to accept and adopt the certification of the inability to conduct an in-person meeting by the City of Baker School Board on February 2, 2021, and to proceed with the meeting by electronic means. Further, to provide that the public may submit comments or questions to the City of Baker School Board at any time during the meeting by email to [comments@bakerschools.org](mailto:comments@bakerschools.org). All comments will be read aloud at the School Board meeting at the appropriate time.

**City of Baker School Board Meeting**  
**February 2, 2021**  
**Agenda Item 8**

**MOTION**

All items on the School Board's agenda for this meeting have been determined by the presiding officer to be critical and time sensitive and shall be considered at the February 2, 2021 meeting.

(Need 2/3's vote.)



**CORRECTED**

**City of Baker School Board  
January 12, 2021**

**Agenda # 11**

**MINUTES**

The City of Baker School Board held a public meeting via Zoom beginning at 6:03 p.m. on Tuesday, January 12, 2021.

President Booker explained that while conducting Board Meetings via Zoom, the public can attend the meeting and also ask questions/make comments by using the email address: [comments@bakerschools.org](mailto:comments@bakerschools.org). Since the meeting is virtual, all votes will be taken by roll call.

President Booker called the meeting to order and took roll call:

BURGES:	Present
BOXIE:	Present
PARKER:	Present
DAVIS:	Present
BOOKER:	Present

A moment of silent meditation was led by Mrs. Burges, followed by the Pledge of Allegiance led by Mrs. Davis.

President Booker welcomed all persons participating in the meeting.

President Booker asked for a motion to accept and adopt the certification of the inability to conduct an in-person meeting by the City of Baker School Board on January 12, 2021, and to proceed with the meeting by electronic means.

On motion of Mrs. Davis seconded by Mrs. Burges, the Board voted to adopt the *Certification of Inability to Achieve In-person Quorum & Notice to Meet through Electronic Means*. Voting yes: Booker, Boxie, Burges and Davis. Voting no: None.

A motion was made by Mrs. Davis to consider all items on the agenda because they were critical and time sensitive (Act 42 of 2020, 2<sup>nd</sup> Ext. Session). Her motion was seconded by Mrs. Burges. Voting yes: Booker, Boxie, Burges and Davis. Voting no: None.

On motion of Mrs. Burges seconded by Mrs. Boxie, the Board voted to approve the agenda as presented. Voting yes: Booker, Boxie, Burges and Davis. Voting no: None.

An election of School Board officers was held:

A motion was made by Mrs. Boxie to elect Mrs. Vanessa Parker as President. The motion was seconded by Mrs. Davis.\*\* Voting yes: Booker, Parker, Boxie, Burges and Davis. Voting no: None.

\*\* Should be Mrs. Burges

A motion was made by Mrs. Parker to elect Mrs. Shona Boxie as Vice President. The motion was seconded by Mrs. Burges. Voting yes: Booker, Parker, Boxie, Burges and Davis. Voting no: None.

Mrs. Vanessa Parker is the new President of the City of Baker School Board and Mrs. Shona Boxie is the new Vice President.

Board Attorney Winston DeCuir swore in President Parker and Vice President Boxie.

Interim Superintendent De'Ette Perry explained that the Quest to Excellence Award was being presented for the first time. The Quest to Excellence Award is awarded to an individual who embodies the values of the City of Baker School System: committed to children, families and communities; builds respectful and caring relationships; values others; exemplifies integrity; demonstrates responsibility; works collaboratively with others; and creates equity, excellence, and empowerment in the City of Baker School System. The first Quest to Excellence Award was presented to Mrs. Jill Taylor, Attendance Clerk at Baker High School, who has been working in education since 1999.

At this time, newly-elected President Vanessa Parker took over the meeting.

On motion of Mrs. Davis seconded by Mrs. Burges, the Board voted to approve the corrected minutes from the meeting of December 8, 2020. Voting yes: Parker, Boxie, Booker, Burges and Davis. Voting no: None.

On motion of Mrs. Davis seconded by Mrs. Boxie, the Board voted to accept the certified personnel recommendations and to approve the non-certified personnel recommendations, with the correction of Item #4 on the certified personnel recommendations. Voting yes: Parker, Boxie, Booker, Burges and Davis. Voting no: None.

On motion of Mrs. Burges seconded by Ms. Booker, the Board voted to accept the monthly financial report summaries including budget to actual comparisons for the period ending November 30, 2020, as presented by Mrs. Sidney Stewart, Business Manager. Voting yes: Parker, Boxie, Booker, Burges and Davis. Voting no: None.

On motion of Mrs. Boxie seconded by Ms. Booker, the Board voted to approve the creation of the position of "Plant and Facilities Operations Technician." Voting yes: Parker, Boxie and Booker. Voting no: Davis. Abstaining: Burges.

On motion of Mrs. Boxie seconded by Ms. Booker, the Board voted to approve the job description for "Plant and Facilities Operations Technician." Voting yes: Parker, Boxie and Booker. Voting no: Davis. Abstaining: Burges.

Ms. Booker read the following statement regarding Agenda Item #18:

“The City of Baker School Board may meet in executive session to discuss a personnel matter involving the appointment and contract of Dr. De’Ette Perry as Interim Superintendent. While in executive session, the Board may meet with its attorney or other persons it deems necessary. No motions may be made or votes taken. Do I hear a motion?”

On motion of Mrs. Burges seconded by Mrs. Boxie, the Board voted to go into executive session. Voting yes: Parker, Boxie, Booker, Burges and Davis. Voting no: None.

On motion of Mrs. Burges seconded by Mrs. Boxie, the Board voted to return to regular session from executive session. Voting yes: Parker, Boxie, Booker, Burges and Davis. Voting no: None.

On motion of Mrs. Burges seconded by Ms. Booker, the Board voted to offer Dr. De’Ette Perry a contract as Interim Superintendent of the City of Baker School System, with an annual salary of \$125,000, a \$600/month car allowance, and a cell phone, laptop computer or portable device at the School Board’s expense. Voting yes: Parker, Boxie, Booker, Burges and Davis. Voting no: None.

Mr. Michael Faulk, the contractor hired to conduct the superintendent search, provided a recap of the progress he has made to date as well as some additional steps to be taken:

- Worked with board attorney to review my plans
- Prepared an advertisement for the position.
- Place advertisement on the Louisiana School Boards Association (LSBA) and Louisiana Association of School Superintendents (LASS) websites.
- Worked with Human Resources Supervisor, Mr. David Grisby, to have advertisement placed in *The Advocate* and New Orleans newspapers for January 10, and January 24, 2021.
- Advertisement placed in the *Lake Charles American Press* newspaper for January 10, and January 24, 2021. Will also be placed online.
- Listed advertisement on the Louisiana Department of Education (LDOE) Teach Louisiana site.
- Requested Louisiana superintendents to share the job announcement with staff members.
- Requested State President of the Human Resources Directors Association to email the job announcement to all human resources directors.
- Sent an email to all City of Baker School Board Members asking them questions pertaining to qualities, characteristics and experience they were looking for in candidates, as well as areas they would like to cover during the interview process and if there were specific they would like to ask.



- Once information is received from board members, the qualities, characteristics and experiences to review the applications will be listed.
- A series of questions will be formulated for the board to consider in planning for interviews.
- A suggested process for the board to consider in selecting persons to be interviewed, conducting interviews, questioning, and ultimately voting for a person to be selected will be formulated.
- All applications will be sent to Michael Faulk postmarked no later than February 5, 2021.
- Once it is determined that all applications have been received, they will be evaluated by Mr. Winston DeCuir, Mr. Davis Grisby and myself to determine that proper credentials are in place, all requirements have been met, make necessary contacts with references and look at background information.
- Once completed, contractor will present a list of qualified/certified candidates to board members for the board to consider interviewing. Persons who have not followed the prescribed procedure or provided all information requested, will not be presented for consideration.
- Board members will determine which applicants will be interviewed.
- Once it has been determined who will be interviewed and the dates and times interviews will be conducted, the successful applicants will be contacted and interviews scheduled.

Interim Superintendent Perry made the following announcements/remarks:

1. Congratulations to Miss Jamya Delough! Jamya, a 7<sup>th</sup> grade student at Baker Middle School will serve as a Jobs for Americas Graduates (JAG-LA) Representative. She competed virtually among other JAG middle schoolers across the state and was selected as JAG-LA Representative for 2020-2021. Special thanks to Ms. Keyo Johnson, JAG-LA Specialist and Mr. Roy Walker, Baker Middle School Principal, for their leadership.
2. Baker High School students Sydnee Jackson and Imani Mellion were selected to perform in the "Athena-Virtual Honor Wind Ensemble". This is a unique international performance opportunity for our students and the Baker High School Band Program. Congratulations to Sydnee and Imani, their Band Director, Dr. William Earvin, and Principal, Ms. Traci Morgan.
3. Follow our website and the latest news in the school system by signing up for our free app. Go to the App Store and key in City of Baker School System. Click on "open" and you will unlock your access to the great things happening in the City of Baker School system.
4. On Monday, January 18<sup>th</sup>, the school system will be closed for the Dr. Martin Luther King, Jr. Holiday. Each of our families are encouraged to remember Dr. King's fight for freedom, equality, and dignity of all races and peoples through non-violence.

