

EXPULSION

The Livingston Parish 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. Following the hearing, the Superintendent or his/her designee shall notify the parents of the decision rendered.

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 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* 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.

DRESS CODE VIOLATIONS

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

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: August, 2007

Revised: September, 2008

Revised: September, 2009

Revised: January 10, 2013

Revised: August, 2015

Revised: December, 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; Board minutes, 1-4-96, 12-10-09, 1-10-13.