



2018 - 2019 School Year

# Manual for Disciplinary Procedures Student Hearing Office





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## Overview

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### What is the Student Hearing Office?

The Student Hearing Office (SHO) is a part of the Student Hearing Office and Transitions team within the department of Student Access at the Orleans Parish School Board. The Student Hearing Office is a city-wide unified student discipline system comprehensively serving nearly 40,000 New Orleans students.

The Student Hearing Office:

- Conducts all student disciplinary conferences and expulsion hearings;
  - Oversees the student disciplinary conferences and expulsion hearings for students receiving special education services and 504 accommodations. This includes reviewing Manifestation Determination Reviews (MDRs) to ensure the disciplinary request is compliant with federal and state law.
- Coordinates appeal requests;
- Screens and places students who seek to enroll in an Orleans Parish public school as a result of an expulsion from a school located in another parish or from a private school;
- Screens all safety-based Hardship Transfers and transfer requests related to bullying and fighting;
- Provides conflict resolution meetings, training opportunities, resources and other support to students, parents / guardians, schools, and community partners;
- In collaboration with the Youth Opportunity Center (YOC), coordinates the enrollment screening and placement of students returning to education post-incarceration in out of parish facilities and the Orleans Parish Justice Center (formerly Orleans Parish Prison);
- Conducts accountability protocol to address enrollment violations related to Student Hearing Office policy.

The Student Hearing Office will discuss and make recommendations to schools and parents / guardians regarding the education and expectations for the student; but there are limitations. The Student Hearing Office **cannot** order or take action in the following school-based or parent / guardian-based decisions regarding students:

- The Student Hearing Office cannot order or take action in those decisions that are the responsibility of the IEP team, per federal IDEA law, such as: order or partake in homebound decisions; participate in MDR decisions; order changes to a student's IEP services or 504 accommodations (such as order or facilitate 45 day removals or placements at care facilities)
- Order that a student withdraw from school
- Order parents / guardians to medicate children
- Recommend students for expulsion
- Complete disciplinary referral paperwork for schools
- Suspend students
- Order a student to speak during a hearing (students may remain silent)
- Order a Hardship Transfer or order a Hardship Transfer request be completed

### Purpose of the Manual

The Student Hearing Office Manual is a reference guide that outlines the disciplinary expectations and policies shared by the Orleans Parish School Board (OPSB) and applies to Type 2 Charter Schools within Orleans Parish. The Student Hearing Office policies align with EnrollNOLA and Youth Opportunity Center (YOC) policies to ensure continuity between discipline, enrollment and student-based services. This manual includes: recommendations on the best practices for disciplinary actions, policy guidelines, and procedures for pursuing disciplinary actions.

## **Expellable Offenses and Interventions**

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### **What is an Expellable Offense?**

Expellable offenses are incidents that occur on school property or grounds, on school vehicles or at school sponsored activities and events, which severely interfere with safety and learning, are of a threatening or harmful nature, and / or are legal violations. Students cannot be expelled for disrespectful or willful disobedience, uniform violations, or repeated suspensions for violations not listed as expellable offenses.

All expulsion recommendations are made at the discretion of the administrative staff at the school in which the student is enrolled. Students can only be expelled for the offenses included in this manual.

Expellable offenses are organized in a tiered system. Tier One is reserved for the most serious offenses that may result in school removal for the remainder of the current semester and up to one full school year. Tier Two offenses may result in a removal for the remainder of the current semester and up to one full school semester. Tier Three offenses do not result in removal from campus for first time offenses but may result in removal for subsequent offenses. School administrators may choose to handle a Tier Three offense through a disciplinary conference with strong school-based interventions. Only offenses addressed by the Student Hearing Office may be used in support of future removal.

### **Special Note about Bullying**

In accordance with Louisiana Rev. Stat. § 17:416.13, it is the responsibility of school administrators to establish the ideals, policies, and practices that will prohibit bullying. Schools must also follow the mandated guidelines of documenting, investigating and reporting acts and incidents of bullying. Schools are required to provide the required bullying documentation / form for all disciplinary actions regarding bullying. Some acts and incidents of bullying may result in expulsion.



### **Families, Remember!**

Your child can be expelled if the...:

- ...Incident occurred on the student's school property or grounds
- ...Incident occurred in the student's school-owned or school-contracted vehicle
- ...Incident occurred at the student's school-sponsored activity
- ...the recommendation is for a Tier 1, Tier 2, or second or subsequent Tier 3 offense

Your child cannot be expelled for:

- ...Disrespectful or willful disobedience
- ...Uniform violations
- ...A result of multiple suspensions
- ...First Tier 3 offense
- ...Off campus incidents that occur away from the internet or student's school organized or sponsored events, activities, property, and / or vehicles

**TIER ONE: OFFENSES & INTERVENTIONS**

Type of Offense	Tier One Offense	Tier One Interventions	Possible Corrective Strategies to be Implemented after the Hearing
<b>Distribution of Drugs</b>	<p><b>Distributing, selling, giving away, or loaning any controlled dangerous substance</b> governed by the Uniform Controlled Dangerous Substances Law or any <b>prescription drug</b>.</p> <p><i>Distribution is defined by context not quantity. The SHO will look to the context as described in the witness statements, supporting documentation, and evidence to determine if the described incident is possession or distribution. The SHO definition is not limited to the legal definition of distribution under the law.</i></p>	<p>Tier One Offenses are expellable for up to two semesters, plus the remainder of the current semester</p> <p>Removal to an alternative school or program for up to two semesters, plus the remainder of the current semester</p> <p>Remain on campus and serve an agreed upon probation term (during which the school may implement school-level interventions)</p>	<p>Re-teach behavioral expectations</p> <p>Have the student apologize and make amends with those affected</p> <p>Contact and / or conference with the parent / guardian</p> <p>Implement a home / school communication system</p> <p>Utilize a check-in / check-out</p>
<b>Weapons</b>	<p><b>Carrying, possessing, or using a firearm</b>, knife with a <b>blade of two inches or longer</b>, or any <b>other instrument</b> of which the purpose is lethal force, this includes tasers and other conducted electrical weapons (CEW), and bomb threats with constructed bombs or possession of constructed bombs.</p> <p>Firearms are ballistic weapons including operational or nonoperational, loaded or unloaded, guns, BB guns, pellet guns, paintball guns, historical firearms, air rifles, and toy guns on a case-by-case basis depending on appearance and use.</p> <p><i>This list is not exhaustive.</i></p>	<p>Referral to an outside program (i.e. substance abuse counseling) for a set period of time</p> <p>Disciplinary conference held with the SHO</p>	<p>Loss of privilege – school sports, activity, event</p> <p>Implement a behavior contract that includes expected student behavior, incentives for demonstrating expected behavior and consequences for infractions</p> <p>Refer to school social worker or a YOC caseworker</p> <p>After-school detention</p> <p>In-school suspension</p>
<b>Illegal Sexual Activity with Another</b>	<p><b>Sexual assault</b> and other sexual acts where one party is non-consenting.</p> <p><i>The SHO definition is not limited to the legal definition of consent under law.</i></p>		<p>Saturday school</p> <p>Bus suspension</p>

**TIER ONE: OFFENSES & INTERVENTIONS**

***CONTINUED***

Type of Offense	Tier One Offense	Tier One Interventions	Possible Corrective Strategies to be Implemented after the Hearing
<b>Battery with Weapon or Dangerous Substance or Implement</b>	<b>Intentional battery (contact)</b> on any individual using any tier <b>weapon</b> or dangerous substance or implement.	Tier One Offenses are expellable for up to two semesters, plus the remainder of the current semester	Re-teach behavioral expectations  Have the student apologize and make amends with those affected
<b>Aggravated Assault with Tier One Weapon</b>	Any <b>assault</b> (threat) with a Tier One weapon.	Removal to an alternative school or program for up to two semesters, plus the remainder of the current semester	Contact and / or conference with the parent / guardian  Implement a home / school communication system
<b>Battery on School Staff</b>	Engaging in <b>student-initiated intentional physical altercation with a member of the school staff.</b>  Does <b>not</b> require use of weapon or serious documentable injury necessitating medical care.  Incidents that occur while restraining a student, intervening in a fight between students, or other staff-initiated contact may be considered on a case-by-case basis depending on: (1) severity of harm; (2) student intent to commit harm.	Remain on campus and serve an agreed upon probation term (during which the school may implement school-level interventions)  Referral to an outside program (i.e. substance abuse counseling) for a set period of time  Disciplinary conference held with the SHO	Utilize a check-in / check-out  Loss of privilege – school sports, activity, event  Implement a behavior contract that includes expected student behavior, incentives for demonstrating expected behavior and consequences for infractions
<b>Battery with Documentable Injury</b>	<b>Intentional battery (contact)</b> that which causes <b>serious documentable injury</b> that necessitates medical care.		Refer to school social worker or a YOC caseworker  After-school detention  In-school suspension  Saturday school  Bus suspension

## **TIER TWO: OFFENSES AND INTERVENTIONS**

<b>Type of Offense</b>	<b>Tier Two Offense</b>	<b>Tier Two Interventions (or second Tier Three offense)</b>	<b>Possible Corrective Strategies to be Implemented after the Hearing</b>
<b>Possession of Drugs</b>	<p><b>Possessing any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law or any prescription drug or unmarked medication.</b></p> <p><i>In cases of unmarked medication or prescription pills the SHO will consider: (1) the circumstances and context to why the medication was present on campus; (2) the schools' policy and communication on the presence of prescription medication on campus. This does not include birth control, inhalers, EpiPens, or antibiotics.</i></p> <p><i>Possession is defined by context not quantity. The SHO will look to the context as described in the witness statements, supporting documentation, and evidence to determine if the described incident is possession or distribution. The SHO definition is not limited to the legal definition of possession under the law.</i></p>	<p>Tier Two Offenses are expellable for up to one semester, plus the remainder of the current semester.</p> <p>Removal to an alternative school or program for up to one semester, plus the remainder of the current semester</p> <p>Remain on campus and serve an agreed upon probation term (during which the school may implement school-level interventions)</p> <p>Referral to an outside program (i.e. substance abuse counseling) for a set period of time</p> <p>Disciplinary conference held with the SHO</p>	<p>Re-teach behavioral expectations</p> <p>Have the student apologize and make amends with those affected</p> <p>Contact and / or conference with the parent / guardian</p> <p>Implement a home / school communication system</p> <p>Utilize a check-in / check-out</p> <p>Loss of privilege – school sports, activity, event</p> <p>Implement a behavior contract that includes expected student behavior, incentives for demonstrating expected behavior and consequences for infractions</p> <p>Refer to school social worker or a YOC caseworker</p> <p>After-school detention</p> <p>In-school suspension</p> <p>Saturday school</p> <p>Bus suspension</p>
<b>Robbery</b>	<p><b>Robbery</b> is the taking of anything belonging to someone else from their possession through force or intimidation while on the school property or at any activity over which the school has jurisdiction. <i>Restitution may be a possible corrective action.</i></p>		
<b>Unlawful Entry</b>	<p><b>Unauthorized entry of school property</b>, or any space which the school has jurisdiction, <b>with evidence of theft or vandalism</b>. Entry may occur during, after, or before school hours.</p> <p><b>Unauthorized entry includes school's data system</b> to manipulate or change attendance or grades.</p>		