City of Baker School Board Minutes  
January 12, 2021  
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President Parker thanked those participating in the meeting and announced the next meeting of the City of Baker School Board would be held on Tuesday, February 2, 2021, beginning at 6:00 p.m.

There being no further business, on motion of Mrs. Davis seconded by Mrs. Boxie, the School Board voted to adjourn at 7:40 p.m. Voting yes: Parker, Boxie, Booker, Burges and Davis. Voting no: None.

Submitted by Dr. De'Ette Perry, Interim Secretary.

Unofficial

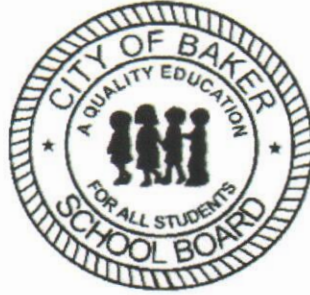


**Superintendent's Personnel Appointment - Non-Certified**

**For Board Meeting Held on Tuesday, February 2, 2021**

Item	Action Type	Effective Date	Position	Site	Last Name	First Name	Degree	Years	Certification	Funding	Comments
<b>APPOINTMENTS</b>											
1	Appointment	1/26/2021	Non-Degreed COVID Sub Teacher	District Wide	Duncan	Debra				General	Scotlandville High School 5/72; Southern University Baton Rouge 72-73
2	Appointment	2/1/2021	112 m Plant & Facilities Operations Technician	District Wide	Craig	Rodney				GF+Strong Start	Conditional Hire Pending Fingerprint Background & Drug Screen Results; Brusly High; SU-BR 85-87; BR International Tech Institute (Instrumentation & Electrical) ; Port Allen Trade School (Welding); U.S. Army 94-02
<b>RESIGNATION</b>											
3	Resignation	1/25/2021	Substitute 12 m Custodian	District Wide	Tolliver	Keron				General	Another Job; Hired 9-8-20

**City of Baker School Board  
P. O. Box 680  
Baker, LA 70704**



**FINANCIAL REPORT SUMMARIES INCLUDING BUDGET TO ACTUAL COMPARISONS  
FOR PERIOD ENDING  
DECEMBER 31, 2020**

CITY OF BAKER SCHOOL BOARD

FINANCIAL REPORT SUMMARIES INCLUDING BUDGET TO ACTUAL COMPARISONS FOR PERIOD ENDING DECEMBER 31, 2020

<b>GENERAL FUND</b>			
Description	2020-2021 <b>APPROVED</b> Revenues/ Expenditures	2020-2021 <b>YTD</b> Revenues/ Expenditures	% UNCOLLECTED/ UNEXPENDED
<b>REVENUES</b>			
<b>Local Sources</b>			
Ad Valorem	2,396,743.00	80,342.69	96.6%
Sales and Use	3,512,000.00	1,493,428.82	57.5%
1% Collections by Sherriff and Pension Fund	45,000.00	0.00	100.0%
Interest Earnings	12,000.00	0.00	100.0%
Dr. Dana Carpenter Scholarship Fund	7,500.00	500.00	93.3%
Donations	2,500.00	0.00	100.0%
Other Local	28,000.00	93,256.41	-233.1%
<b>State Sources</b>			
Minimum Foundation Program	9,682,904.00	3,970,301.39	59.0%
Professional Improvement Program	23,000.00	2,667.00	88.4%
Revenue Sharing	42,000.00	14,673.94	65.1%
Other Restricted Revenues	25,000.00	0.00	100.0%
<b>Federal</b>			
ERATE	75,000.00	75.00	99.9%
<b>TOTAL REVENUES</b>	<b>15,851,647.00</b>	<b>5,655,245.25</b>	<b>64.3%</b>
<b>EXPENDITURES</b>			
<b>Instruction:</b>			
Regular Programs	5,487,447.03	1,883,837.81	65.7%
Special Education Programs	931,164.65	183,594.80	80.3%
rtuyiop-	269,606.04	89,058.20	67.0%
Other Instructional Programs	448,866.14	175,339.10	60.9%
Special Programs	157,911.92	50,566.90	68.0%
<b>Total Instruction</b>	<b>7,294,996</b>	<b>2,382,396.81</b>	<b>67.3%</b>
<b>Support Services:</b>			
Pupil Support Services	754,842.53	290,232.63	61.6%
Instructional Staff Support	515,644.15	173,571.20	66.3%
General Administration	1,230,821.78	648,300.93	47.3%
School Administration	1,004,184.81	447,778.36	55.4%
Business Services	351,585.65	127,717.41	63.7%
Plant Services	1,351,429.75	570,838.51	57.8%
Student Transportation Services	672,762.44	262,183.45	61.0%
Central Services	229,956.90	104,060.80	54.7%
Building Improvements (Plant Services)	429,407	195,432.55	54.5%
<b>Total Support Services</b>	<b>6,540,635</b>	<b>2,820,115.84</b>	<b>56.9%</b>
<b>Total Expenditures</b>	<b>13,835,631</b>	<b>5,202,512.65</b>	<b>62.4%</b>
<b>EXCESS of REVENUES OVER EXPENDITURES</b>	<b>2,016,016</b>	<b>452,732.60</b>	
<b>OTHER SOURCES/USE OF FUNDS</b>			
Operating Transfers In (Indirect Costs)	40,000	0.00	
TRANSFERS OUT	350,000	426,976.69	-22.0%
LOCAL REVENUE CHARTER SCHOOL TRANSFERS	1,689,803	0.00	100.0%
<b>TOTAL TRANSFERS OUT</b>	<b>2,039,803</b>	<b>426,976.69</b>	<b>79.1%</b>
<b>CHANGE IN FUND BALANCE</b>	<b>16,213</b>	<b>25,755.91</b>	
<b>FUND BALANCES</b>			
<b>Beginning Fund Balance</b>	<b>2,080,909</b>	<b>3,600,156.00</b>	
<b>Ending Fund Balance</b>	<b>3,600,156</b>	<b>3,625,911.91</b>	

CITY OF BAKER SCHOOL BOARD

FINANCIAL REPORT SUMMARIES INCLUDING BUDGET TO ACTUAL COMPARISONS FOR PERIOD ENDING DECEMBER 31, 2020

CAPITAL PROJECTS			
Description	2020-2021	2020-2021	%
	APPROVED Revenues/ Expenditures	YTD Revenues/ Expenditures	
<b>City of Baker Schools Restoration/Disaster Recovery Fund - Remediation</b>			
<b>REVENUE SOURCES</b>			
FEMA	0.00	0.00	0.0%
Community Development Block Grant (CDBG)	0.00	0.00	0.0%
Transfer from General Funds	0.00	406,346.69	0.0%
<b>TOTAL REVENUES</b>	<b>0.00</b>	<b>406,346.69</b>	<b>0.00%</b>
<b>EXPENDITURES</b>			
Professional Services	0.00	0.00	0.00%
Architectural Services	0.00	0.00	0.00%
Repairs, Remediation, Restoration	0.00	406,346.69	0.00%
<b>TOTAL EXPENDITURES</b>	<b>0.00</b>	<b>406,346.69</b>	<b>0.00%</b>
<b>Excess of Revenues Over Expenditures</b>	<b>0.00</b>	<b>0.00</b>	
<b>Fund Balances</b>			
Beginning Fund Balance	75,000.00	0.00	
Operating Transfer Disaster Recovery To General Fund	0.00	0.00	
Ending Fund Balance	75,000.00	0.00	

CAPITAL PROJECTS			
Description	2020-2021	2020-2021	%
	APPROVED Revenues/ Expenditures	YTD Revenues/ Expenditures	
<b>Disaster Recovery Baker High School Restoration Project</b>			
<b>REVENUE SOURCES</b>			
*Baker High School Restoration USDA Loan	14,610,000.00	0.00	0.00%
FEMA	6,184,687.00	0.00	100.0%
Community Development Block Grant	687,187.00	0.00	100.0%
Transfer In from General Fund	350,000.00	20,630.00	94.1%
<b>TOTAL REVENUES</b>	<b>21,831,874.00</b>	<b>20,630.00</b>	<b>99.91%</b>
<b>EXPENDITURES</b>			
Architectural Services	140,000.00	20,630.00	85.3%
Grants Management Professional Services	50,000.00	0.00	100.0%
Construction & Restoration	5,133,002.00	0.00	100.0%
Furniture and Fixtures	1,548,872.00	0.00	100.0%
<b>TOTAL EXPENDITURES</b>	<b>6,871,874.00</b>	<b>20,630.00</b>	<b>99.7%</b>
<b>DEBT SERVICE</b>			
Redemption of Principle 2017 Series B Bond	0.00	0.00	0.00%
RESERVED FOR USDA BOND	350,000.00	0.00	100.0%
<b>TOTAL DEBT SERVICE</b>	<b>350,000.00</b>	<b>0.00</b>	<b>100.0%</b>
<b>Excess of Revenues Over Expenditures</b>	<b>14,610,000.00</b>	<b>0.00</b>	
<i>*Approval of the USDA Loan is still pending. This total reflects the amount of the loan that was requested.</i>			

