

SUSPENSION/EXPULSION

SUSPENSION

The Terrebonne Parish 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 student in accordance with statutory provisions.

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

A student who is suspended for longer than ten (10) school days shall be provided with academic instruction at an alternative setting in accordance with La. Rev. Stat. Ann. §17:416.2.

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

Any parent or legal guardian of a student 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 the out-of-school suspension, shall be final, reserving to the Superintendent the right to remit any portion of the time of out-of-school suspension.

EXPULSION

Expulsion (unless otherwise defined as a permanent expulsion by law) is defined as a removal from all regular school settings for a period of not less than one (1) school semester. During an expulsion, the Superintendent shall place the student in an alternative school or in an alternative educational placement.

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

Upon the recommendation for expulsion of a student by the principal a hearing shall be conducted by the Superintendent, or his/her designee, within fifteen (15) school days to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. The School Board shall provide written notice of the hearing to the student and his/her parent, or legal guardian, and the notice shall advise the student and his/her parent, or legal guardian, of their rights. Notification of the time, date, and place of the expulsion hearing shall be mailed to the parents. Following the hearing, the Superintendent, or his/her designee, shall notify the parents of the decision rendered.

At the hearing, the teacher shall be permitted to attend and present any relevant information. Until the hearing, the student shall remain suspended with access to classwork and the opportunity to earn academic credit. A student who is expelled for longer than ten (10) school days shall be provided with academic instruction at an alternative setting in accordance with La. Rev. Stat. Ann. §17:416.2. At the conclusion of the hearing, the Superintendent, or designee, shall determine whether expulsion or other corrective action is necessary.

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 (1) 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.

REASONS FOR SUSPENSION/EXPULSION

Reasons for suspending or expelling a student from school shall include, but not be limited to, the following:

1. Is guilty of willful disobedience
2. Treats with intentional disrespect school employees or members of the local School Board
3. Makes unfounded charges against school employees or members of the local School Board
4. Uses unchaste or profane language
5. Is guilty of immoral or vicious practices or of conduct or habits injurious to his/her associates
6. Uses tobacco or possesses alcoholic beverages or any controlled dangerous substance governed by the Uniform Controlled Dangerous Substance Law, in any form, in school buildings, on school grounds, at any school-sponsored activity, or on school buses owned by, contracted to, or jointly owned by the School Board
7. Disturbs the school and/or habitually violates any rule
8. Cuts, defaces, or injures any part of public school buildings, any property belonging to the buildings, or any school buses owned by, contracted to, or jointly owned by the School Board
9. Writes any profane or obscene language or draws obscene pictures in or on any school material or on any public school premises or on any fence, pole, sidewalk, or building on the way to or from school or on any school bus, including those owned by, contracted to, or jointly owned by the School Board

10. Is found carrying firearms, knives, or other implements which can be used as weapons, the careless use of which might inflict harm or injury
11. Throws missiles liable to injure other persons on the school grounds or while on any school bus, including those owned by, contracted to, or jointly owned by the School Board
12. Instigates or participates in fights while under school supervision
13. Violates traffic and safety regulations
14. Leaves the school premises without permission
15. Leaves his/her classroom during class hours or detention without permission
16. Is habitually tardy or absent
17. Is using, distributing, or is in possession of weapons, illegal drugs, alcohol, and unauthorized telecommunication devices
18. Commits assault or battery of a school employee
19. Commits any other serious offense.

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

DRESS CODE VIOLATIONS

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

ASSAULT OR BATTERY OF SCHOOL EMPLOYEES

Whenever a student 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 student from school immediately and the student shall

be removed immediately from the school premises without the benefit of required out-of-school suspension procedures; however, the necessary notifications and other procedures shall be implemented 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.

Before being readmitted to school, a student who commits assault or battery of a teacher shall be required to appear before the full Board.