**TIER TWO: OFFENSES AND INTERVENTIONS**

***CONTINUED***

Type of Offense	Tier Two Offense	Tier Two Interventions (or second Tier Three offense)	Possible Corrective Strategies to be Implemented after the Hearing
<b>Sexual Activity on School Premises</b>	Engaging in <b>consensual sexual acts on school property</b> or at any school-sponsored activity.  Engaging in <b>nonconsensual exposure of body parts in a sexual manner</b> to another.	Tier Two Offenses are expellable for up to one semester, plus the remainder of the current semester.  Removal to an alternative school or program for up to one semester, plus the remainder of the current semester	Re-teach behavioral expectations  Have the student apologize and make amends with those affected
<b>Assault with a Dangerous Substance or Implement</b>	<b>Assault (threat)</b> of an individual with a <b>Tier Two dangerous substance or implement</b> .		Contact and / or conference with the parent / guardian
<b>Dangerous Substances and Implements</b>	<b>Possession or use</b> of any implement or substance with the <b>ability to seriously harm another person</b> .  This includes: bleach, mace, pepper spray, dissolvent or any other chemical product, razor blades, brass knuckles or other blunt objects, lit fireworks, using laser pointers, setting off the fire alarm through fire, setting fire to any object or extension of a person (ex: backpack, hair, clothes) without injury ( <i>with injury is a Tier One offense</i> ), setting fire to trash can, part of building or furniture with or without alarm being sound.	Remain on campus and serve an agreed upon probation term (during which the school may implement school-level interventions)  Referral to an outside program (i.e. substance abuse counseling) for a set period of time  Disciplinary conference held with the SHO	Implement a home / school communication system  Utilize a check-in / check-out  Loss of privilege – school sports, activity, event  Implement a behavior contract that includes expected student behavior, incentives for demonstrating expected behavior and consequences for infractions  Refer to school social worker or a YOC caseworker
<b>Offenses to School Safety &amp; Security</b>	<b>Propping open external facing doors</b> with intent to allow access to campus in a way that circumvents the ordinary entry or security process on campus in order to commit harm.  <b>Inviting or bringing non-students or unpermitted students onto campus</b> with the intent to circumvent the ordinary entry or security process on campus in order to commit harm. <i>This includes students on out-of-school suspension.</i>		After-school detention  In-school suspension  Saturday school  Bus suspension

### **TIER THREE: OFFENSES AND INTERVENTIONS**

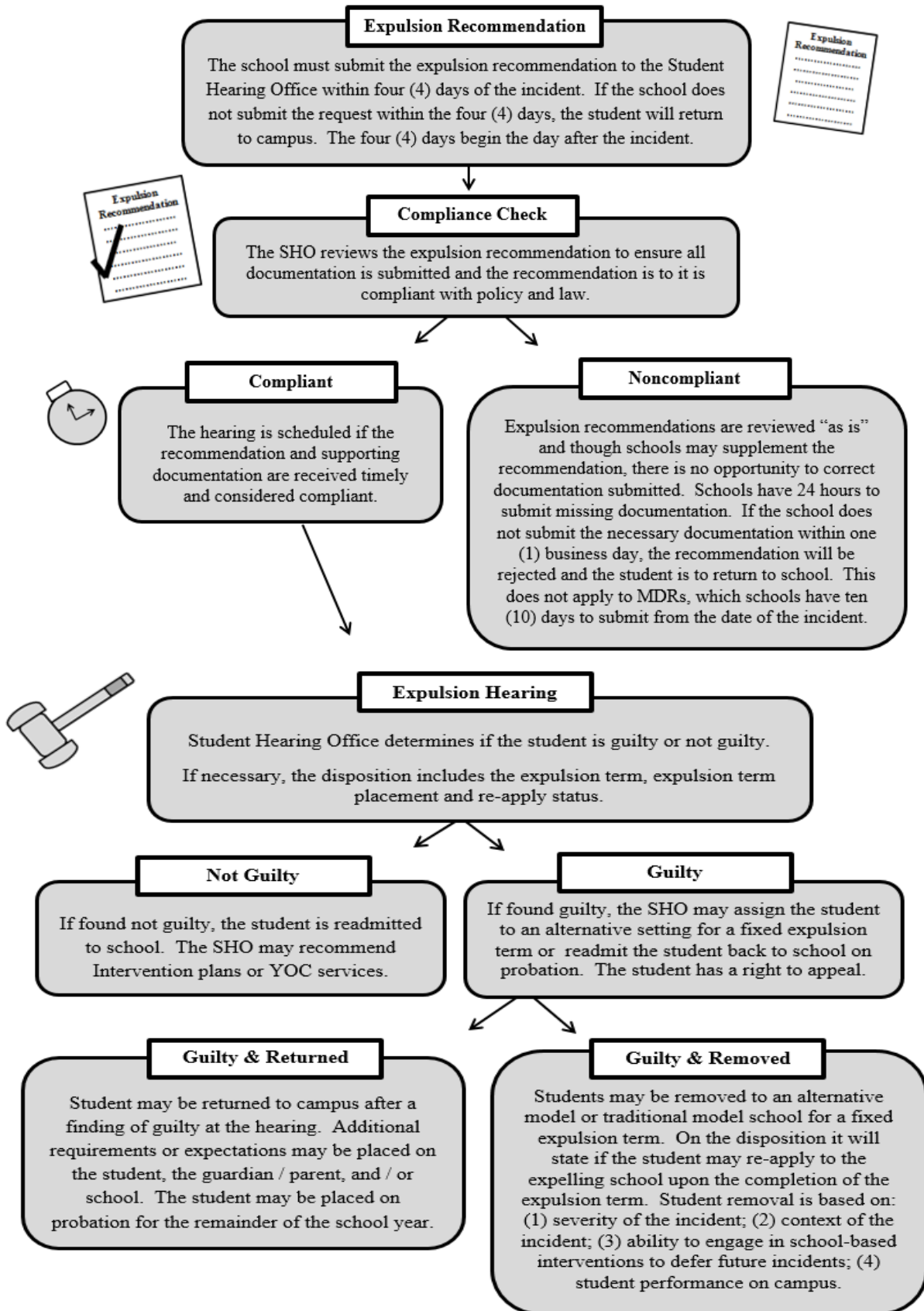
<b>Type of Offense</b>	<b>Tier Three Offense</b>	<b>Tier Three Interventions*</b>	<b>Possible Corrective Strategies</b>
<b>Acts that Threaten the Safety of Others</b>	<p>Well-documented and on-going <b>commission of serious acts that threaten the safety of others.</b></p> <p>Such as: pulling the fire alarm where there is no emergency; possession of fireworks; bullets on campus with no gun; bomb threats without the materials to construct the bomb; stalking or cyber stalking; starting fire to piece of paper in hand; assault (threat to do immediate harm) without weapon.</p> <p>If the act that threatens the safety of others is a broad threat to: (1) bring a weapon to school to shoot or harm indiscriminately; or (2) bring a detonation device with the desire to harm indiscriminately then the Student Hearing Office may elect to apply Tier 2 interventions even if there was no prior Tier 3 incident. <i>Please see page 18.</i></p>	<p>First-time Tier Three Offenses cannot result in expulsion. Once a student is found guilty of a second Tier Three Offense, the student is eligible for the range of Tier Two interventions.</p> <p>Remain on campus and serve an agreed upon probation term (during which the school may implement school-level interventions)</p> <p>Referral to an outside program (i.e. substance abuse counseling) for a set period of time</p> <p>Disciplinary conference held with the SHO</p>	<p>Re-teach behavioral expectations</p> <p>Have the student apologize and make amends with those affected</p> <p>Contact and / or conference with the parent / guardian</p> <p>Implement a home / school communication system</p> <p>Utilize a check-in / check-out</p> <p>Loss of privilege – school sports, activity, event</p> <p>Implement a behavior contract that includes expected student behavior, incentives for demonstrating expected behavior and consequences for infractions</p> <p>Refer to school social worker or a YOC caseworker</p> <p>After-school detention</p> <p>In-school suspension</p> <p>Saturday school</p> <p>Bus suspension</p>
<b>Drug Use and Alcohol Use / Possession</b>	<p>Being <b>under the influence</b> of any controlled dangerous substance governed by the Uniform Controlled Dangerous Substance law, or any prescription drug not prescribed to the accused student, or any other chemical substance that affects the central nervous system and / or produces stimulant, depressant, euphoric, or hallucinogenic effects to the mind or body. This offense includes <b>possession of or under influence of alcohol.</b></p> <p>.</p>		

### **TIER THREE: OFFENSES AND INTERVENTIONS**

<b>Type of Offense</b>	<b>Tier Three Offense</b>	<b>Tier Three Interventions*</b>	<b>Possible Corrective Strategies to be Implemented after the Hearing</b>
<b>Theft</b>	<b>Theft of school property or the personal property of individuals</b> on the school property or at any other activity over which the school has jurisdiction. This type of theft is not taking it off the person by force or intimidation. <i>Restitution may be a possible corrective action.</i>	First-time Tier Three Offenses cannot result in expulsion. Once a student is found guilty of a second Tier Three Offense, the student is eligible for the range of Tier Two interventions.	Re-teach behavioral expectations  Have the student apologize and make amends with those affected  Contact and / or conference with the parent / guardian
<b>Sharing Sexually Explicit Material</b>	<b>Sharing sexually explicit material</b> , including through the use of an electronic device.	Remain on campus and serve an agreed upon probation term (during which the school may implement school-level interventions)	Implement a home / school communication system  Utilize a check-in / check-out
<b>Bullying and Intimidation</b>	Well-documented and on-going behaviors that <b>threaten, intimidate, or bully another individual</b> , including the use of any electronic device to threaten, intimidate or bully. Based on context, sexual harassment and nonconsensual attempts of affection are included in this offense (trying to kiss, trying to hug, open hand touching).  <i>Group fights may qualify for bullying and intimidation where: it is believed this group fight cannot be adequately addressed by an in-school intervention without SHO involvement and the school can explain why. If the group fights results in a serious documentable injury necessitating medical care, the student believed to be responsible may be recommended for the Tier One offense.</i>	Referral to an outside program (i.e. substance abuse counseling) for a set period of time  Disciplinary conference held with the SHO	Loss of privilege – school sports, activity, event  Implement a behavior contract that includes expected student behavior, incentives for demonstrating expected behavior and consequences for infractions  Refer to school social worker or a YOC caseworker  After-school detention  In-school suspension  Saturday school  Bus suspension

\*Any previous tiered offense during the same school year, for which the student was placed on probation or returned to campus by the Student Hearing Office, may be considered when determining removal for a subsequent Tier Three offense. The offenses do not need to be the same. In order to show why removal should be considered for a subsequent Tier Three offense, the school must include in the recommendation proof the school executed any next steps and school based interventions required by the Student Hearing Office. Strict scrutiny will be applied to any referral the Student Hearing Office receives in less than a month from the return of the student.

## Expellable Procedure and Process



### **What is an Expulsion Hearing?**

An expulsion hearing is a disciplinary action available to schools after a student is believed to have committed an expellable offense. Expulsion hearings are only scheduled after a Tier One, Tier Two or a second Tier Three offense occurs. At the expulsion hearing, school leaders and students will both provide their account of the incident or behavior and supporting evidence. The Student Hearing Office will make a determination of guilt and accompanying intervention based on the information included in the expulsion recommendation and communicated at the expulsion hearing. Parents / guardians have five (5) days from the Student Hearing Office decision to appeal a guilty determination.

Students may choose whether to speak during an expulsion hearing. The student's participation, though voluntary, is extremely important to the determination of responsibility and examination of the circumstances surrounding the incident. The Student Hearing Office would like students to participate and share their account of events but will not order or require a student to speak. All recordings of the hearing, including student statements, will be kept through the appeal period then destroyed.