**CITY OF BAKER SCHOOL BOARD**  
**Baker, Louisiana**

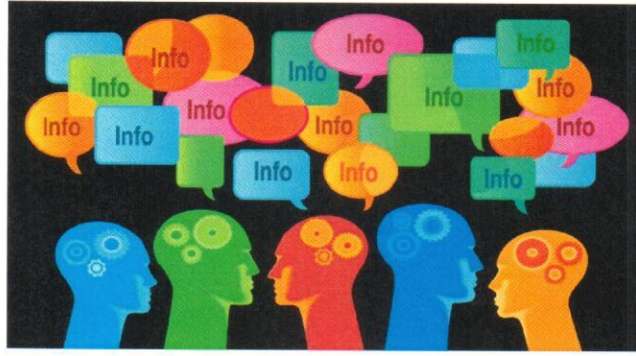
**FINANCIAL REPORT SUMMARIES INCLUDING BUDGET TO ACTUAL COMPARISONS FOR PERIOD ENDING DECEMBER 31, 2020**

<b>SPECIAL REVENUE FUNDS</b>					<b>RECEIVABLES</b>	<b>Adjusted</b>
<b>FEDERAL AND STATE GRANTS</b>	<b>2021</b>	<b>YTD</b>	<b>YTD</b>	<b>Excess/</b>	<b>Claims Submitted</b>	<b>Excess/</b>
<b>Account Title</b>	<b>Allocations</b>	<b>Revenues</b>	<b>Expenditures</b>	<b>Deficiency</b>	<b>as of 01/27/2021</b>	<b>Deficiency</b>
CARL PERKINS	17,504.00	0.00	1,491.61	(1,491.61)	0.00	(1,491.61)
FOOD SERVICE	825,260.00	111,315.74	302,899.70	(191,583.96)	54,983.09	(136,600.87)
SUMMER SCHOOL FOOD SERVICE	12,000.00	0.00	0.00	0.00	0.00	0.00
IDEA PART B	284,189.00	80,620.00	126,984.42	(46,364.42)	23,100.00	(23,264.42)
SPECIAL ED - PRE-SCHOOL	6,284.00	0.00	0.00	0.00	0.00	0.00
HIGH COST SERVICES	33,816.00	0.00	13,623.40	(13,623.40)	0.00	(13,623.40)
8g STUDENT ENHANCEMENT/PRE K	67,037.00	6,372.15	22,649.15	(16,277.00)	0.00	(16,277.00)
TITLE I	931,443.00	345,103.00	429,465.76	(84,362.76)	83,112.00	(1,250.76)
TITLE II	79,962.00	0.00	2,900.00	(2,900.00)	0.00	(2,900.00)
TITLE IV	72,658.00	17,246.00	17,245.86	0.14	0.00	0.14
DIRECT STUDENT SERVICES	31,676.00	0.00	0.00	0.00	0.00	0.00
SCHOOL REDESIGN	26,444.00	0.00	14,746.53	(14,746.53)	0.00	(14,746.53)
LA - 4 Cecil Picard	150,680.00	34,350.00	43,628.22	(9,278.22)	0.00	(9,278.22)
ED EXCELLENCE ENHANCEMENT	61,093.00	0.00	0.00	0.00	0.00	0.00
JOBS FOR AMERICA'S GRADUATES-LA(JAG-LA)	75,000.00	0.00	35,362.65	(35,362.65)	18,000.00	(17,362.65)
COVID 19 PREPAREDNESS	0.00	0.00	62,429.14	(62,429.14)	0.00	(62,429.14)
*STRONG START 2020	1,091,943.00	219,377.00	328,398.54	(109,021.54)	0.00	(109,021.54)
**STRIVING READERS COMPREHENSIVE LITERACY GRANT (SRCL)	42,250.00	0.00	28,144.31	(28,144.31)	0.00	(28,144.31)
<b>TOTAL - SPECIAL REVENUE FUNDS</b>	<b>3,809,239.00</b>	<b>814,383.89</b>	<b>1,429,969.29</b>	<b>(615,585.40)</b>	<b>179,195.09</b>	<b>(436,390.31)</b>

\* A new grant awarded at the end of 2020 as result of COVID 19 Relief Funds (CARES ACT)

\*\* New Grant allocation for 2021. We received this grant in 2019 but not 2020.





*For Your  
Information*

**BOARD MEMBERS:**

The attached policies are for your review. They are on the District's website for review and comment by the public.

They will be on the March 2<sup>nd</sup> School Board Meeting agenda for approval.

# POLICYALERT



December, 2020

Forethought Consulting, Inc.

## POLICY UPDATE: 2020

### Final Updates for the Year

**T**his PolicyAlert wraps up the year 2020 with two additional policy revisions from the 2<sup>nd</sup> Extraordinary Session of the Louisiana Legislature. For those systems which chose not to adopt the new policy regarding teleconferenced School Board meetings, there will only be a single policy to close out the year.

#### TELECONFERENCE/ REMOTE PARTICIPATION IN SCHOOL BOARD MEETINGS

In response to the pandemic, Act 302 of the 2020 Louisiana Legislature enacted La. Rev. Stat. Ann. §42:17.1 to allow public entities to conduct meetings through electronic means during a gubernatorially declared emergency or public health emergency and that information was included in new policy *Teleconference/Remote Participation in School Board Meetings*. Act 43 of the 2<sup>nd</sup> Extraordinary Session added one item to the list of matters that could be addressed on the agenda. The following statutory language has been added to the policy: "Other matters that are critical or time-sensitive and that in the determination of the presiding officer should not be delayed; however, such matters shall not be considered at the meeting unless the members of the School Board present at the meeting approve the consideration of the matters by a *two-thirds* vote." The Act took effect October 28, 2020.

#### Policies In This Issue:

- *Teleconference/ Remote Participation in School Board Meetings*
- *Sick Leave*

**SICK LEAVE**

Effective October 23, 2020, Act 34 of the 2<sup>nd</sup> Extraordinary Session revised three statutes, La. Rev. Stat. Ann. §§17:500, 17:1201, and 17:1206, adding the same language to the statutes which address sick leave for bus operators, teachers, and school employees, respectively. These statutes previously required a physician's certification for absences of six (6) or more consecutive days. Now that certification can also be provided by a *physician assistant* providing health care in accordance with La. Rev. Stat. Ann. §37:1360.28, or a *nurse practitioner* providing health care in accordance with La. Rev. Stat. Ann. §37:913. Language has been added to the *Sick Leave* policy to reflect this change.

**SPECIAL NOTE: ACT 32**

Act 32 revised La. Rev. Stat. Ann. §42:851, notwithstanding any other provision of law or rule or regulation to the contrary, to require School Boards to provide health insurance coverage concurrent with start of employment when certain conditions exist. The conditions included in the Act are:

- (a) The school system is in an area that is the subject

of a gubernatorially or presidentially declared disaster or emergency.

- (b) The declaration of disaster or emergency specifies that the disaster or emergency involves risks to the health or well-being of any individual who engages in certain activities.
- (c) Among the activities posing a risk to an individual's health or well-being are activities integral to services to the school system that the employee is required to perform.

The Act states that the premium for the first month's insurance shall be paid immediately. The school system shall pay the employer contribution. The employee contribution may be paid by the school system or the employee. If the school system pays the employee contribution, the school system shall be reimbursed by a deduction from the employee's wages.

As most systems' policies do not include language addressing start dates of health insurance coverage, there is not a policy revision associated with this Act. However, School Boards should be aware of and abide by its provisions.



# POLICY ALERT



November, 2020

Forethought Consulting, Inc.

## POLICY UPDATE: 2020

### VIRTUAL INSTRUCTION

**F**orethought Consulting is aware that School Boards are now working on meeting the requirements of Act 48 of the 2<sup>nd</sup> Extraordinary Session of the 2020 Louisiana Legislature regarding creating discipline measures for students engaged in virtual instruction. Such disciplinary measures must be developed at the School Board level through the *Discipline Policy Review Committee* which is required to meet before December 31, 2020 and make recommendations to the School Board. Forethought will be happy to format the policies regarding virtual instruction disciplinary measures once drafted.

Forethought has revised the three main discipline policies to reflect new statutory language based on Act 48, and has also made changes to the wording in the policy *School Board Policy* to clarify the provisions regarding the *Discipline Policy Review Committee*.

#### SCHOOL BOARD POLICY

La. Rev. Stat. Ann. §17:416.8 requires the establishment of a *Discipline Policy Review Committee*, whose composition is statutorily set, unless a School Board had such a committee already in place prior to August 27, 1994. The policy *School Board Policy* has been revised to clarify that the School Board does not appoint the committee, but establishes it in accordance with statutory guidelines.