Except when the school system has no other school of suitable grade level for the student to attend, no student found guilty by a court of competent jurisdiction or found guilty at a school system suspension hearing of committing battery or assault on any school employee, or both, shall be assigned to attend or shall attend the school to which the school employee battered or assaulted is assigned.

DAMAGE TO PROPERTY

A student suspended for damages to any property belonging to the school system or to property contracted to the school system or any property on school grounds owned by a school employee or student shall not be readmitted until payment in full has been made for such damage, an alternative restitution arrangement has been executed, an alternative payment plan has been arranged, or until directed by the Superintendent. If the property damaged is a school bus owned by, contracted to, or jointly owned by any School Board, a student suspended for such damage shall not be permitted to enter or ride any school bus until payment in full has been made for the damage, an alternative restitution arrangement has been executed, an alternative payment plan has been arranged, or until directed by the Superintendent.

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.

PROCEDURES

1. The principal shall immediately suspend a student who is found carrying or possessing a firearm or knife, the blade of which equals or exceeds two and one-half (2 ½) in length, or other dangerous instrumentality, except as provided below under the section entitled *Suspension Not Applicable*, or who distributes, sells, gives, or loans any controlled dangerous substance governed by the *Uniform Controlled Dangerous Substances Law*, in any form. The principal shall immediately recommend the student's expulsion, except that, in the case of a student less than eleven (11) years old in pre-kindergarten through grade five (5) who is found carrying or possessing a knife as described above, 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 and one-half (2 ½) in length may be suspended by the school principal, but, in appropriate cases, at a minimum, shall be placed in in-school suspension.

A. Expulsion Involving Firearms

Any student, sixteen (16) years of age 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.

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

Firearm means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle that is designed

to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

B. 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 Board through a recommendation for action from the Superintendent.

C. Expulsion Involving Knife/Weapon

The Terrebonne Parish School Board requires a student to be immediately suspended when found carrying or possessing a knife, the blade of which equals or exceeds two and one-half (2 ½) inches in length, or other dangerous instrumentality.

The principal shall immediately recommend the student's expulsion, except that, in the case of a student less than eleven (11) years old in pre-kindergarten through grade five (5) who is found carrying or possessing a knife, 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 and one-half (2 ½) inches in length may be suspended, but, in

appropriate cases, at a minimum shall be placed in in-school suspension.

Any student who is under sixteen (16) years of age and in grades six (6) through twelve (12) and who is found guilty of being in possession of a knife/weapon 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.

Any student sixteen (16) years of age or older who is found guilty of being in possession of a knife/weapon 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.

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.

2. The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which, had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the student for a period of time as determined by the School Board, provided that such expulsion shall require the vote of **two-thirds of the elected members of the School Board**, shall not be for a period of time longer than the student's period of adjudication as determined by the applicable court presiding over the student's criminal matter, and shall run concurrent to the student's period of disposition. If the student was serving an expulsion period when the student was incarcerated for a separate offense and the student completes the period of incarceration with time left in the expulsion period, the Superintendent, or his/her designee, may require the student to serve the time left in the expulsion period.
3. The parent legal guardian of the student may submit a written request, within five (5) days after the decision of the hearing is rendered, that the School Board 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 designee, the School

Board may affirm, modify, or reverse the action previously taken. The parent or legal guardian of the student shall have such right of review even if the recommendation is reduced to a suspension.

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

4. The principal shall promptly advise the Superintendent or designee of all such suspensions, stating the reasons for the suspensions. No suspended student shall be allowed to leave the school premises during the school day until 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.

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.

VIRTUAL INSTRUCTION

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

READMITTANCE

1. No student who has been expelled shall be admitted to any public school in any other parish or city school system in the state except upon the review and approval of the Superintendent or the Director or Supervisor of Child Welfare and Attendance as his/her designee.
2. Upon request for admittance, any student who has been expelled from

any school shall provide the School Board information on the dates of any expulsions and the reason or reasons for which the student was expelled. Additionally, the transfer of a student's records by any public school or school system in the state to any other public or nonpublic school or school system shall include information on the dates of any expulsions and the reason or reasons for which the student was expelled.