### **Recommendation Compliance: School Preparation and Attendance**

School staff representing the school at disciplinary proceedings should come informed of the incident and prepared to engage. The school representative is expected to know:

- What incident the school is alleging occurred,
- What steps the school took to comply with due process and provide parent / guardian notification,
- Prior disciplinary history of the student(s) involved including prior interventions and the intervention successes or failures,
- History of services provided and services status (including if the student is receiving SPED services or 504 accommodations),
- Parent / guardian cooperation with prior interventions.

If a Manifestation Determination Review (MDR) was conducted, schools are required to send a representative that participated in the MDR meeting or a participating staff member must be available over the phone during the hearing.

### **Families and Schools, Remember!**

During the hearing, the Student Hearing Office, in collaboration with the school and the parent / guardian, will determine the most appropriate intervention for the student.

If a student is returned to campus and a corrective strategy is recommended, it is the school's responsibility to implement the strategy on the school campus for the period determined in the expulsion hearing. The school may end the corrective strategy if the parent / guardian and school believe it is no longer necessary.

School representatives are expected to arrive to hearings on time. The Student Hearing Office will wait for 15 minutes for late staff members to arrive. After 15 minutes, if the parent / guardian is present, the hearing will begin without school representation. If the school does not attend the hearing, the recommendation will be found noncompliant and the student will be returned to campus. Schools are required to notify the Student Hearing Office if the school cannot attend 90 minutes prior to the start of the hearing. This notice is necessary so the Student Hearing Office can notify the parent / guardian and reschedule the hearing. If the school does not provide adequate notice, the hearing will proceed as scheduled and the recommendation will be found

noncompliant. Patterns of school absences will result in the Student Hearing Office following accountability protocol.

### **Timeline for Expulsion Recommendation**

Schools must abide by Student Hearing Office procedure to request an expulsion hearing. Expulsion recommendations are strictly scrutinized for compliance by the Student Hearing Office. The expulsion recommendation must be received by the Student Hearing Office within four (4) days of the incident. The clock starts the day after the incident occurred. Weekends are not included in the four (4) days. Professional development days are counted as part of the four (4) days. Timelines are not extended due to testing, a school's internal processes, or CMO policies.

The Student Hearing Office understands that schools may not be able to submit recommendations while on school holidays, such as: winter break, fall break, Mardi Gras break or spring break. If the school submits after more than four (4) days from the incident due to a school break, the school must submit a copy of the school calendar in the expulsion recommendation packet to explain the delay. Failure to submit proof of a school break will result in the recommendation being found noncompliant due to timeliness.

In the case of Tier One sexual assault or bomb threats, the timeline may be reconsidered on a case-by-case basis. These recommendations will be strictly scrutinized and the school must clearly state in the written submission: (1) the justification as to why the expulsion recommendation is beyond the required days from the incident; (2) the efforts the school took to ascertain who was responsible and why the school required the additional time to determine fault; (3) why the expulsion recommendation is a necessary and relevant action to still take against the student after this additional time lapsed. The Student Hearing Office will take any period of time between the incident and the hearing into consideration before making a determination of removal.

### **Summer School and Tier 1 Expectations**

The Student Hearing Office will only hear Tier 1 violations during summer while summer school is in session. Schools are to continue to resolve Tier 2 and Tier 3 violations, along with disciplinary conference offenses, internally through interventions on campus. If a Tier 1 offense occurs and the school seeks expulsion, the school is to submit the expulsion recommendation within the required timeline as applied during the school year. All procedural and appeal rights apply for expulsions sought from summer school programming. Schools may opt to resolve Tier 1 incidents on campus through school-based interventions at their own discretion. This policy applies to summer school programs that held jointly with other schools or occur on different school campuses as long as the summer school is considered an Orleans public school-sponsored activity. This policy does not apply to students who complete summer school at college campuses, private schools, or at other educational institutions.

If a student is expelled for a Tier 1 offense while participating in summer school, the student's expulsion term may continue into the following school year. If the expulsion term continues into the fall of the proceeding school year, the student's school placement may be changed. Students are expected to serve their expulsion term at the expulsion term site as decided by the Student Hearing Office. This expulsion placement will supersede any previous placement made through OneApp or any other enrollment process.

### **Type 2 Charters and the Student Hearing Office Process**

Type 2 charter schools under the governance of BESE are required to participate in the centralized discipline system implemented by the Student Hearing Office.

Type 2 charters are able to serve students residing inside and outside of Orleans parish. Regardless of whether a student resides within or outside of Orleans Parish, the school is to utilize the centralized discipline system and all policies within the Student Hearing Office Manual on Discipline Procedures. If the school recommends a

student for expulsion to the Student Hearing Office, and the student is an Orleans resident, the Student Hearing Office will facilitate the alternative education site for the student.

If the student resides outside of Orleans, the school is responsible for facilitating the education for the student and, if necessary, securing an alternative education site. The school is required to provide documentation of the student's placement in an alternative education site or the method for providing education to the student to the authorizer. Failure to provide such documentation will result in accountability protocol.

### **Recommendation Compliance and Requirements**

All expulsion recommendations are held to the same standards of compliance, regardless of the time of year of submission. Student Hearing Office familiarity with the recommending school or recommended student does not influence outcome of the compliance review. Each individual recommendation is reviewed thoroughly and on its merits, distinct from any prior recommendations.

Expulsion recommendation packet requirements:

- Incident report(s) with the offense clearly described
- Comprehensive list of witness name(s)
- Signed witness statement(s)
- Description of school-level interventions and policies
- Student's account of what happened
- Proof of due process
- If the incident involves bullying, bullying documentation pursuant to Louisiana Rev. Stat. § 17:416.13 must be provided
- Documentation regarding prior suspensions and disciplinary action
- If the Student Hearing Office previously requested the school conduct a Behavior Intervention Plan (BIP) or a Behavior Contract, the school is expected to submit that documentation with the packet

Expulsion hearings and disciplinary conference requests should be emailed to [hearingoffice@opsb.us](mailto:hearingoffice@opsb.us) or dropped off directly at the Student Hearing Office. Recommendations will not be accepted via fax. It is the responsibility of the school to confirm that the packet was received by Student Hearing Office staff.

If utilizing a copy machine to scan and email recommendations to the Student Hearing Office, it is the Student Hearing Office's recommendation that the school staff member first scan and email it to themselves before password protecting and emailing the packet to the Student Hearing Office at the email addresses enumerated above. The Student Hearing Office will find recommendations non-compliant if the recommendation is not received and the school cannot provide proof that an email was transmitted. If a student is out of school for an extended period of time as a result of a recommendation being submitted untimely or not received due to a copy machine or connectivity problem, accountability protocol may be followed.

### **Schools, Remember!**



Minimum document requirements for expulsion hearing (failure to provide could delay hearing):

- Full expulsion packet requirements above
- Most recent report card (high schools must provide transcripts.)
- Attendance report for current school year
- Discipline records for current school year
- Test scores for current and prior school year
- IEP / 504 plan (if appropriate)

### **Expectations Regarding Evidence**

Schools should submit any information supporting the request for disciplinary action, including photographic or video evidence, along with the expulsion paperwork. Physical evidence should be photographed and submitted with the expulsion packet. If the school does not intend to bring the physical evidence to the hearing, the photographs should communicate proportions and be clear as possible (in color). If the school intends to bring the physical evidence then the pictures may be more standard. It is optional for the school to bring the physical evidence to the Student Hearing Office. All physical evidence will be maintained by the Student Hearing Office through the appeal period and then destroyed or returned to the school.



### **Schools, Remember!**

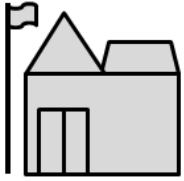
Criminal cases and arrests do not bolster expulsion recommendations. Schools do not need to involve the police as part of an expulsion recommendation.

If the collected evidence is sexual in nature, the material must be provided on a disc or flash drive. Do not email videos or photos that contain sexual content to the Student Hearing Office. The supporting material may be viewed by the Student Hearing Officer. Parent / guardians may come early to view the material in the Student Hearing Officer's office prior to the hearing. All sexually explicit material will be discussed prior to the start of the hearing. The material will not be viewed during the hearing. This evidence will be returned to the school upon the completion of the hearing or destroyed. It will not be kept or maintained by the Student Hearing Office. It will not be viewed again during appeal or submitted with any requested appeal.

### **Tier 2 Interventions for Acts that Threaten the Safety of Others**

If the act that threatens the safety of others is a broad threat to: (1) bring a weapon to school to shoot or harm indiscriminately; or (2) bring a detonation device with the desire to harm indiscriminately then the Student Hearing Office may elect to apply Tier 2 interventions even if there was no prior Tier 3 incident. The Student Hearing Office will continue to utilize Tier 3 interventions where appropriate, including: the implementation of strict probation, behavior contracts, or additional supports from the Youth Opportunity Center or other community and / or school partners.

The Student Hearing Office will determine if Tier 2 interventions are appropriate on a case-by-case basis in consultation with the school leadership at the hearing, the student and the student's family, any present advocate or representative for the student, and, as required, the Youth Opportunity Center. Tier 2 interventions may be eligible when there is an abundance of evidence supporting an intent to commit harm, including: supporting documentation from law enforcement, pictures of weapons, prior threats, multiple disclosures by the alleged student captured in multiple witness statements and / or pictures of electronic communication, and proof of access to relevant weapons. This does not apply to other disciplinary incidents that may be considered "Acts that Threaten the Safety of Others" such as group fights, individual fights, physical disruptions in class (overturning desks), and verbal or written threats to harm an individual or any other similar activity.



### **Schools, Remember!**

Banning parents / guardians from campus or filing criminal charges against parents / guardians will not bolster expulsion recommendations or alter Student Hearing Office determinations.

As a reminder, parents / guardians cannot be banned from attending student evaluations, the convening of an IEP or IAP, report card meetings, or other emergency incidents. The schools must accommodate the presence of the parent / guardian and may select an alternative site for such meetings to occur.

#### **When an Interpreter is Required**

The Student Hearing Office will provide an interpreter or interpretation services during disciplinary proceedings. The school must provide the Student Hearing Office with advance notice in order to coordinate interpretation services. The school must state on the disciplinary action forms that an interpreter is needed and for what language. If the Student Hearing Office is not notified and a hearing is scheduled, the hearing will be rescheduled and the student must be returned to school until the hearing can occur. Patterns of failure to notify the Student Hearing Office of this need will result in the Student Hearing Office following accountability protocol.

#### **Recommendation Compliance: Documents from the Cumulative File**

In order for the recommendation to be compliant, the school must provide the Student Hearing Office with documents from the student's cumulative file listed above. These documents are required in order to determine interventions and expedite placement at the new school if the expulsion is upheld and the student is removed to an alternative setting.

#### **Recommendation Compliance: Due Process**

Students have a right to due process and it is the responsibility of school administrators to ensure that students receive due process. School leadership must provide an opportunity for the student to give an account of what happened, and to inform the parent / guardian of the expellable behavior and that the student is being recommended for expulsion. The Student Hearing Office prepared an optional form within the Disciplinary Action Recommendation packet for schools to utilize with families to ensure: the parent / guardian is notified of the incident, the intent to recommend the student to the Student Hearing Office, any required suspension term, and necessary next steps.

If the Student Hearing Office learns that school administrators have not followed through on due process requirements, then the recommendation will be deemed noncompliant. Absence of what is stated above will result in the Student Hearing Office executing accountability protocol.

Due process requires:

- Allowing the student to tell his / her side of the story
- Notifying the student's parent / guardian of the incident
- Notifying the student's parent / guardian of the recommendation for an expulsion
  - Parent / guardian receives written notification of the disciplinary action
  - Parent / guardian signs copy of discipline form



### **Families, Remember!**

Your child has a right to tell his / her side of the story.