#### Policies In This Issue:

- *School Board Policy*
- *Discipline*
- *Suspension*
- *Expulsion*

"Keeping Tabs on School Board Policy"

**DISCIPLINE**

Act 48 revised La. Rev. Stat. Ann. §17:416 to require that a School Board's discipline policy "clearly define the rules of conduct and expectations of students engaged in virtual instruction." *Virtual instruction* is defined by statute as "instruction provided to a student through an electronic delivery medium, including, but not limited to, electronic learning platforms that connect to a student in a remote location to classroom instruction." The *Discipline* policy has been revised to include a new section *Discipline of Students Engaged In Virtual Instruction*; and the definition of *virtual instruction* added to the end of the *Definitions* section.

**SUSPENSION  
EXPULSION**

Another change made by Act 48 to La. Rev. Stat. Ann. §17:416 provides the parent or tutor of a student

who is recommended for expulsion the right of review by the School Board even if the recommendation for expulsion is reduced to a suspension. Parents/tutors of a student who receives an adverse ruling of the School Board may then appeal the matter to the district court within ten (10) days, even if the recommendation for expulsion is reduced to a suspension. Language has been added to both the *Suspension* and *Expulsion* policies to reflect this statutory change.

Although not included in policy, the revised statute also includes provisions for awarding reasonable attorney fees if the court finds any school official acted in a "grossly negligent manner; with deliberate disregard for the consequences of his actions to the student; with willful or malicious indifference; with intent to deprive the student, his parent, guardian, or tutor of due process; or initiated a charge that is knowingly false." The court may also award damages and render other appropriate relief including requiring an official letter of apology to the student, parent, tutor, or guardian, to be retained in the student's educational records.



***Stay safe out there!!***

**TELECONFERENCE/  
REMOTE  
PARTICIPATION IN  
CITY OF BAKER  
SCHOOL BOARD  
MEETINGS**

File: B-11.7

Cf: B-11, B-12.1, B-12.2

Cf: B-12.8, E-1.1c

## TELECONFERENCE/REMOTE PARTICIPATION IN CITY OF BAKER SCHOOL BOARD MEETINGS

The City of Baker School Board may conduct and its members may attend and participate in a meeting via electronic means provided that all of the following conditions are met:

1. The Governor has declared a state of emergency or disaster involving a geographic area within the jurisdiction of the City of Baker School Board and the nature of the emergency or disaster would cause a meeting of the City of Baker School Board conducted pursuant to the other provisions of this policy to be detrimental to the health, safety, or welfare of the public.
2. The President of the City of Baker School Board certifies on the notice of the meeting that the agenda of the meeting is limited to one or more of the following:
  - A. Matters that are directly related to the City of Baker School Board's response to the disaster or emergency and are critical to the health, safety, or welfare of the public.
  - B. Matters that if they are delayed will cause curtailment of vital public services or severe economic dislocation and hardship.
  - C. Matters that are critical to continuation of the business of the City of Baker School Board and that are not able to be postponed to a meeting held in accordance with the other provisions of this policy due to a legal requirement or other deadline that cannot be postponed or delayed by the City of Baker School Board.
  - D. Other matters that are critical or time-sensitive and that in the determination of the presiding officer should not be delayed; however, such matters shall not be considered at the meeting unless the members of the School Board present at the meeting approve the consideration of the matters by a two-thirds vote.
3. The City of Baker School Board and its President comply with all of the requirements of this policy.

No later than twenty-four (24) hours prior to a meeting conducted pursuant to the provisions of this policy, the City of Baker School Board shall provide for all of the following:

1. The notice and agenda for the meeting, which shall be posted on the City of Baker School Board's website, emailed to any member of the public or



the news media who requests notice of meetings of the City of Baker School Board, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the City of Baker School Board.

2. Detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda, which information shall be posted on the City of Baker School Board's website, emailed to any member of the public or the news media who requests notice of meetings of the City of Baker School Board, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the City of Baker School Board.

For each meeting conducted with remote participation:

1. The City of Baker School Board shall provide a mechanism to receive public comment electronically both prior to and during the meeting.
2. The City of Baker School Board shall properly identify and acknowledge all public comments during the meeting and shall maintain those comments in its record of the meeting.
3. The President of the City of Baker School Board shall ensure that each person participating in the meeting is properly identified.
4. The President shall ensure that all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

For the purposes of this policy, the following words and phrases shall have the following meanings:

1. *Meeting via electronic means* shall mean a meeting occurring via teleconference or video conference.
2. *Teleconference* shall mean a method of communication which enables persons in different locations to participate in a meeting and to hear and otherwise communicate with each other.
3. *Video conference* shall mean a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and otherwise communicate with each other.

FILE: B-11.7  
Cf: B-11, B-12.1, B-12.2  
Cf: B-12.8, E-1.1c

New policy: November 4, 2020  
Revised: December, 2020

Ref: La. Rev. Stat. Ann. §§17:1, 17:81, 42:12, 42:13, 42:14, 42:15, 42:16, 42:17, 42:19,  
42:20, 42:24, 42:25; Board minutes, 11-4-20.

# **School Board Policy**

**File: B-13**

**Cf: B-11**

## SCHOOL BOARD POLICY

The City of Baker School Board shall formulate policies to guide the action of those to whom it delegates authority. These guides shall constitute the policies governing the operation of the school district. They shall be recorded in writing and made a part of the official School Board *Policy Manual*.

The formulation and adoption of School Board policies shall constitute one method by which the School Board shall exercise its leadership in the operation of the school district. When establishing School Board policies, the School Board shall prioritize student achievement, financial efficiency, and workforce development on a local, regional, and statewide basis. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the School Board shall exercise its control over the operation of the school district.

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

### POLICY ADOPTION

For a policy to be adopted by the School Board, it must receive a *majority vote of the School Board members*. A policy recommended to the School Board shall not be adopted until a subsequent meeting. This practice provides School Board members time to study the proposed policy and to give interested parties an opportunity to respond.

The formal adoption of School Board policies shall be recorded in the minutes of the School Board. The official minutes shall constitute the authority for any change made in the *Policy Manual*.

The School Board is recognized as the legal body authorized to approve policies for the School District, and shall not delegate or relinquish that authority to another party or group. The School Board welcomes comments and suggestions on local policy matters, and shall comply with all laws addressing proper involvement of other parties in the policy process.

### POLICY REVIEW

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

The School Board shall ~~appoint~~ establish a discipline policy review committee ~~selected as required by state law in accordance with La. Rev. Stat. Ann. §17:416.8 whose selection of members shall be neither discriminatory nor arbitrary in nature.~~ The purpose of the discipline policy review committee shall be to review discipline policies of the School Board to assure consistency with state law, receive input into the effectiveness of established policy, and make recommendations to improve policy provisions, and to assist the School Board in the orderly operation of the school district. In particular, state law requires a policy review committee to review the School Board's student discipline policies annually to make recommendations for appropriate revisions.

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

#### POLICY DISSEMINATION

The School Board shall direct the Superintendent to establish and maintain an orderly plan for disseminating School Board policies and administrative rules and regulations.

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

#### SUSPENSION OF POLICY

The operation of policy or section of policy not established by law or contract may be temporarily suspended by a *majority vote of School Board members present and voting* at a regular or special meeting.

#### ADMINISTRATION IN ABSENCE OF POLICY

In cases where action must be taken within the school system where the School Board has no formalized policy statement, the Superintendent shall have the power to act. His or her decisions, however, shall be subject to review by action of the School Board at its regular meeting. It shall be the duty of the Superintendent to inform the School Board promptly of such action and of the need for policy if in his or her best judgment, a need for such policy exists.

Revised: May 3, 2016

Revised: November, 2020

Ref: Constitution of Louisiana, Art. VI, Sec. 10; La. Rev. Stat. Ann. ' ' 17:81, 17:416.8; Board minutes, 11-16-99, 5-3-16.

# **SICK LEAVE**

**File: F-11.4**

**Cf: E-5.3, F-11,  
F-11.4a**

## SICK LEAVE

The City of Baker School Board shall grant all employees hired for the school year or longer a minimum of ten (10) days absence per year because of personal illness or other emergencies without loss of pay. Sick leave shall be granted according to the following:

Nine and ten month employees	10 days per year
Eleven month employees	11 days per year
Twelve month employees	12 days per year

Sick leave, when not used, shall be allowed to accumulate to the credit of the employee without limitation. However, upon initial employment, a *teacher* employed by the School Board shall not be allowed any sick leave until he or she reports for duty and actually performs work.

The minimum of ten (10) days of sick leave for an employee shall be based on the employee beginning work at the beginning of the school year. In the case of an employee beginning work in the first month of the school year, *ten days* sick leave shall be allowed. If an employee begins work in the second month of the school year, *nine days* of sick leave shall be allowed, and the number of days of sick leave shall continue to be prorated for an employee who begins work until the eighth month of the school year, when only *three days* of sick leave shall be allowed. The Superintendent and/or his/her designee shall be responsible for developing and maintaining pertinent regulations and procedures governing sick leave.

### TERMINOLOGY

Statutes governing sick leave for School Board personnel include differing provisions for different categories of employees. For purposes of this policy, the following terminology shall apply:

- A *teacher* shall mean any employee who holds a valid teaching certificate or whose employment requires the holding of a teaching certificate, or any social worker, guidance counselor, or school psychologist who holds, as applicable, a valid professional ancillary certificate.
- A *bus operator* shall mean any employee who is employed as a school bus operator.
- A *school employee* shall mean an employee who is not a teacher or a school bus operator.
- The use of the term *employee* shall include all three (3) categories of personnel.

