

## **SUSPENSION**

The Livingston 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 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.

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.

### Appeal

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.

### MANDATORY SUSPENSION

#### Firearms, Knives, Other Dangerous Instrumentalities, Drugs

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. If found guilty, the student shall be assigned a school different from the school where the assaulted or battered employee is assigned, unless there is no other school of suitable grade available.

#### 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.

### 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 either partial or full credit for such work if it is completed satisfactorily and timely as determined by the principal or his/her designee, upon the recommendation of the student's teacher.

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

### 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.

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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, 1-4-96, 12-10-09, 1-10-13, 9-5-13.