The school should tell you what happened.

The school must inform you that your child is being recommended for expulsion in writing and have you sign the discipline form.

Your child will not be automatically expelled just because he / she or another family member has been recommended before.

### **Rescinding an Expulsion Recommendation**

At any time and for any reason prior to the expulsion hearing, schools are permitted to rescind an expulsion recommendation. The school must submit the request to rescind in writing. Once a recommendation is rescinded, the school may not resubmit the same recommendation again. The form to rescind the expulsion recommendation is included in the expulsion recommendation packet. Schools cannot rescind an expulsion recommendation after the hearing is held.

### **Increased Scrutiny Beginning April 1**

Beginning April 1, due to state testing and credit accumulation at the end of the school year, expulsion recommendations requesting removal from campus will be strictly scrutinized to ensure that student removals are absolutely necessary. The Student Hearing Office may elect to delay a student's removal from campus until the completion of s testing. Expulsion hearings will not be scheduled during state or school testing. All other compliance requirements and timelines remain the same during testing periods. The student must be afforded the ability to test, even if an expulsion hearing is pending.

### **Who has the right to attend the expulsion hearing?**

The following people have the right to attend an expulsion hearing:

- The student and the student's parent / guardian
  - Students over the age of 18 years of age at the time of the hearing may have his / her parent / guardian present at his / her discretion
- An additional representative or advocate of the student that the parent / guardian identifies
- The school principal or designee (may include teacher or school staff who witnessed the incident or worked with the student on school-level interventions)
- The alleged victim of the incident (and his / her parent / guardian)
- Any other person the Student Hearing Office deems necessary

The Student Hearing Office will not coordinate witnesses. It is the responsibility of the student and student's parent / guardian to invite any representative or advocate they want present at the expulsion hearing. It is the responsibility of school leadership to invite any witnesses or victims (along with their parents / guardians) they would like present.

### **Families and Schools, Remember!**

The Student Hearing Office does not invite or coordinate the attendance of advocates, witnesses or victims in disciplinary proceedings.



### **Families, Remember!**

Whenever the Student Hearing Office witnesses physical or verbal abuse during a hearing, the Student Hearing Officer may:

- Pause or stop a hearing
- Ask a parent / guardian or student to leave the room for a break
- Reschedule the hearing
- Excuse the student or parent / guardian involved and continue the hearing without them present

The Student Hearing Office is a mandatory reporter and will follow state law regarding reporting incidents of physical abuse. The Student Hearing Office may require a YOC referral whenever verbal or physical abuse appears to be present.

### **Pausing a Disciplinary Hearing**

Under extreme or special circumstances, the Student Hearing Office may pause an expulsion hearing and require a second meeting be scheduled. Such examples may include when the Student Hearing Officer receives new or differing information regarding student accommodations, there is a question regarding legal compliance, the Student Hearing Office needs additional time to consider expulsion placement options, or the parent / guardian is unable to participate in the remainder of the hearing.



### **Families, Remember!**

If the Student Hearing Officer believes the parent / guardian or student is intoxicated or under the influence at the time of the hearing, the Student Hearing Office may:

- Require that a different guardian or representative attend the hearing, if possible;
- Reschedule the hearing (in which case the student is to return to campus until the hearing is conducted);
- Refer the parent / guardian to the YOC;
- Excuse the student or parent / guardian and continue the hearing without the student or parent / guardian present.

The condition of the parent / guardian or student will not influence the Student Hearing Office determination on guilt or student placement but will impact referrals and services.

### **Rescheduling the Expulsion Hearing**

The Student Hearing Office will accommodate the needs and schedule of the student's parent / guardian and the school representative attending the meeting. As a result, the Student Hearing Office may permit both sides to reschedule the hearing at least once before proceeding in their absence.

If the parent / guardian notifies the Student Hearing Office prior to the beginning of the hearing (even on the day of the hearing) of the need to reschedule, the Student Hearing Office will reschedule the hearing. If the

parent / guardian fails to attend the hearing, and fails to notify the Student Hearing Office of the need to reschedule prior to the start of the hearing, the Student Hearing Office may conduct the hearing in their absence.

### **If Student or Student's Parent / Guardian is Not Present for Expulsion Hearing**

If the student or the student's parent / guardian is unable to attend the expulsion hearing, the hearing may still proceed. This will not automatically result in an expulsion nor will the absence count against the student. In the case of exigent circumstances, the Student Hearing Office will provide the student and the student's parent / guardian an opportunity to participate in the hearing over the phone. If the student or student's parent / guardian is not present during the expulsion hearing, the Student Hearing Office will notify the student and parent / guardian of the determination, the student's school placement (if applicable) and their appeal rights via phone on the same day of the hearing. The expulsion disposition, any related placement paperwork, and documentation on appeal rights will be mailed to the student's address of record via certified letter within twenty-four (24) hours of the expulsion determination.

Failure to attend the hearing will not result in an extension of the appeal timeline.

If the Student Hearing Office cannot reach the parent / guardian from the contact information provided by the school, then similar to truancy protocol, it is the school's responsibility to conduct necessary outreach. This outreach effort includes sending personnel to the student's home if the student is not attending school. If the Student Hearing Office is unable to reach the parent / guardian then no hearing can be conducted. The student will be returned to campus.



### **Families, Remember!**

If you cannot make it to the hearing, we can include you over the phone. Your child will not be automatically expelled if you or your child cannot attend. If you are not present, we will call you with the result and mail the decision and accompanying documentation to your home. Please let us know your current address.

Remember, you have five (5) days from the decision to appeal.

### **Recommended School Level Interventions for Truancy and Chronic Absenteeism**

The Student Hearing Office and the Youth Opportunity Center (YOC) recommends school personnel implement the following interventions when responding to students who present with unexcused absences and/or unexcused tardies. It is imperative that all interventions and efforts to address truancy and chronic absenteeism be documented accordingly. If the case is referred to Families in Need of Services (FINS) or Municipal Court, this documentation should be forwarded along with the appropriate agency referral to FINS or Municipal Court. The YOC and the Student Hearing Office recommends schools implement: phone calls home, Attendance Warning Letters and Attendance Conference Request Letters along with the Attendance Contract (forms can be found online at the YOC or in the Appendix of this manual). After phone call home and letters, the YOC and the Student Hearing Office recommends a home visit. If still unsuccessful, the school should pursue a FINS or Municipal Court referral. Directions on how to complete the referral are found in the YOC Manual.

## **Unaccompanied Minors**

The Student Hearing Office will always contact the parent / guardian to notify them of the disciplinary proceeding and provide the parent / guardian and student an opportunity to participate in the proceeding. After determining there was appropriate due process, the Student Hearing Office may conduct hearings without the student and guardian present or, under exigent circumstances, with the parent / guardian participating over the phone. In the case of a minor student arriving at a disciplinary hearing without a guardian, after verifying the parent / guardian was aware of the disciplinary proceeding, the Student Hearing Office will conduct the hearing if the minor arrives with a stand-in representative. The Student Hearing Office will try to receive parent / guardian consent prior to starting the hearing with a stand-in representative. If the minor student self-reports he / she is homeless, the Student Hearing Office will follow mandatory reporting protocol. If there is no stand-in representative, and the student is over the age of fifteen (15) years old, the Student Hearing Office may appoint a YOC Caseworker to act as a stand-in representative in order to conduct the hearing with the student present. The presence of stand-in representatives or the absence of parents / guardians or students at the hearing will not be sufficient to warrant a reversal on appeal. Student Hearing Office will conduct the hearing if just the student if the minor student is legally emancipated.

If there is no stand-in representative, and the student is over the age of fifteen (15) years old, the Student Hearing Office may appoint a YOC Caseworker to act as a stand-in representative in order to conduct the hearing with the student present. The presence of stand-in representatives or the absence of parents / guardians or students at the hearing will not be sufficient to warrant a reversal on appeal.

## **Tape Recordings at the Expulsion Hearings**

The Student Hearing Office will tape record all expulsion hearings. All recordings of the hearing, including student statements, will be kept through the appeal period then destroyed. The student's parent / guardian may request a copy of the recording from the Student Hearing Office. Recordings of the expulsion hearing will not be shared with the expelling school or the receiving school. Schools and parents are not permitted to record the expulsion hearings. Upon request by the school or CMO leadership, The Office of Student Access leadership will provide a second listen to an expulsion hearing recording to resolve any conflicts or confusion arising from an expulsion hearing.

## **Expulsion Dispositions**

The Student Hearing Office will record the determination as part of an expulsion disposition and provide the disposition to the student, the student's parent / guardian and the school leadership. The Student Hearing Office will upload the disposition to SchoolForce. The expulsion disposition will include the determination of whether the student was found guilty or not guilty of the offense.

If the student is found guilty, the disposition will include the start and end dates of the expulsion term, the placement where the student will serve the expulsion term and, if a new placement is required, whether the student is eligible to apply to return to the expelling school upon the successful completion of the expulsion term. Any other conditions such as probation, referrals or additional services, may also be included in the expulsion disposition. If the student is found guilty of the offense and is removed from the expelling school campus, the Student Hearing Office and Transitions team will place the student at the alternative setting. Unless otherwise noted on the expulsion disposition, the expulsion is to begin immediately.

Expulsion hearing outcomes do not include homebound, homeschool, or intent to move out of parish. Homebound is a decision that can only be executed by the student's IEP team at the school site and it is not an intervention or outcome of an expulsion hearing.

If the student is removed from campus, the student will be assigned to a new placement and the parent / guardian may elect to withdraw the student from the new school site in order to pursue homeschool or a move out of parish, but those enrollment options will never be ordered by the Student Hearing Office. If the student is

withdrawn from the new school site for homeschool or to attend an out of parish or private school and at a later date the parent / guardian elects to return to Orleans parish, the student will return to the school site determined at the expulsion hearing where the student is to serve any remainder of the expulsion term.

If the student is found not guilty, the disposition will include the expectation that the student is to be immediately readmitted onto campus and may include additional conditions such as referrals or services.

At the end of the expulsion hearing, the Student Hearing Office will provide the student, the student's parent / guardian and the school leadership with a copy of the expulsion disposition or, if more time is required to complete a determination, a copy of a written explanation. The written expulsion will outline: (1) the current status of the expulsion recommendation; (2) what additional material or information is required in order to make the final determination; (3) who is expected to provide that additional material or information; (4) an expected date for when the expulsion disposition will be completed. In those limited circumstances, the Student Hearing Office will email the expulsion disposition to the student, student's parent / guardian and school leadership. If no email address is provided, the expulsion disposition will be mailed via certified mail.

### **Expulsion Removals**

Removal is not the only or most appropriate consequence. Removal decisions are based on: (1) severity of the incident; (2) context of the incident; (3) ability to engage in school-based interventions to deter future incidents; (4) student performance on campus. The Student Hearing Office considers additional factors such as time spent on campus along with services and interventions in place at the time of the incident. If the student was just taken off homebound or new to school or this is a Tier Two or Tier Three repeat offense, the Student Hearing Office may require the school work with student for a reasonable amount of time before considering removal.

### **Modification of Expulsion Disposition**

At the request of the expelling school, parent / guardian, or school where the student is serving his / her expulsion term, a student's expulsion term may be shortened or modified. The request must be completed in writing. The Student Hearing Office may conduct a meeting or a hearing on the matter before issuing a decision. Any change in the student's expulsion term will be reflected in an updated and modified expulsion disposition. Parent / guardian consent is required for all modifications and changes to a student's expulsion term or placement.