### CERTIFICATION OF ABSENCE

An employee who is absent for six (6) or more consecutive days shall be required to present a certificate from a physician, physician assistant providing health care services in accordance with Louisiana law, or nurse practitioner providing health care services in accordance with Louisiana law, certifying such absence upon return to work. In the case of repeated absences of less than six (6) days because of illness, the School Board reserves the right to require verification of illness. Should a pattern of behavior so warrant, upon the request of the Superintendent or School Board, the employee shall be required, at the expense of the School Board, to provide a certificate from a physician specified by the Superintendent or School Board, in order to verify the existence of an illness, injury, or medical emergency.

Excuses for employee absences due to illness or injury must be provided on physician's letterhead containing the physician's name, address, and telephone number, typed, printed, or as part of the letterhead. The physician's typed or neatly printed name shall also appear beneath his/her signature. The letter must clearly state the reason for the illness or injury, date of the illness or injury, and the anticipated return-to-work date.

If an employee is absent from duty under circumstances in which he/she is not entitled to any kind of leave, such employee shall be considered to be in violation of his/her contract, and is not entitled to be paid for the days of unauthorized absence and non-performance of duties.

### SICK LEAVE FOR EMERGENCIES

Emergencies for sick leave purposes shall be defined by the School Board as:

1. Illness or death within the immediate family - husband, wife, children and their spouses, parents, brothers and sisters and their spouses; spouse's parents, brothers and sisters and their spouses; grandparents and grandchildren (including step-relations);
2. Weather conditions - hurricane, tornado, snowstorm, flood, accident, when approved by the Superintendent or designee;
3. Court summons; or
4. Other unusual circumstances as approved by the Superintendent or designee.

### EXTENDED SICK LEAVE

The School Board shall permit employees to take up to ninety (90) days of extended sick leave in each six-year period of employment which may be used for a medical necessity at any time the employee has **no** remaining regular sick leave balance at the time the extended sick leave is set to begin. The initial six-year period of employment shall begin



on August 15, 1999 for all *teachers* and *bus operators* employed as of that date, on August 15, 2008 for *school employees* employed as of that date, or on the effective date of employment for those employees employed after the dates above. All decisions relative to the granting of extended sick leave shall be made by the Superintendent.

Unused days during any six-year period of employment shall not cumulate or carry forward into the next six-year period of employment. The balance of days of extended sick leave available shall transfer with the employee from one public school employer to another without loss or restoration of days.

Interruptions of service between periods of employment with a public school employer shall not be included in any calculation of a six-year period, such that any employment with any public school employer, regardless of when it occurs, shall be included in any determination of the balance of days of extended sick leave available to the employee.

Any employee on extended sick leave shall be paid **sixty-five percent (65%)** of the salary paid the employee at the time the extended sick leave begins.

#### Definitions

*Child* means a biological son or daughter, an adopted son or daughter, a foster son or daughter, a stepson or daughter, or a legal ward of an employee standing in *loco parentis* to that ward who is either under the age of eighteen (18) or who is eighteen (18) years of age but under twenty-four (24) years of age and is a full-time student, or who is nineteen (19) years of age or older and incapable of self-care because of a mental or physical disability.

*Immediate family member* shall mean a spouse, parent, or child of the employee.

*Infant* means a child under one year of age.

*Medical necessity* shall be the result of a catastrophic illness or injury, a life-threatening, chronic, or incapacitating condition, as certified by a physician, of the employee or a member of his/her immediate family.

*Parent* means the biological parent of an employee or an individual who stood in *loco parentis* to the employee.

#### Extended Sick Leave for Maternity or Adoptive Purposes

Each *teacher* granted maternity or adoptive leave in accordance with state law and who has no remaining sick leave balance available may be granted up to (30) days of additional extended sick leave in each six-year period of employment for personal illness relating to pregnancy, illness of an infant, or for required medical visits certified by a physician as relating to infant or maternal health.

### Gainful Employment Permitted

An employee may undertake additional gainful employment while on extended sick leave, provided **all** of the following conditions are met:

1. The employee can demonstrate that he/she will be working not more than twenty (20) hours a week in a part-time job that the employee has been working for not less than one hundred twenty (120) days prior to the beginning of any period of extended sick leave.
2. The physician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended sick leave is required.

Any violation of the provisions regarding gainful employment may require the employee to return to the School Board all compensation paid during any week of extended sick leave in which the employee worked more than twenty (20) hours and to reimburse the School Board all related employment costs attributable to such period as calculated by the School Board, without any restoration of leave days.

### Application Process

On every occasion that a *teacher* uses extended sick leave, a statement from a licensed physician certifying that it is for personal illness relating to pregnancy, illness of an infant, or for required medical visits related to infant or maternal health, or that it is a medical necessity, shall be presented prior to extended sick leave being taken.

On every occasion that a *bus operator* or *school employee* uses extended sick leave, a statement from a licensed physician certifying that it is a medical necessity for the *bus operator* or *school employee* to be absent for at least ten (10) consecutive work days shall be presented prior to extended sick leave being taken.

The required physician's statement may be presented along with the request for extended sick leave subsequent to the *teacher's* or *school employee's* return to service. In such a case, the extended sick leave shall be granted for all days for which extended sick leave is requested, provided the request and required documentation is presented within three (3) days after the *teacher* or *school employee* returns to service. However, the School Board or the Superintendent reserves the right to question the validity of the medical certification after the three day period.

If the period an employee is on extended sick leave is anticipated to carry over from one school year to the start of the next school year, another application and physician's statement shall be submitted prior to the start of the next school year in order to be eligible for continued extended sick leave.

### SICK LEAVE FOR ASSAULT OR BATTERY

Any employee of the public schools who is disabled while acting in his/her official capacity as a result of an assault or battery by any student or person shall receive sick leave without reduction in pay, and without reduction in accrued sick leave days while disabled as a result of such assault and battery. A *teacher* shall be required to provide a certificate from a physician certifying the disability. A *bus operator* or *school employee* shall be required to present certification of the disability from a physician if the bus operator or school employee is absent for six (6) or more consecutive days as a result of the disability.

*Disability*, for purposes of this policy, shall mean the inability to perform the essential functions of the job.

The sick leave authorized shall be in addition to all other sick leave authorized herein, shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any manner except as set forth above.

The School Board shall not reduce the pay or accrued sick leave of any employee who is absent from his/her duties to seek medical attention or treatment as a result of an injury from assault or battery.

If the employee's physician determines that the employee is able to return to regular duties with restrictions and the School Board does not allow the employee to return to duty with those restrictions, the employee's leave shall be granted or continued as provided by statute.

If any employee is receiving sick leave as a result of assault or battery as provided in this section and begins receiving retirement benefits, the sick leave provided herein shall cease.

### SICK LEAVE FOR PHYSICAL CONTACT WITH A STUDENT

Any *teacher* who is disabled while acting in his/her official capacity as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student, shall receive sick leave for a period of up to one (1) calendar year without reduction in pay and without reduction in accrued sick leave days while disabled as a result of rendering such assistance. Any *school employee*, but not a *bus operator*, disabled in a similar manner shall receive up to ninety (90) days of such sick leave. The *teacher* or *school employee* shall be required to present a certificate from a physician certifying the disability. The School Board may extend the period of sick leave beyond the allowable period at its discretion.

The School Board shall not reduce the pay or accrued sick leave of any *teacher* or *school employee* who is absent from his/her duties to seek medical attention or treatment as a result of an injury from physical contact with a student.

If the *teacher's* or *school employee's* physician determines that the employee is able to return to regular duties with restrictions and the School Board does not allow the employee to return to duty with those restrictions, the *teacher's* or *school employee's* leave shall be granted or continued as provided by statute.

#### VALIDITY OF PHYSICIAN'S CERTIFICATION

If at any time during the period of certified disability the School Board questions the validity or accuracy of the physician's certification for any type of sick leave request made by a *teacher*, or for extended leave or leave requested as a result of physical assault or battery made by a *bus operator* or *school employee*, the School Board may require the employee to be examined by a licensed physician selected by the School Board.

Any further review of medical certification shall proceed as follows:

1. Upon review of the physician's certification submitted, if the School Board or Superintendent questions the validity or accuracy of the certification, the School Board or Superintendent may require the employee, or the immediate family member, as applicable, as a condition for taking the applicable sick leave, to be examined by a licensed physician selected by the School Board or Superintendent. If the physician finds medical necessity or certifies a disability, the leave shall be granted.
2. If the selected physician disagrees with the original medical certification from the physician selected by the employee, then the School Board or Superintendent may require the employee, or immediate family member, as applicable, as a condition for taking the applicable sick leave, to be examined by a *third* licensed physician, whose name appears next in the rotation of physicians on a list established by the local medical society and maintained by the School Board or Superintendent. The final determination of medical necessity or certification of a disability shall be based on the opinion of the third physician.
3. In the determination of the validity of a physician's certification, the opinion of *all* physicians consulted shall be submitted to the School Board or Superintendent in the form of a **sworn statement**. All information contained in any statement from a physician shall be confidential and shall not be subject to the public records law.