3. Any student expelled from school may be readmitted on a probationary basis to school at any time during the specified period of expulsion on such terms and conditions as may be stipulated by the School Board and agreed to, in writing, by the student and by the student's parent or other person responsible for the student's school attendance. However, any such written agreement shall include a provision that upon the school principal's or Superintendent's making a determination that the student has violated any term or condition of the agreement, the student shall be immediately removed from the school premises and returned to the school system's alternative school setting without the benefit of any hearing or other procedure applicable to student suspensions and expulsions. Immediately thereafter, the principal or designee shall provide proper notification, in writing, of the determination and reasons for removal to the Superintendent and the student's parent or legal guardian.
4. In addition to the re-admittance provisions for all expulsions stated above, a student that has been expelled for possessing on school property or on a bus, a firearm, knife, or other dangerous weapon, or possessing or possession with intent to distribute or distributing, selling, giving, or loaning while on school property or a school bus any controlled dangerous substance shall not be enrolled or readmitted to any regular public school of the school system on a probationary basis prior to the completion of the period of expulsion at the school system's alternative education setting until the student produces written documentation that he/she and his/her parent or legal guardian have enrolled and participated or is participating in an appropriate rehabilitation or counseling program related to the reason(s) for the student's expulsion. The rehabilitation or counseling programs shall be provided by such programs approved by the juvenile or family court having jurisdiction, if applicable, or by the School Board. The requirement for enrollment and participation in a rehabilitation or counseling program shall be waived only upon a documented showing by the student that no appropriate program is available in the area or that the student cannot enroll or participate due to financial hardship.
5. Any student, upon serving the minimum time at an alternative school for

a gun violation, shall be required to appear before the full School Board prior to being readmitted to any Terrebonne Parish school.

CREDIT FOR SCHOOL WORK MISSED

A student who is suspended for ten (10) days or fewer shall be assigned school work missed while he/she is suspended and shall receive the same credit originally available 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.

A student who is suspended for more than ten (10) days, or 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 is suspended or expelled.

PARENTAL CONFERENCE

In each case of suspension or expulsion, the principal or designee shall contact the parent or legal guardian to notify the parent or legal guardian of the suspension or expulsion and to set up a conference. "Notice" shall be given by contacting the parent, tutor, or legal guardian by telephone at the telephone number shown on the student's registration card or by sending a certified letter to the address shown on the student's registration card. In the case of expulsion, a certified letter must be sent.

If the parent or legal guardian fails to attend the required conference set by the principal 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 or legal guardian refuses to respond, the principal may determine whether readmitting the student is in the best interest of the student. On any subsequent occasions in the same school year, the student shall not be readmitted unless the parent or legal guardian, court or other appointed representative responds.

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

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 medical provider. However, the student shall carry evidence of the prescription or medical provider's order on his/her person at all times when in possession of any controlled dangerous substance which shall be subject to verification. Evidence of the prescription or medical provider's order includes possession of the controlled dangerous substance in its original packaging as received from the pharmacy.

SUSPENSION OR EXPULSION OF STUDENTS WITH DISABILITIES OR EXCEPTIONALITIES

Suspension or expulsion of students with disabilities or exceptionalities, or an Individualized Education Program or Section 504 Individualized Accommodation Plan, shall be to the extent allowed by applicable state or federal law and regulations or the provisions of the student's specific plan.

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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, 17:416.3, 17:2092; *Goss v. Lopez*, 95 S. Ct. 729 (1973); Regulations for Implementation of the Exceptional Children's Act, Bulletin 1706, Louisiana Department of Education; Board minutes, 3-17-98, 6-15-99, 1-18-00, 10-17-00, 2-21-06, 8-15-06, 9-18-07, 6-17-08, 11-18-08, 11-17-09, 1-15-13, 8-18-15 (CWA Code of Student Conduct), 12-15-15, 8-3-21, 9-6-22.