### **Hardship Transfers and Students Recommended for Expulsion**

The Student Hearing Office and Transitions team will not process Hardship Transfer requests if the student has a pending recommendation with the Student Hearing Office. After the hearing, the Student Hearing Office and Transitions team may deny a Hardship Transfer request within thirty (30) days of the hearing decision. This is only applicable after October 1. School administration and representatives are not allowed to suggest or submit a Hardship Transfer request for students.

### **Students Returning from Incarceration with Pending Expulsion Recommendation**

If a student is recommended for expulsion and incarcerated prior to their expulsion hearing, the Student Hearing Office will re-schedule the hearing upon their release. To the extent possible, the parent / guardian or advocate should contact the Student Hearing Office prior to student's release date to schedule the expulsion hearing.

If the student was discharged as a result of the incarceration, the student will be placed back on the school's roster upon release (pending the Student Hearing Office or YOC enrollment screen to ensure the student can safely return to his / her previous campus). The expectation is that the student will return to school while the expulsion hearing is scheduled.

### **Suspension Prior to Expulsion Hearing**

School administrators may suspend a student prior to an expulsion hearing. Suspensions must be for a fixed term. Suspensions cannot be indefinite. The expectation is that an out of school suspension should not be for more than ten (10) school days. Students recommended for Tier One offenses may remain on suspension until the hearing beyond ten (10) school days if the threat to safety was a factor in the expellable offense. Pursuant to law, students suspended for ten (10) days or less must receive school work while serving suspension or the opportunity to make-up missed work. If a student is suspended out of school for ten (10) days or more, the school must provide adequate alternative education to the student and receive assignments from a certified teacher. These requirements are different if the student is receiving SPED services, 504 accommodations, or under the evaluation process.

Students receiving special education services or 504 accommodations cannot be out of the school building on suspension for more than ten (10) school days a year pursuant to Louisiana Bulletin 1706: Regulations for Implementation for the Children with Exceptionalities Act. For more information regarding suspension and students receiving special education services or 504 accommodations please see: **Expulsion and Students Receiving Special Education Services or 504 Accommodations**.

Believed violations of this suspension policy may result in accountability protocol.

#### **Families and Schools, Remember!**

The Student Hearing Office is a mandatory reporter and will follow state law regarding reporting incidents of physical abuse. The Student Hearing Office may require a YOC referral whenever verbal or physical abuse appears be present. Aside from the reporting requirement, the Student Hearing Office will ensure all action is compliant with policy and federal law. Violations will result in accountability protocol.

## **Expulsion and Students Receiving Special Education Services or 504 Accommodations**

Students receiving special education (SPED) services and 504 accommodations can be expelled pursuant to the policies outlined in this Student Hearing Manual. However, there are differences in the procedural requirements that must be followed in order for the Student Hearing Office to consider an expulsion recommendation compliant.

Expulsion recommendations must be legally compliant. There are additional procedural safeguards that schools must to follow. These same procedural safeguards also apply to students who are awaiting or undergoing an evaluation.

### **Procedural Requirements for Expulsion Recommendations**

There are additional procedural requirements for students receiving SPED services or 504 accommodations. The additional requirements include:

<b><u>Expulsion recommendation requirements</u></b>		<b><u>Additional requirements for students receiving SPED services</u></b>	<b>or</b>	<b><u>Additional requirements for students receiving 504 accommodations</u></b>
<ul style="list-style-type: none"><li>• Incident report(s) with the offense clearly described</li><li>• List of all witness names</li><li>• Signed witness statement(s)</li><li>• Description of school-interventions and policies</li><li>• The student's account of what happened</li><li>• Proof of due process</li><li>• All documents must be signed by parent and school. If the parent refuses to sign or is unable to sign, the school must provide documentation of the outreach conducted to try receive the signature</li></ul>	<b>+</b>	<ul style="list-style-type: none"><li>• Copy of Manifestation Determination Review (MDR)</li><li>• Current Individual Education Plan (IEP)</li><li>• Current evaluation</li><li>• Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)*</li></ul>		<ul style="list-style-type: none"><li>• Copy of Manifestation Determination Review (MDR)</li><li>• Individual Accommodation Plan (IAP)</li><li>• Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)*</li></ul>

\*Must submit FBA and BIP if the incident leading to the expulsion recommendation is emotional in nature.

### **Manifestation Determination Review (MDR)**

Before schools can recommend a student receiving SPED services or 504 accommodations for expulsion, the school must determine whether the student behavior is related or not related to the student's disability.

School administrators answer that question by conducting a Manifestation Determination Review (MDR). The MDR is a meeting that must occur at the school level prior to the school completing an expulsion recommendation. Required participants for the MDR meeting depend on whether the student is receiving special education services or 504 accommodations. Please see Louisiana Bulletin 1706: Regulations for Implementation for the Children with Exceptionalities Act.

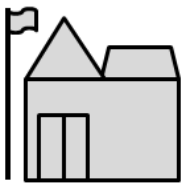
At the MDR meeting:

- Team reviews information regarding the incident in the context of the student's implemented IEP, behavior contract, BIP and other agreed upon interventions
- Team determines if all the agreed upon interventions were in place and implemented at the time the disciplinary infraction occurred
- Team determines if expelled behavior is related or not related to disability

If the school finds the expellable behavior is attributable to the student's disability, then the student cannot be expelled and the Student Hearing Office will not remove the student from campus. The school may still request a student disciplinary conference for the offense.

However, if the expellable behavior falls under the category "special circumstances" (weapons, drugs, serious bodily injury) the school may remove the student to the interim alternative educational setting for up to 45 days without regard to whether the behavior is determined to be a manifestation of the student's disability. This decision occurs at the school level and is made by the student's IEP team. The Student Hearing Office does not participate in this decision process nor does the Student Hearing Office coordinate the interim alternative setting for the student.

The Student Hearing Office will review the MDR to ensure compliance with state and federal law, not according to CMO policy. The Student Hearing Office encourages the MDR team to comply with all internal requirements within the school CMO but no additional time will be provided for such compliance if it violates state or federal law.



### **Schools, Remember!**

As reviewers, the Student Hearing Office will not overturn the MDR or deny a hearing based on the determination of the MDR team members unless the following documented safeguards were not followed:

- No signature of parent on the MDR without documentation of the outreach conducted to try receive the signature
- Required team members not present at MDR

### **MDR Compliance**

Per federal law, MDRs must be completed within ten (10) school days of the incident. The ten (10) day clock starts the day after the incident, regardless of when the school submits the expulsion recommendation to the Student Hearing Office. The ten (10) days are school days. The Student Hearing Office will review the MDR to ensure compliance with state and federal law.

MDRs will be reviewed "as is" by the Student Hearing Office. Schools cannot fix or correct a submitted MDR. Schools may supplement the recommendation, but not alter the original documentations. If a pattern of noncompliance with the MDRs is observed, the Student Hearing Office will follow accountability protocol. Additionally, the Student Hearing Office may require the school participate in training opportunities. The Student Hearing Office will lead the training on the school campus. The training will explain how to prepare a MDR and the legal and procedural safeguards created by federal law for students with disabilities who are recommended for expulsion.

## **Interventions and Removal from Campus**

There are no procedural differences in the outcomes, interventions and removals of students receiving special education services or 504 accommodations. The Student Hearing Office will make that determination at the hearing with the school, the parent and student.

At the disciplinary hearing the Student Hearing Office will determine whether the intervention includes removal from campus. The Student Hearing Office will transfer the student to the alternative education setting and request the transfer of student records. School administrators will be required to close services and terminate jurisdiction in SER, and prepare the student's IEP for transfer.



### **Families, Remember!**

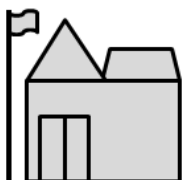
If the student is returned to campus, the Student Hearing Office recommends the parent / guardian and school work together to create an open line of communication. If a student is returned to campus, the IEP team may reconvene the IEP to incorporate interventions discussed during the hearing.

## **Discovery of SPED Services Mid-Hearing**

If the Student Hearing Office learns mid-hearing that a student is receiving SPED services or 504 accommodations, the expulsion recommendation will automatically be found non-compliant and the student will return to campus. If the Student Hearing Office cannot verify if the student is receiving services, the Student Hearing Office may convert the hearing into a disciplinary conference in order to address the incident or behavior but return the student to campus for possible evaluation. This also applies when the Student Hearing Office learns mid-hearing that a student made the school aware of a medical diagnosis prior to the hearing that should have triggered SPED or 504 considerations.

## **Suspension and Students Receiving Special Education Services or 504 Accommodations**

Pursuant to Louisiana Bulletin 1706: Regulations for Implementation for the Children with Exceptionalities Act, students receiving special education services or 504 accommodations cannot be out of the school building on suspension for more than ten (10) school days a year. Schools must provide the suspension period to parents / guardians in writing and clearly document the day(s) the student is to remain home.



### **Schools, Remember!**

The ten (10) school days a year is a total, not consecutive. All days, including half days, are counted towards this ten (10) school day limit. This applies to students receiving SPED services and 504 accommodations. The ten (10) day limit follows the student, not the school. Therefore, if the student arrives at the school site mid-year, it is important to know if and for how long the student was suspended at the previous school.

## K – 6 Expulsion Placements

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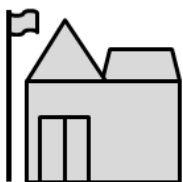
Students in grades K-6 may be recommended for expulsion following the same procedure outlined in the previous section. Schools must follow the same recommendation requirements for K-6 students. Students in grades K-6 who are found guilty of an expellable offense may be reassigned to another school. Unlike students enrolled in the upper grades, who may be reassigned to an alternative-model school, students enrolled in grades K-6 will be reassigned to another traditional model school. After expulsion, students enrolled in grades K-6 are reassigned to a public school that participates in the centralized enrollment process. At this time, there is no alternative-model school for grade K-6 students who are expelled. Parents / guardians are able to select a new placement from the list of available schools. Parents / guardians may only select a seat in the child's grade at a school not currently serving an expelled student from the present school year. The Student Hearing Office does not select the school where the students in grades K – 6 will serve their term. It is important that the parent / guardian select the placement since the student's success depends on parental / guardian involvement at the new location.

All open enrollment schools with no admission criteria without approved exemptions are eligible to receive a student enrolled in grades K-6 who has been expelled. School options will be limited to schools with an available seat in the appropriate grade level, as defined by EnrollNOLA policies on seat availability. A school does not need to expel a student in order to be eligible to receive a K-6 expelled student.

Students expelled in grades K-6 will be reassigned using a Round Robin cycle. If all participating schools have received an expelled student within an academic year, then a new cycle will begin and a school will be eligible to receive a second expelled student. The cycle will reopen once every school receives one (1) expelled grade K-6 student (schools are not expected to serve an expelled student in each grade). The expelling school is required to provide education to the student until the student is placed at the receiving school and the transition is complete.

### Transition Support of Expelled K-6 Students

Schools receiving K-6 expelled students may be provided additional information upon request from the Student Hearing Office and Transitions team to ensure continuity of educational services.



#### Schools, Remember!

Schools receiving an expelled K-6 student may receive additional information from the Student Hearing Office to ensure continuity of educational services. Additional information may include:

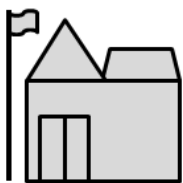
- The offense for which the student was expelled and the surrounding circumstances,
- The Student Hearing Office rationale for removal,
- Any prior incidents handled by the Student Hearing Office (particularly if it is related to the expellable offense),
- Any services or accommodations that the Student Hearing Office is aware of or recommended during the hearing,
- YOC involvement or other wrap-around services the family has in place.