The School Board shall pay all costs of any examinations and tests determined to be necessary.

#### SICK LEAVE/WORKERS' COMPENSATION

Should any *teacher* become injured or disabled while acting in his/her official capacity, other than by assault, the *teacher* shall be entitled to appropriate worker's compensation benefits and/or sick leave benefits, at the *teacher's* option, for the period of time while injured or disabled. Any benefits received, however, shall not exceed the total amount of

the regular salary the *teacher* was receiving at the time of injury or disability. The *teacher* shall be required to present a certificate from a physician certifying such injury or incapacitation.

#### VESTING OF SICK LEAVE

All sick leave accumulated by a *teacher* or *school employee*, but *not a bus operator*, shall be vested in the *teacher* or *school employee* by whom such leave has been accumulated. In the event of the transfer of a *teacher* or *school employee* from one school system to another in Louisiana, or upon the return of such *teacher* or *school employee* to the same school system within five (5) years or such longer period that may be approved by the School Board to which the *teacher* or *school employee* returned, regardless of the dates on which the leave was accumulated or the date of transfer or return of the *teacher* or *school employee*, such vested leave which remains unused or for which the *teacher* or *school employee* has not been compensated directly or transferred such days for retirement credit, shall be transferred, returned to, or continued by the School Board and shall be retained to the credit of *teacher* or *school employee*.

#### PAYMENT UPON RETIREMENT OR DEATH

Upon the retirement of any employee, or upon the employee entering DROP, or upon the employee's death prior to retirement, the School Board shall pay the employee or his/her heirs or assigns, for any unused sick leave, not to exceed twenty-five (25) days. Such pay shall be at the daily rate of pay paid to the employee at the time of his/her retirement or death.

#### DEFERRED RETIREMENT OPTION PROGRAM (DROP)

Any employee of the City of Baker School Board who participates in the *Deferred Retirement Option Program* (DROP) shall be eligible for and may elect to receive on a one-time basis severance pay (accrued sick leave up to a maximum of twenty-five (25) days) upon entering DROP on the same basis as any other employee who retires or otherwise leaves employment; otherwise, any accrued sick leave shall be paid only upon final retirement of the employee.

Revised: August, 2001

Revised: January 21, 2003

Revised: September, 2004

Revised: February 3, 2009

Revised: July, 2012

Revised: May 3, 2016

Revised: July 25, 2018

Revised: March 3, 2020

Revised: December, 2020

Ref: La. Rev. Stat. Ann. §§14:125, 17:425, 17:425.1, 17:500, 17:500.1, 17:500.2, 17:1200, 17:1201, 17:1202, 17:1205, 17:1206, 17:1206.1, 17:1206.2; Board minutes, 1-21-03, 2-3-09, 5-3-16, 7-25-18, 3-3-20.

**Discipline**

**File: H-3.5**

**Cf: B-13, G-2.4c, and  
G-11.4**

**Cf: H-2.5, H-3.5c, and  
H-3.5d**

## DISCIPLINE

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

Every teacher and other school employees in the public school system shall endeavor to hold each student to a strict accountability for any disorderly conduct in school, or on the playgrounds of the school, on any school bus, on the street or while going to or returning from school, during intermission or recess, or at any school sponsored activity or function. To assist the teacher, the School Board shall establish regulations for the use of disciplinary measures within the schools and continually monitor and appraise their usefulness. Discipline shall be administered uniformly, consistently, and in a nondiscriminatory manner, in accordance with the School Board's Student Code of Conduct.

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

Each teacher may take disciplinary action to correct a student who engages in bullying, who disrupts normal classroom activities, who is disrespectful to a teacher, who willfully disobeys a teacher, who uses abusive or foul language directed at a teacher or another pupil, who violates school rules, or who interferes with an orderly education process. The disciplinary action taken by the teacher shall be in accordance with such regulations and procedures established by the Board.

### STUDENT REMOVAL FROM CLASSROOM

A student may be immediately removed from a classroom by the teacher and placed in the custody of the principal or designee if the student's behavior prevents the orderly instruction of other pupils, poses an immediate threat to the safety of students or the teacher, when a student exhibits disrespectful or threatening behavior toward a teacher such as using foul or abusive language or gestures directed at or threatening a student or teacher, when a pupil violates the school's code of conduct, or when a student exhibits

other disruptive, dangerous, or unruly behavior, including inappropriate physical contact, inappropriate verbal conduct, sexual or other harassment, throwing objects, inciting other students to misbehave, or destroying property. The student should not be kept out of school past the suspension period imposed by the principal.

A student removed from the classroom shall be assigned school work missed and shall receive either partial or full credit for such work, upon the recommendation of the student's teacher, if it is completed satisfactorily and timely as determined by the principal or his/her designee.

Any student removed from class in kindergarten through grade 6 shall not be permitted to return to class for at least thirty (30) minutes unless agreed to by the teacher. A student removed from class in grades 7 through 12 shall not be permitted to return to class during the same class period, unless agreed to by the teacher initiating the disciplinary action.

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

Upon the student being removed from class and sent to the principal's office, the principal or designee shall conduct a counseling session with the student to discuss the particular misconduct. Once removed, the student shall not be readmitted to the classroom until the principal has implemented one of the following disciplinary measures:

1. In-school suspension
2. Detention
3. Suspension
4. Initiation of expulsion hearings
5. Assignment to an alternative school
6. Requiring the completion of all assigned school and homework which would have been assigned and completed by the student during the period of suspension.
7. Any other disciplinary measure authorized by the principal with the concurrence of the teacher or building level committee.

#### Parental Notification

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

When a student has been removed from a classroom, the teacher may require the parent, tutor, or legal guardian of the student to have a conference with the teacher in the presence of the principal or his or her designee before the student is readmitted. Upon the student's *third* removal from the same classroom, the teacher and principal shall discuss the pupil's disruptive behavior and contemplated disciplinary measures to be



taken before the principal implements such measures. If appropriate, the principal may send a *Request for Assistance* form to the building level committee requesting review and assistance or to the Supervisor of Child Welfare and Attendance requesting referral to court through Families in Need of Services (FINS). In addition, a conference between the teacher or other appropriate school employee and the student's parent, tutor, or legal guardian shall be required prior to the student being readmitted. If the disruptive behavior persists, the teacher may request that the principal transfer the student into another setting.

#### STUDENT MISCONDUCT AT END OF YEAR

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

Any graduating senior who commits a serious major or criminal infraction after the last regular class period as upheld by the Superintendent or his/her designee shall be excluded from year-end activities, including graduation exercises. Diplomas may be given or mailed to the student after the close of the school year. Seniors shall be made aware of this policy prior to the final exam period and a notice of the policy shall be mailed to parents from the school.

#### PARENT CONFERENCES

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

#### REPORTS TO PRINCIPAL

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

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

### DELINQUENT STUDENTS

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

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

### RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

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

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

### DISCIPLINE OF STUDENTS WITH DISABILITIES

Discipline of students with disabilities shall be in accordance with applicable statutes or federal law and regulations.

### DISCIPLINE OF STUDENTS ENGAGED IN VIRTUAL INSTRUCTION

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

shall be included in the policy *Discipline of Students Engaged in Virtual Instruction*.

## DEFINITIONS

*Suspension* shall mean that student is temporarily prohibited from participating in his/her usual placement within school. This usually involves temporary removal from school.

*In-school suspension* shall mean (1) student is removed from his/her usual classroom placement to an alternative educational placement for a minimum of one complete school day, and (2) no interruption of services occurs. (An *alternative educational placement* may be located on or off the school site, provided that the student continues to receive instructional services and remains under the supervision of school personnel or their designees.)

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

*Expulsion* shall mean the removal of a student from school for at least one school semester.

*In-school expulsion* shall mean (1) Student is temporarily removed from his/her usual classroom placement to an alternative educational placement for a period of time specified by the Office of Child Welfare and Attendance, and (2) no interruption of instructional services occurs. (An *alternative educational placement* may be located on or off the school site, provided that the student continues to receive instructional services and remains under the supervision of school personnel of their designees.)

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

Revised: November 3, 2009  
Revised: June 1, 2010  
Revised: May 3, 2016

Revised: November, 220

Ref: 42 USCA 12112 et seq. (*Equal Opportunity for Individuals with Disabilities*); La. Rev. Stat. Ann. §§17:223, 17:224, 17:233, 17:239, 17:252, 17:416, 17:416.1, 17:416.13; *Regulations for Implementation of the Exceptional Children's Act*, Bulletin 1706, Louisiana Department of Education; Board minutes, 4-4-00, 11-3-09, 6-1-10, 5-3-16.

# Suspension

File: H-3.5c

Cf: H-2.3, H-3.3, and  
H-3.3c

Cf: H-3.5, H-3.5d, and  
H-3.5e

## SUSPENSION

The City of Baker School Board recognizes its authority to maintain good order and discipline within the schools of the school district. Therefore, the School Board recognizes the principal's authority to suspend a pupil for a specified period of time in accordance with statutory provisions.