The Student Hearing Office will recommend involvement with the Youth Opportunity Center (YOC) to the expelled student in order for them to receive additional support and services during their transition. The Student Hearing Office will notify the receiving school where the student is going to serve the expulsion term via email

to the school leader. The Student Hearing Office will check-in on the placement and the student's transition onto campus via phone call after one (1) month.

### **K-6 Expulsion Placements and the YOC**

The Student Hearing Office will refer all grade K-6 expelled students to the Youth Opportunity Center (YOC). This referral is required in order for the student, parent / guardian, and school to receive additional support and services during this transition. The sending school and parents / guardians are required to participate in a transition meeting at the receiving school with a school designee and the YOC caseworker to discuss academic continuity and expectations for student behavior. The Student Hearing Office expects the sending school and parents / guardians to comply with the transition meeting and the YOC referral. The YOC will coordinate the transition meeting with the receiving school and the parent / guardian based on three dates of availability provided by the parent / guardian at the hearing. If after sufficient effort, the parent / guardian is unwilling to attend, the transition meeting will occur without the parent / guardian present. The transition meeting will be facilitated by the YOC caseworker. The Student Hearing Office will not be present at the transition meeting to ensure the meeting is focused on services and expectations. The transition meeting is not punitive and should not be used as an opportunity to review the expulsion hearing.



#### **Schools, Remember!**

Post-expulsion, the sending school maintains FAPE until the transition meeting occurs. The student does not need to remain on campus post-expulsion, but the expelling school is responsible for providing education until the transition to the receiving school is complete.

### **Expectations for Schools Receiving K-6 Expelled Students**

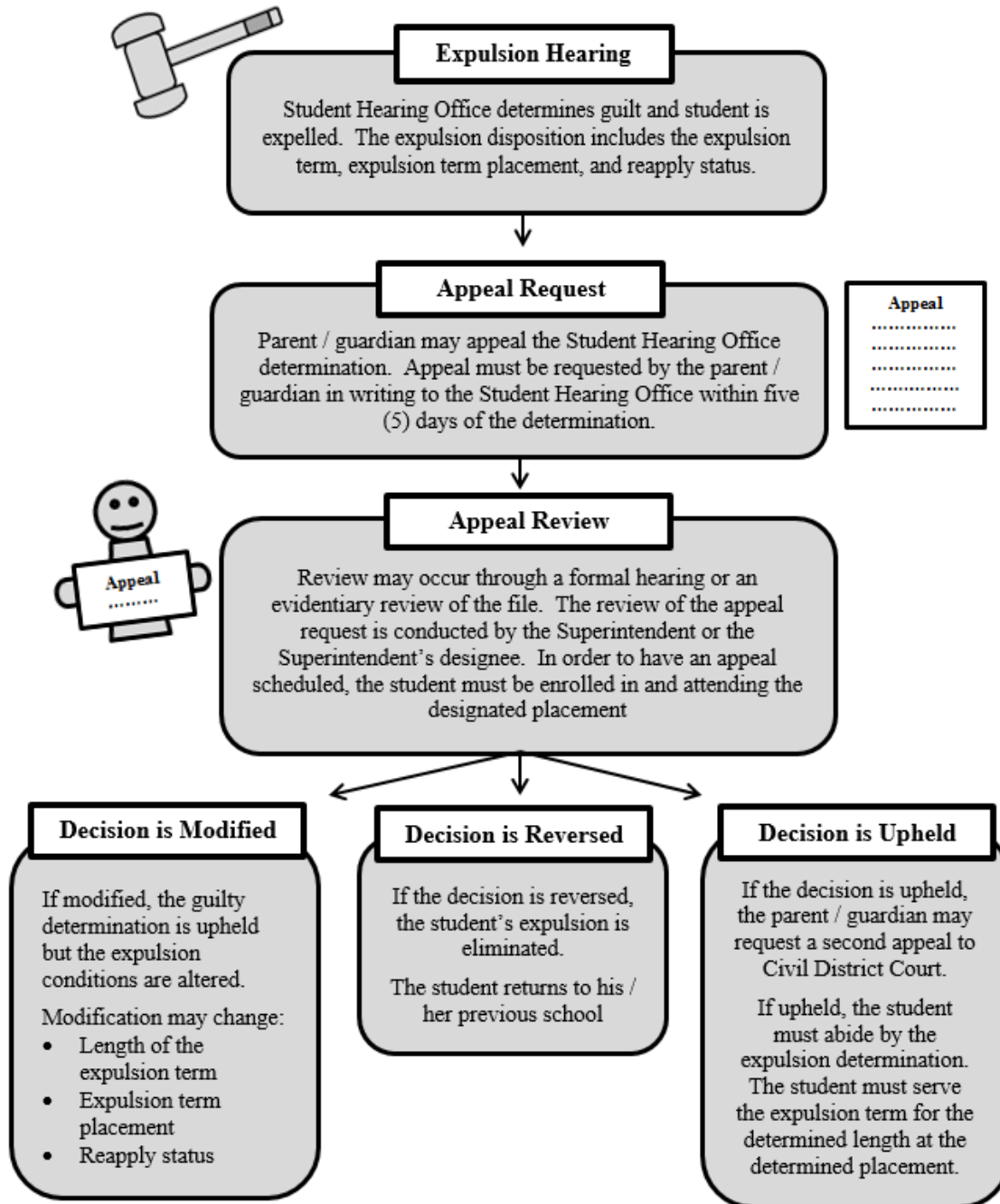
A K-6 student that is assigned to a new school after an expulsion may choose to remain at that school after the end of the expulsion term. If the student is eligible to return to their previous school, the parent / guardian will have to reapply to the school through OneApp upon the completion of the expulsion term. Unless a OneApp is completed at the end of the school year, or the parent expresses interest to the Student Hearing Office and Transitions team or the Student Hearing Office, the student will be reassigned to the receiving school the following school year. All other enrollment-based policies will be accessible to this student, as with any other student.

The receiving school is to enroll and treat a K-6 expelled student in the same manner as any other choice student. The same accountability and enrollment expectations exist for a school receiving an expelled grade K-6 student as any other choice student. Counseling any student out of school, for any reason, is an enrollment and Student Hearing Office violation.

## Expulsion Appeals: Process and Expectations

### Right to an Appeal

Upon the completion of an expulsion hearing, a student's parent / guardian has the right to appeal the Student Hearing Office determination. The parent / guardian will submit the appeal to the Student Hearing Office. The Student Hearing Office informs the parent / guardian of their right to appeal during the hearing and information is included on the expulsion disposition. Students 18 years of age or older may appeal without their parent / guardian. School administrators do not have the right to appeal the determination of the Student Hearing Office. The Orleans Parish School Board Superintendent or the Superintendent's designee may uphold, modify or reverse the decision.



## **Enrollment Expectations During Appeal Process**

Throughout the appeals process, the student must report to their designated alternative placement. Failure to report to the designated alternative placement may result in the appeal being denied. While awaiting the appeal, students are not required to buy the alternative school uniform. Students are permitted to wear the previous school uniform to the alternative school site while the appeal is pending.

## **Appeal Procedure**

To appeal an expulsion, the parent / guardian of the student has five (5) business days (not including holidays) from the day of the hearing to submit an appeal form to the Student Hearing Office. The parent / guardian can request a copy of the appeals form from the Student Hearing Office.

Within five (5) school days of the submission of the appeal form, the Student Hearing Office will contact the parent / guardian with the scheduled review date. This review may occur through a formal hearing or an evidentiary review of the student's file. The school and the student's parent / guardian will be notified of the appeal and the appeal format. If a hearing is conducted, the student, school leadership, student's parent / guardian and family advocate may attend the appeal hearing. Schools may be invited to attend an appeal hearing by the Superintendent or the Superintendent's designee but their presence is not mandatory.

## **Student Presence at Appeal Hearings**

The Student Hearing Office strongly advises that students attend appeal hearings; however, the hearing may occur without the student present. If the student is unable to attend the appeal hearing, the parent / guardian should notify the Student Hearing Office to reschedule the hearing. If there is no notification in advance or the student's attendance is not likely due to extended incarceration, the appeal may be conducted without the student present and the student's absence will not be held against the student. If the student's parent / guardian cannot attend, the same policy will apply in the appeal hearing as applies with the expulsion hearings. Please see: **Rescheduling the Expulsion Hearing**.

## **Review of the Appeal Request**

Upon receiving the request, the Orleans Parish School Board Superintendent or the Superintendent's designee will review the findings and determination of the Student Hearing Office.

The review will examine:

- Basis for the decision
- Expulsion decision
- Expulsion term
- Expulsion placement
- Legal compliance with Student Hearing Office policy and federal law

If the student and the student's parent / guardian or representative presents new information or evidence, the school leadership will be provided an opportunity to respond to that new information and may request a brief rescheduling to prepare if the Superintendent or Superintendent's designee believes it necessary. Otherwise, the appeal will rely on the information provided during the expulsion hearing and the school leadership is not expected to present witnesses or evidence again. Predominately the appeal is an opportunity for a student to receive a second look at the basis of or the procedure of the expulsion hearing.

## **Review of Appeal Determination by Orleans Civil District Court**

If the Orleans Parish School Board Superintendent or the Superintendent's designee upholds the decision of the Student Hearing Office, the student's parent / guardian may appeal the expulsion to the Orleans Parish Civil District Court. The appeal would require a formal filing with the Orleans Parish Civil District Court within ten (10) school days of the appeal decision.

## **Out of Parish or Private School Expulsion Screening**

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The Student Hearing Office will uphold the expulsion of students by out of parish schools and private schools if the expulsion is in compliance with Student Hearing Office offenses and policy. If the expulsion grounds are consistent with the Student Hearing Office policy, then the expulsion will be upheld and the student will be expected to serve the remainder of the expulsion term while enrolled in an Orleans Parish public school. The Student Hearing Office will assign the student to serve the expulsion term in an alternative model school or a traditional model school depending on the severity and circumstances surrounding the offense and the grade of the student. Pursuant to Grade K-6 removal policy, K-6 grade students will serve the term at a traditional model school.

### **Out of Parish or Private School Expulsion Screening Procedure**

The Student Hearing Office will screen all students who have been expelled from another parish or a private school. The Student Hearing Office will meet with the student, the student's parent / guardian and reach out to the expelling school to determine if the expulsion is in compliance with Student Hearing Office policy. During the screening, the Student Hearing Office will make a determination of whether to uphold the expulsion.

If the expulsion is upheld, the Student Hearing Office will decide the length of expulsion and the student's placement during the expulsion term. The Student Hearing Office will prepare written documentation noting the offense, the length of the expulsion and the placement for the expulsion term. The Student Hearing Office and Transitions team will upload the document onto SchoolForce and provide it to the receiving school according to enrollment policy.

If the expulsion grounds are inconsistent with Student Hearing Office policy, meaning that the student was expelled for behavior that is not recognized in the centralized system (i.e. uniform violations, willful disobedience), then the expulsion will not be upheld. Absent enrollment concerns, the student will be placed at a traditional model school with no notation of the prior expulsion. The Student Hearing Office and Transitions team will place the student pursuant to enrollment policy.

## **Expulsion Placement Conditions, Expectations, Probation**

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Upon being found guilty of an expellable offense, a student may be required to attend an alternative placement for the remainder of the semester and up to two additional full semesters.

At the hearing, the Student Hearing Office, in collaboration with the parent / guardian, will determine the appropriate alternative placement. The Student Hearing Office may assign expelled students to an alternative-model, an accelerated-model or a traditional-model school. Additionally, students may complete expulsion terms at other additional locations including: alternative-model schools in Orleans, alternative-model schools out of parish, homeschooling and virtual learning programs but the Student Hearing Office will not coordinate placement in those programs. If a student is incarcerated during the term of the expulsion, then the Youth Study Center or other state facility will be considered an alternative placement. If the student receives an alternative placement, the student and parent / guardian must report to the alternative placement to complete registration within three (3) school days of the hearing. Failure to report within three (3) school days will result in truancy.

### **Transfer of Records and Student Information Post-Expulsion**

In order to ensure a successful transition from the expelling school to the alternative placement, the parent / guardian consents to the Student Hearing Office sharing student information and facilitating the transfer of select student records.

The Student Hearing Office expects the expelling school to transfer all student records within a timely manner not to exceed ten (10) school days. The expelling school will have ten (10) school days to transfer all student records to the alternative placement.

To ensure the continuity of services to the student, the Student Hearing Office may provide information regarding expulsion grounds or educational services to the alternative placement. The information will be shared over the phone with school leadership or the school social work team. A parent / guardian may opt out of the information sharing by informing the Student Hearing Office at the time of the expulsion hearing that they do not wish for any information from the hearing to be shared with the alternative placement. Recordings of the expulsion hearing will not be shared with the alternative placement.

### **Truancy Post-Expulsion**

Students with unexcused absences and / or unexcused tardies may be considered truant. Schools are encouraged to pursue all interventions and efforts to address truancy and chronic absenteeism. Truancy will influence a student's ability to receive credit for the current grade and matriculate to the next grade.

Schools that have concerns about a truant or chronically absent student should implement school-level interventions prior to referring the student / family to Families In Need of Services (FINS) or requesting a summons through Municipal Court. Once a summons is served, the parent / guardian will be required to appear in Municipal Court, where the Juvenile Court Liaison and Case Manager will determine whether or not a student should be referred to the Youth Opportunity Center (YOC) for additional services. Ultimately, it is the school that decides when the school based interventions targeting truancy / excessive absenteeism have been exhausted and whether to refer the student / family to FINS or to Municipal Court. Please see the **Truancy** section in the YOC Manual.

### **Hardship Transfers and Students Serving Expulsion Terms**

Post-October 1, Hardship Transfers are how families apply to transfer schools during the school year. Hardship Transfers require a documented hardship such as childcare, medical or safety issue requiring a change of school. Students found guilty of an expellable offense and removed to an alternative setting or mandated to probation may still apply for Hardship Transfers; however, these requests are reviewed with a stricter scrutiny by the Student Hearing Office and Transitions team and the Student Hearing Office. If a Hardship Transfer is granted

while a student is serving an expulsion term, it will only influence the placement where the student will serve the expulsion term. Hardship Transfers will not result in a different expulsion term or influence eligibility to reapply.

### **Student Hearing Office Ordered Probation**

As a result of a disciplinary proceeding, a student may be placed on probation by the Student Hearing Office. Defining the terms of probation will be a collaborative effort by the Student Hearing Office, school leadership, student, and the parent / guardian. Though all of these parties define the terms of probation, it is the school that is responsible for implementing the probationary standards. The goal in placing a student on probation is to create effective measures and services to deter the problematic behavior and create sustainable solutions so the student can successfully finish the school year at the current school placement. As a result of being placed on probation, the school may take internal steps such as creating a behavior contract or plan. The Student Hearing Office may take external steps such as referring the student to the Youth Opportunity Center.

Once interventions are established, if the student engages in the same problematic behavior, the school has the responsibility to implement the agreed upon plans and services before recommending the student for more disciplinary proceedings through the Student Hearing Office. Probation violations require the student is on probation for a previous Tiered offense committed this school year. Probation cannot exceed a school year. Probation does not give more weight to the next offense. If the student is recommended for an expellable offense, the student is immediately eligible for expulsion. If the student is recommended for a non-expellable offense, the student is not eligible for removal, but the Student Hearing Office, school, parent / guardian can discuss other corrective measures.

## **Reapply Conditions Upon Completion of Expulsion Term**

During an expulsion hearing the student will be deemed either eligible or ineligible to reapply to the expelling school campus upon the successful completion of the student's expulsion term. Students expelled for Tier Two or second Tier Three offenses are automatically eligible to reapply to the expelling school campus upon the successful completion of the student's expulsion term. Students expelled for Tier One offenses may be prohibited from reapplying to the expelling school. The school leadership and the Student Hearing Office, with feedback from the parent, may determine the student is not eligible to reapply to the school upon the completion of the expulsion term for Tier One offenses based on: (1) the severity of the offense; (2) presence and safety of victims on campus.

Unless otherwise specified at the hearing, a student who has served an expulsion term at the assigned alternative placement may elect to apply through OneApp to return to the expelling school, if eligible, or to remain enrolled at the alternative placement for the remainder of the school year or until graduation. If the student's expulsion term ends mid-year, the student will have an opportunity to transfer through the Student Hearing Office and Transitions team during the month of December before the end of the semester.

The Student Hearing Office and the expelling school will not hold seats for students. Once a student is expelled, the student must participate in the OneApp enrollment process to receive entry back into the expelling school or a new traditional model school.

Approximately one month prior to the end of the expulsion term, the Student Hearing Office will notify the parent / guardian in writing that the student's expulsion term is complete. The letter will provide the parent / guardian information regarding the process for enrolling in a new school. The parent / guardian must take action within the timeframe described in the letter or the student will remain enrolled at the alternative setting until the parent / guardian submits a OneApp or follows the appropriate procedures to transfer their child.



### **Families, Remember!**

In order to transfer mid-year after the expulsion term is done, you must come to a transition meeting at the Student Hearing Office during the month of December.

Seats are not held for students who are expelled from school.

Students must participate in the OneApp process or work with the Student Hearing Office and Transitions team mid-year to move to another school depending on when the expulsion term ends.

Students expelled from Tier Two or Tier Three offenses are automatically eligible to reapply.

If a student's expulsion term ends in December of an academic year, the student will be eligible to leave the alternative setting for the spring semester. Due to issues related to transferring mid-year (i.e. credit transfer) it is required that families meet with Student Hearing Office and Transitions staff to discuss the transfer. Mid-year transitions will be permitted during the month of December. Schools will be notified of returning students and may facilitate a transition meeting during the registration process on their campus.

## Student Disciplinary Conferences

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### What is a Student Disciplinary Conference?

A student disciplinary conference is a meeting conducted by the Student Hearing Office between school leadership and a student or a group of students and their parent(s) / guardian(s). The student disciplinary conference is an opportunity to address significant concerns regarding student behavior or incidents, including both expellable and non-expellable actions. The school should be prepared to provide documented examples of past behavior or incidents, the school-level interventions that were tried, and the results of those interventions. The student and parent / guardian should be aware of these events and be prepared to discuss these events, along with the school interventions that were used in response.

### Purpose of the Student Disciplinary Conference

The student disciplinary conference is an opportunity to collaborate with the school leadership, the student and parent / guardian to create sustainable school-level interventions to deter future incidents that could lead to expulsion. The student disciplinary conference will set the expectations moving forward for the student behavior and for the school response to future incidents. Student disciplinary conferences are not intended to be the first intervention, but a supplement to prior interventions at the school-level that have not resulted in the expected changed behavior.

### Eligible Incidents for Student Disciplinary Conference

In order to ensure that student disciplinary conferences are effective and impactful, the Student Hearing Office is classifying offenses into those best addressed through centralized disciplinary procedure and those best addressed by school-level interventions only.

The following offenses are eligible for student disciplinary conferences. Schools may continue to resolve these incidents on campus through school-based interventions or recommend these offenses to the Student Hearing Office for a student disciplinary conference for additional disciplinary support:

- |   |  |   |
|---|--|---|
| • Improper use of computer: viewing obscene, pornographic or sexually harassing material; or information on manufacturing weapons | • Using objects dangerously or inappropriately to harm others or damage property (items not included in the <b>Tier Two: Dangerous Implements and Substances</b> ) | • Improper use of the cell phone (recording fights; recording teacher; showing inappropriate material such as gambling apps, dating apps) |
| • Intentionally or habitually failing to attend detention or in-school suspension   | • Possessing or using tobacco and / or possession of lighter   | • Vandalism to school property or school bus  |
| • Possession of bb gun pellets  | • Possessing a laser without use   | • Gambling  |
| • Using profanity and / or obscene language (only when repeatedly used towards another individual)                                | • Pipes and drug paraphernalia   | • Extortion (blackmail, etc)  |
| • Leaving school without permission   | • Instigating or participating in fights (one-on-one fights or group fights)   | • Forging a signature on a document required by school, cheating, or lying to school personnel about academic matters                     |
|   | • Any expellable offense   |   |
|   | • Possession of spray paint  |   |

## **Ineligible Incidents for Student Disciplinary Conference**

The following offenses are best resolved through school-based interventions only. These incidents are often considered violations of code of conducts within schools, but do not rise to the need or require the services of a centralized disciplinary system.

As a result, the following offenses are ineligible for student Disciplinary Conferences:

- Boarding and de-boarding school transportation at the incorrect stop
- Habitual tardiness and/or absenteeism\*
- Dress code violation
- Willful disrespect
- Making an unfounded account against authority
- Not having proper materials or supplies for class
- Eating / drinking during prohibited times
- Skipping class (staying on campus)
- Littering
- Talking in class during inappropriate times
- Failing to do or complete homework
- Refusing to sit in assigned seat
- Not participating in class
- Horseplay
- Any other infraction that appears similar

*\*Please complete a YOC referral for habitual tardiness and / or absenteeism.*

The Student Hearing Office reserves the right to refuse a student disciplinary conference request. Grounds for refusal would be: ineligible offenses for student disciplinary conferences or frequent requests for similar behaviors / incidents without appropriate time to put interventions into place.

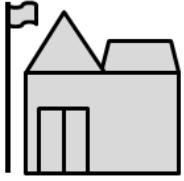
## **Student Disciplinary Conference Procedure**

Student disciplinary conference requests must be submitted within four (4) school days of the incident. Due to compliance differences, student disciplinary conferences cannot be converted into expulsion hearings.

The Enrollment Transitions team and the Student Hearing Office will review the documentation for compliance. If the recommendation is incomplete, the recommendation will be sent back to school leadership. The school has twenty-four (24) hours to correct the recommendation and resubmit to the Student Hearing Office.

Required paperwork for a disciplinary conference includes: incident reports, descriptions of school-interventions and policies, any student or witness account of what happened, any other relevant school documentation (i.e., Functional Behavior Assessment, Behavior Intervention Plan or Individual Education Plan).

Once the paperwork is deemed compliant, a student disciplinary conference will be scheduled within five (5) school days of the Student Hearing Office receiving the recommendation. The Student Hearing Office will contact the parent / guardian and school leadership with the date and time of the conference. Though the conference will be scheduled within five (5) school days, the conference may not occur within five (5) school days of receiving the recommendation.



### **Schools, Remember!**

The Student Hearing Office will not hear student disciplinary conference requests for incidents that have occurred more than four (4) school days from the recommendation.

If a student is receiving SPED or 504 accommodations, a MDR is not necessary in order to recommend the student for a disciplinary conference.