In each case of suspension, the school principal, or his or her designee, prior to any suspension, shall advise the student of the particular misconduct of which he/she is accused as well as the basis for such accusation, and the pupil shall be given an opportunity at that time to explain his/her version of the facts. The principal/designee shall contact the parent, tutor, or legal guardian of the pupil to notify them of the suspension, and establish a date and time for a conference with the principal or designee as a requirement for readmitting the pupil. Notice shall be given by contacting the parent, tutor, or legal guardian by telephone at the telephone number shown on the pupil's registration card, or by sending a certified letter to the address shown on the pupil's registration card. The principal shall promptly advise the Superintendent or designee of all such suspensions, stating the reasons for the suspensions.

Students suspended for more than ten (10) days shall remain under the supervision of the school system using an alternative education program designed to continue the educational process in an alternative educational placement. The student shall be placed in an alternative school or an alternative education program and shall be required to attend and participate in such school, program, or educational services.

No suspended pupil shall be allowed to leave the school premises during the school day until the parent, guardian, or other proper authorities assume responsibility for him/her, unless immediate removal from school due to danger or threat of disruption to academic process is warranted.

If the parent, tutor, or legal guardian fails to attend the required conference within five (5) school days of notification, the truancy laws shall be effective. On not more than one occasion each school year when the parent, tutor, or legal guardian refuses to respond to the notice, the principal may determine whether readmitting the pupil is in the best interest of the pupil. On any subsequent occasions in the same school year, the pupil shall not be readmitted unless the parent, tutor, or legal guardian, court, or other appointed representative responds.

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

When a pupil is suspended for a second time within one school year, the principal may require a counseling session be held with the parent and pupil by the school counselor. If no counselor is available, the conference may be held with all the pupil's teachers and the principal or other administrator.

Any student, *after being suspended on three (3) occasions* for committing any suspendable offense\_during the same school year, **shall upon committing the fourth offense**, be expelled from all the public schools of the system until the beginning of the next regular school year, and the pupil's reinstatement shall be subject to the review and approval of the School Board.

The principal and other appropriate personnel shall be required to file written documentation of all suspensions. Said documentation shall include the circumstances surrounding any suspension, the reason for suspension, and any other pertinent facts concerning the disciplinary action. The principal shall file copies of his/her report with the Superintendent, other appropriate personnel and the parent or guardian and retain a copy for his/her records.

Any parent, tutor, or legal guardian of a pupil suspended shall have the right to appeal to the Superintendent or his/her designee, who shall conduct a hearing on the merits. If the parent or legal guardian is not present for the hearing after having been properly notified, the hearing may proceed and the results of the hearing shall be mailed to the parent or legal guardian within three (3) school days by certified mail, return receipt requested. The decision of the Superintendent on the merits of the case, as well as the term of suspension, shall be final, reserving to the Superintendent the right to remit any portion of the time of suspension.

Except for in-school suspensions, any pupil suspended shall receive no credit for school work missed while suspended.

Upon the seizure by any teacher, principal, school security guard, or other school administrator of any firearm, knife, or other dangerous implement which could be used as a weapon or inflict injury, the principal or his or her designee shall be required to report the confiscation to appropriate law enforcement officials.

#### MANDATORY SUSPENSION

The principal shall be required to suspend a pupil who:

1. is found carrying or possessing a firearm or a knife with a blade two (2) inches or longer, or another dangerous instrumentality, except as provided below under the section entitled *Suspension Not Applicable*; or
2. possesses, distributes, sells, gives, or loans any controlled dangerous substance governed by state law, in any form.

Additionally, the principal shall immediately recommend the pupil's expulsion to the Superintendent, for the above offenses, except in the case of a student less than eleven (11) years of age in pre-kindergarten through grade 5 who is found carrying or possessing a knife with a blade two (2) inches or longer, the principal may, but shall not be required to recommend the student's expulsion. A student found carrying or possessing a knife with a blade less than two (2) inches in length may be suspended by the school principal, but, in appropriate cases, at a minimum, shall be placed in *in-school suspension*.

The parent or tutor of a pupil who has been recommended for expulsion, including if the recommendation is reduced to a suspension, shall have the right to request review by the School Board of such recommendation, or appeal to the parish district court, as appropriate, in accordance with La. Rev. Stat. Ann. §17:416.

#### Assault or Battery of School Employees

Whenever a pupil is formally accused of violating state law or school disciplinary regulations, or both, by committing assault or battery on any school employee, the principal shall suspend the pupil from school immediately and the pupil shall be removed immediately from the school premises without the benefit of required procedures, provided, however, that such procedures shall follow as soon as practicable. The student shall not be readmitted to the school to which the employee is assigned until all hearings and appeals associated with the alleged violation have been exhausted.

#### SUSPENSION NOT APPLICABLE

Suspension of a student shall not apply to the following:

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

In addition, school officials, in accordance with statutory provisions, shall have total discretion and shall exercise such discretion in imposing on a pupil any disciplinary actions authorized by state law for possession by a pupil of a firearm or knife on school property when such firearm or knife is stored in a motor vehicle and there is no evidence of the pupil's intent to use the firearm or knife in a criminal manner.

### DRESS CODE VIOLATIONS

A student enrolled in grades prekindergarten through five shall not be suspended from school or suspended from riding on any school bus for a uniform violation that is not tied to willful disregard of school policies.

### RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

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

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

### SUSPENSION OF STUDENTS WITH DISABILITIES

Suspension of students with disabilities shall be in accordance with applicable state or federal law and regulations.

Revised: August, 2003

Revised: November, 2020

Revised: August, 2005

Revised: November 7, 2006

Revised: August, 2007

Revised: January, 2009

Revised: November, 2012

Revised: May, 2013

Revised: May 3, 2016

Ref: La. Rev. Stat. Ann. '17:223, 17:416, 17:416.1, 17:416.2, 17:416.3; Goss v. Lopez, 95 S. Ct. 729 (1973); Regulations for Implementation of the Exceptional Children's Act, Bulletin 1706, Louisiana Department of Education; Board minutes, 4-4-00, 9-6-05, 11-7-06, 5-3-16.



# Expulsion

File: H-3.5d

Cf: G-11.4, H-2.3, and  
H-3.3

Cf: H-3.3c, H-3.5, and  
H-3.5c

## EXPULSION

The City of Baker School Board may expel a pupil from school if an offense committed by the pupil is serious enough to warrant such action or is in violation of state law. Upon the recommendation for expulsion of a pupil by the principal, the Superintendent or his/her designee shall conduct a hearing to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. Notification of the time, date, and place of the expulsion hearing shall be mailed to the parents. If the parent or legal guardian is not present for the hearing after being properly notified, the hearing may proceed and the results of the hearing shall be mailed by certified mail, return receipt requested, to the parent or legal guardian within three (3) days of the conclusion of the hearing.

At the hearing, the principal and/or teacher concerned may be represented by any person appointed by the Superintendent and the concerned teacher shall be permitted to attend and present any relevant information. Until the hearing, the pupil shall remain suspended.

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

## APPEALS

The parent or tutor of the pupil who has been recommended for expulsion in accordance with state law may, within five (5) days after the decision to expel has been rendered, request the School Board to review the findings of the Superintendent or designee at a time set by the School Board; otherwise the decision of the Superintendent shall be final. If requested, as herein provided, and after reviewing the findings of the Superintendent or his/her designee, the School Board may affirm, modify, or reverse the action ~~of the Superintendent or designee~~ previously taken. The parent or tutor of the pupil shall have such right of review even if the recommendation is reduced to a suspension.

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

### EXPULSION INVOLVING FIREARMS

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

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

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

### EXPULSION INVOLVING DRUGS

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

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

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

### ADDITIONAL REASONS FOR EXPULSION

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

1. Any pupil, after being suspended for committing violations of any discipline policies or other rule infractions, depending on the severity of the behavior, may be expelled upon recommendation to the Superintendent by the

principal and after an appropriate hearing is held by the Superintendent or designee.

2. Any student who is found carrying or possessing a knife with a blade which equals or exceeds two (2) inches in length.
3. In accordance with federal regulations, a pupil determined to have brought a weapon to a school under the School Board's jurisdiction shall be expelled for a minimum of one calendar year. The Superintendent may modify the expulsion requirement on a case-by-case basis. *A weapon*, in accordance with federal statutes, means a firearm or any device which is designed to expel a projectile or any destructive device, which in turn means any explosive, incendiary or poison gas, bomb, grenade, rocket, missile, mine or similar device.
4. Any student, *after being suspended on three (3) occasions* for any suspendable offense during the same school year, **shall, upon committing the fourth offense**, be expelled from all the public schools of the system until the beginning of the next regular school year, and the pupil's reinstatement shall be subject to the review and approval of the School Board.
5. The conviction of any pupil of a felony or the incarceration of any pupil in a juvenile institution for an act which had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the pupil for a period of time as determined by the School Board; such expulsions shall require the vote of ***two-thirds of the elected members of the School Board***.

#### EXPULSION NOT APPLICABLE

Expulsion shall not apply to the following:

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

In addition, school officials, in accordance with statutory provisions, shall have total discretion and shall exercise such discretion in imposing on a pupil any disciplinary actions authorized by state law for possession by a pupil of a firearm or knife on school

property when such firearm or knife is stored in a motor vehicle and there is no evidence of the pupil's intent to use the firearm or knife in a criminal manner.

### READMITTANCE FOLLOWING EXPULSION

#### Required Parent Conference

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

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

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

#### Readmittance After All Expulsions

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

#### Readmittance After Expulsion for Firearms, Knives, Weapons, or Drugs

In addition to the readmittance provisions for all expulsions stated above, a pupil that has

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

#### Review of Records

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

#### CREDIT FOR SCHOOL WORK MISSED

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

#### RECUSAL OF ADMINISTRATOR IN DISCIPLINE MATTERS

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

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

EXPULSION OF STUDENTS WITH DISABILITIES

Expulsion of students with disabilities shall be in accordance with applicable state or federal law and regulations.

Revised: August, 2003  
Revised: May, 2006  
Revised: June, 2006  
Revised: August, 2007  
Revised: September, 2008  
Revised: February 3, 2009  
Revised: November 3, 2009  
Revised: May 3, 2016

Revised: November, 2020

Ref: 18 USC 921 (*Firearms – Definitions*); 20 USC 7151 (*Gun-Free Schools Act*); La. Rev. Stat. Ann. §§17:223, 17:416, 17:416.1, 17:416.2, 17:2092; Goss v. Lopez, 95 S. Ct. 729 (1973); Regulations for Implementation of the Exceptional Children's Act, Bulletin 1706, Louisiana Department of Education; Goss v. Lopez, 95 S. Ct. 729 (1973); Board minutes, 4-4-00, 4-18-06, 8-15-06, 2-3-09, 11-3-09, 5-3-16.

# **COVID-19 LEAVE**

**File: 11.4d**

**Cf: 11.4a, 11.4b, and 11.4c**



**EMERGENCY CITY OF BAKER SCHOOL SYSTEM (New Policy)  
COVID-19 LEAVE - 2021**

In March 2020, federal legislation creating the Family's First Coronavirus Response Act (FFCRA) was signed and became law. The FFCRA, among other things, provided for paid FMLA leave related to child care disruption due to the COVID-19 pandemic and paid sick time for certain reasons related to COVID-19. Those provisions took effect on April 1, 2020 and were scheduled to expire on December 31, 2020. In light of subsequent federal legislation, the provisions of this policy will be retroactively effective as of January 1, 2021 and remain in effect until December 31, 2021.

**Family and Medical Leave**

Existing *Family and Medical Leave Act* (FMLA) leave policies shall still apply to all other FMLA-qualifying reasons for leave outside of this policy.

**Employee Eligibility**

All employees who have been employed with the City of Baker School Board for at least thirty (30) consecutive days from the most recent date of hire, shall be eligible for Emergency City of Baker School System COVID-19 Leave.

**Reason for Leave**

Eligible employees are those who are unable to work (or telework) due to any of the following reasons are eligible for the Emergency City of Baker School System COVID-19 Leave.

- I. COVID-19 (Q) – Quarantine/Isolation
  - a. Leave due to exhibiting COVID-19 symptoms and are seeking diagnosis or are diagnosed with COVID-19.
    - i. Allowable Leave: Ten (10) days
    - ii. Acceptable Documentation: Testing Results within date range
    - iii. Pay Rate: 100%
  - b. Leave due to close contact exposure to someone diagnosed with COVID-19.
    - i. Allowable Leave: Ten (10) days
    - ii. Acceptable Documentation: Testing Results within date range
    - iii. Pay Rate: 100%
  - c. Leave due to COVID-19 close contact exposure at a City of Baker School System site, while in employee's official duty as an EBRPSS employee.
    - i. Allowable Leave: Ten (10) days
    - ii. Acceptable Documentation: Notification of Close Contact and Testing Results within date range
    - iii. Pay Rate: 100%

II. COVID-19 (C) – Child Care/School

- a. Need to care for child whose school or child care provider or place of care is unavailable due to COVID-19.
  - i. Allowable Leave: Five (5) days
  - ii. Acceptable Documentation: Documentation from School/Provider
  - iii. Pay Rate: 65%
  
- b. Need to care for a child whose school has quarantined them due to being designated as a close contact of a person with COVID-19.
  - i. Allowable Leave: Five (5) days
  - ii. Acceptable Documentation: Documentation from School/Provider
  - iii. Pay Rate: 65%

**LIMITATIONS**

These limitations are not related to previous utilization of the Family First Coronavirus Response Act leave authorized by the federal government from April 1, 2020 through December 31, 2020.

COVID-19 (Q) Leave is only available once, unless it is related to close contact exposure where the employee is unable to work because the employee is quarantined, as initiated by the City of Baker School System, (pursuant to Federal, State, or Local government order or advice of a health care provider) due to being identified as a close contact to a positive case and which occurred during the employee's official duty as a City of Baker School Board employee. Once an employee has utilized this leave, they will have to utilize available regular sick and extended sick leave allocations.

COVID-19 (C) Leave is only available twice. Once the employee has utilized this leave, they may apply for Leave Without Pay.

**TERMINOLOGY/DEFINITIONS**

"Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is:

- under eighteen (18) years of age; or
  
- eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:

- a center-based childcare provider
- a group home childcare provider
- a family childcare provider (one individual who provides childcare services for fewer than twenty-four (24) hours per day, as the sole caregiver, and in a private residence)
- other licensed provider of childcare services for compensation
- a childcare provider that is eighteen (18) years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

“School” means an elementary or secondary school:

- takes leave, including hours for which the employee took leave of any type, or
- if the employee has worked less than six (6) months, the expected number of hours to be scheduled per day at the time of hire.

#### **Employee Status and Benefits During Leave**

While an employee is on leave, the City of Baker School Board shall continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the City of Baker School Board shall continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee shall continue to make this payment per instructions from the City of Baker School Board staff.

#### **Procedure for Requesting Leave**

Emergency City of Baker School System COVID-19 Leaves are processed for approval in the Office of Human Resources. All employees must submit Emergency City of Baker School System COVID-19 leave request utilizing the designated system as soon as practicable. Verbal notifications will not be acceptable unless the employee is incapacitated. Employees must upload/submit written documentation to the Office of Human Resources within three (3) business days of their first absence related to COVID-19. Failure to submit may result in utilization of employees' regular available leave time.

Documentation supporting the need for leave shall be included with the leave request form, such as:

- A copy of the federal, state or local quarantine or isolation order related to COVID-19 applicable to the employee or the name of the governmental entity that issued the order.
- Written documentation by a health care provider advising the employee to self-quarantine due to concerns related to COVID-19 or the name of the provider who advised the employee.
- The name and age of the child or children being cared for; the name of the school, place of care, or child care provider that closed or became unavailable; and a statement that no other suitable person is available to care for the child during the period of requested leave.

Once emergency paid sick leave has begun, the employee and his or her supervisor shall determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive paid sick time.

### **EMERGENCY PAID SICK LEAVE**

The provisions included here are based on the *Emergency Paid Sick Leave Act (EPSLA)* of the FFCRA and shall only apply to the COVID-19 outbreak.

### **Eligibility**

All full-time and part-time employees unable to work (or telework) due to one of the following reasons for leave:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is:

- under eighteen (18) years of age; or
- eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

“Individual” means an employee’s immediate family member, roommate or similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she self-quarantined or was quarantined. Additionally, the individual being cared for shall:

- be subject to a federal, state or local quarantine or isolation order as described above; or
- have been advised by a health care provider to self-quarantine based on a belief that he or she has COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19.

**Amount of Paid Sick Leave**

For employees with varying hours, one of two methods for computing the number of hours paid shall be used:

- 1) The average number of hours that the employee was scheduled per day over the six (6)-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- 2) If the employee has worked less than six (6) months, the expected number of hours to be scheduled per day at the time of hire.

**Rate of Pay**

Paid emergency sick leave shall be paid at the employee’s regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above. Employees taking leave for reasons 4-6 shall be compensated at two-thirds (2/3) their regular rate of pay, or minimum wage, whichever is greater. Pay shall not exceed:

- 1) \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above;
- 2) \$200 per day and \$2,000 in total for leave taken for reasons 4-6 above.

**Interaction with Other Paid Leave**

The employee may use Emergency COVID-19 Leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

**Carryover**

Paid emergency sick leave under this policy shall not be provided beyond December 31, 2021. Any unused paid sick leave shall not carry over to the next year or be paid out to employees. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

**Job Protections**

No employee who appropriately utilizes Emergency City of Baker School System COVID-19 Leave under this policy shall be discharged, disciplined or discriminated against for work time missed due to this leave. If an employee submits falsified documents, claims and request to the City of Baker School System will be in direct violation of the City of Baker School Board Employee Conduct Policy (F-12.8) or any other applicable policy, may result in disciplinary actions up to and including termination.