### **Suspension Prior to Student Disciplinary Conference**

Schools may suspend a student prior to a student disciplinary conference but suspensions cannot be an indefinite term. The expectation is that an out of school suspension should not be for more than ten (10) school days. Pursuant to law, students suspended for ten (10) days or less must receive school work while serving suspension or the opportunity to make up missed work. If a student is suspended out of school for ten (10) days or more, the school must provide adequate alternative education to the student and be assigned work by a certified teacher. These requirements are different if the student is receiving SPED services, 504 accommodations, or under the evaluation process. Believed violations of this suspension policy may result in accountability protocol. The Student Hearing Office expects that students will not be suspended for more than five (5) days prior to a student disciplinary conference. If the conference cannot be scheduled within five (5) school days, the student should automatically return to campus until the student disciplinary conference is scheduled. Schools are still permitted to explore in-school suspension prior to the conference.

Students receiving SPED services or 504 accommodations cannot be out of the school building on suspension for more than ten (10) school days a year pursuant to Louisiana Bulletin 1706: Regulations for Implementation for the Children with Exceptionalities Act. For more information regarding suspension and students receiving SPED services or 504 accommodations please see: **Expulsion and Students Receiving Special Education Services or 504 Accommodations.**

### **Due Process in Student Disciplinary Conferences**

Schools must provide due process for students recommended for student disciplinary conferences. Failure to provide due process will result in noncompliance. Schools have an obligation to show they provided due process if it comes into question prior to the scheduling of the conference.

Due process requires:

- Allowing the student to tell their side of the story
- Notifying the student's parent / guardian of the offense or behavior
- Notifying the student's parent / guardian of recommendation for a student disciplinary conference
  - Parent / guardian received written notification of the disciplinary action
  - Parent / guardian signed copy of discipline form

### **Who has the right to attend the student disciplinary conference?**

The following people have the right to attend a student disciplinary conference:

- Student
- Student's parent / guardian
- An additional representative or advocate of the student that the parent / guardian has requested to attend

- School principal or designee (may include teacher or school staff who witnessed the incident or worked with the student on school-level interventions)
- The alleged victim of the incident (and their parent / guardian)
- Any other person the Student Hearing Office deems necessary

It is the responsibility of the student and the student's parent / guardian to coordinate to have any representatives or advocates present. It is the responsibility of school leadership to coordinate the attendance of any witnesses or victims (along with their parents / guardians). The Student Hearing Office does not invite or coordinate the attendance of advocates, witnesses or victims in disciplinary proceedings.

### **Outcomes of Student Disciplinary Conference**

Possible outcomes of student disciplinary conferences may include:

- Conference with parent / guardian
- Home / school communication system
- Utilize a check-in / check-out system
- Loss of privilege – school sports, activity, event
- Behavior contract that includes expected student behavior, incentives for demonstrating expected behavior and consequences for infractions
- Referral to the school social worker
- Referral to the YOC
- After-school detention
- Saturday school
- Use of an in-school suspension or intervention
- Bus suspension
- Probation

### **Families and Schools, Remember!**

Expulsion is not an outcome of a student disciplinary conference.

## **Youth Opportunity Center and the Student Hearing Office**

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### **What is the Youth Opportunity Center?**

The Youth Opportunity Center (YOC) serves as the citywide safety net for students at risk of disengaging from or dropping out of school. The role of the YOC is to connect those students and families to the services they need to be successful in school, serving as the link between schools, families, and social service agencies. The Student Hearing Office and the YOC often work in collaboration to serve families.

As a result of a disciplinary action, the Student Hearing Office may refer a student to the YOC. The Student Hearing Office may complete a referral in order to assist the student and family as they transition to a new placement or to provide student and school support in creating sustainable school based interventions.



### **Families, Remember!**

The YOC is not a disciplinary branch of the school district. A referral to the YOC is not a punishment. The YOC connects you to services and supports students on campus.

### **How the YOC Can Support Students and Families During and After Disciplinary Proceedings**

YOC caseworkers provide families with needed services and interventions and connect families with city-wide social programs. Students receive a thorough assessment of strengths and needs which is compiled into a service plan that identifies barriers to achievement and creates strength-based interventions. A student recommended for disciplinary action may consent to their YOC caseworker being involved in and supporting the family through the disciplinary action.

The YOC can:

- Serve as an advocate for students and families in expulsion hearings and student disciplinary conferences, such as providing student service plans as an intervention effort, and writing letters of support demonstrating student progress
- Serve as an advocate for students and families in court proceedings
- Facilitate services and communication between families and schools
- Assist families in truancy matters
- Support students and families that fall under the protection of McKinney-Vento

The YOC does not:

- Recommend students for expulsion
- Recommend disciplinary actions for students
- Transfer or enroll students in school
- Divulge matters of the home with outside entities, unless given permission by the parent / guardian
- Represent students in lieu of parent / guardian at expulsion hearings or disciplinary student conferences without permission of the parent / guardian

## **Transition Meetings and the YOC**

Transition meetings are an opportunity to provide families and students with support and resources while the student transitions back into school from time spent at a more restrictive setting such as incarceration, hospitalization or secure care, or when students are returning to or entering into school after a disciplinary action. Transition meetings are a voluntary benefit for the school and the student.

During the transition meeting, the participants will decide the appropriate educational program for a student. The meeting is an opportunity to discuss policies, expectations, plans regarding student behavior, and any other logistical educational needs, such as educational records and registration. The result of the meeting is a written educational plan including tasks, responsibilities, and due dates for the partners. The expectation is that participating service providers and partners will hold one another accountable for the agreed upon task.

Transition meetings are facilitated by the YOC. Due to the goals of the transition meeting, the Student Hearing Office will not conduct or participate in the transition meetings. Transition meetings are not disciplinary actions, but may be ordered as a result of a disciplinary action. Transition meetings are required for all K – 6 grade students expelled and removed to a new school site.

Along with the YOC caseworker, other participants include: the receiving school personnel (as decided by the school), service providers (including youth and family advocates), parents / guardians, students, and, as necessary, representatives from the student's previous school and / or educational provider (if student was involved in secure care). It is expected that parents / guardians, students, school personnel and the YOC caseworker always participate in the meeting. If any service providers have any concerns about the school placement, the service provider is to notify the YOC caseworker in advance of the transition meeting. The transition meeting is not an opportunity to discuss potential safety concerns and transfer grounds. It is an opportunity to discuss the student's transition plan onto campus, academic continuity, and ensure the success of the student on campus.

Though a YOC caseworker will facilitate the transition meeting, this does not mean the YOC caseworker is assigned to the student beyond the services of this meeting. The receiving school may complete a YOC referral if additional YOC services are required for the student.

## **K-6 Expulsion Removals and YOC Facilitated Transition Meetings**

The Student Hearing Office requires all grade K-6 expelled students be referred to the YOC. This referral is required in order for the student, parent / guardian, and school to receive additional support and services during their transition. Parents / guardians are required to participate in transition meetings at the receiving school with school leadership and the YOC caseworker to discuss academic continuity and behavioral expectations. The purpose of this meeting and the YOC referral is discussed in the “**K-6 Expulsion Placement**” section.

## **Qualifying Criteria for a YOC Caseworker**

- Involvement in the Student Hearing Office
- Expulsion recommendation or determination for K-6 students
- Being found guilty of an expellable offense two (2) or more times
- Being placed on probation by the Student Hearing Office (stipulation for probation may include participating in YOC services)

## **YOC Role in Enrollment Screening and Placement**

Students returning from secure care, hospitalization or the criminal justice system after a period of three school weeks or fifteen (15) school days must be screened by the YOC or the Student Hearing Office to facilitate the student's return to school. This process is described in the section titled: “**Enrollment Screening and**

**Placement.”** The expectation is that families and advocates work with the YOC or the Student Hearing Office to discuss safety concerns and receive school placements.

**Engagement and Participation with the YOC**

When the Student Hearing Office, YOC, families, and students agree upon a course of action, the advocates may volunteer to help facilitate the agreed upon outcome. Advocates may assist with enrollment and registration, pursuing a transfer, or coordinating and participating in transition meetings. Once an advocate volunteers to be a stakeholder, the expectation is the advocate works with the Student Hearing Office or YOC to implement the course of action for the student and shares updates regarding that progress and process with the Student Hearing Office or the YOC as necessary.

## **Enrollment and Transfer Overlap with the Student Hearing Office**

### **Enrollment Screening and Placement**

Students returning to education from secure care, hospitalization or the criminal justice system after a period of three school weeks or fifteen (15) school days must be screened by the Youth Opportunity Center (YOC) or the Student Hearing Office to facilitate the student's return to school. This conversation between the student, the student's parent / guardian, and either the YOC or the Student Hearing Office is called an "enrollment screen." Each student has a right to return to their previous school unless the YOC or the Student Hearing Office has determined otherwise, which only occurs when there are extenuating circumstances (i.e. a victim still present at the school or someone on campus who is a threat to the student). The Student Hearing Office will conduct all required enrollment screens for students returning from incarceration outside of the parish and the Orleans Parish Justice Center (OPJC) formally known as Orleans Parish Prison (OPP). The YOC will conduct all enrollment screens for students returning from the Youth Study Center, secure care facilities, and hospitalization. Students returning from the Youth Study Center or are returning to education but are currently Juvenile Justice Center court involved will work with the Juvenile Court Liaison and Case Manager to be screened and placed back in traditional model or alternative model school.

If the Student Hearing Office or Youth Opportunity Center determines no extenuating circumstances are present, the student will receive a clearance letter and be placed back in their previous school. If there are extenuating circumstances, the student will receive a new placement.

### **What Happens During an "Enrollment Screen"?**

Screening conversations are an opportunity for the Youth Opportunity Center or the Student Hearing Office to determine: (1) if the student should attend an alternative or traditional model school; (2) if there are any safety considerations requiring the student to receive a new placement; (3) if a transition meeting or phone call should occur. Students are moved as a result of an enrollment screen whenever there is a court-ordered stay away order or self-reported information that there are victims, co-defendants, or enemies at the school location or if the arrest was related to believed school-based activity. During the conversation, specific names are not required since decisions are made based on believed presence (it does not need to be verified).

Based on the information provided during screening conversation with the Youth Opportunity Center or the Student Hearing Office, the student will receive a clearance letter, a school placement form, and may be required to participate in a transition meeting. The Youth Opportunity Center facilitates the transition meeting between relevant school staff, the student, the student's parent / guardian, and, if necessary, the student's advocate. It is the responsibility of the parent / guardian to invite any requested advocate to the transition meeting. At the enrollment transition meeting, the school, YOC Caseworker and parent / guardian will discuss and decide expectations and next steps for the student on campus. In lieu of a transition meeting, an enrollment transition phone call may be required.

If a parent / guardian, student, or school learns of a safety concern upon the return of the student, they should notify the Juvenile Court Liaison and Case Manager, Youth Opportunity Center or the Student Hearing Office to discuss a possible transfer.

### **Hardship Transfers and the Student Hearing Office**

Hardship Transfers are decided in consultation with the Student Hearing Office. After October 1, families seeking to transfer their child must demonstrate a documented hardship that may be addressed by a transfer in school environments through the Hardship Transfer process.

## Role of the Advocate

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Students and parents / guardians have the right to have an advocate present during any disciplinary proceeding at the Student Hearing Office. The advocate may be assigned to the family from the Youth Opportunity Center, school, community organization or a legal organization. It is the family's responsibility to invite the advocate to the hearing. The family does not need to provide notice to the Student Hearing Office that an advocate is attending. The family may give written consent for the advocate to reach out to the Student Hearing Office before a hearing on behalf of the student to provide supporting documentation. While present in the hearing, advocates may speak to student progress, obstacles the student is facing in the school or home, and make suggestions for next steps or sustainable school-level interventions.

The advocate may:

- Assist the parents in understanding the policies and procedures of the Student Hearing Office
- Ensure the student's due process rights are adhered to in all stages of the disciplinary proceeding
- Assist a student or parent / guardian in requesting an appeal
- Make recommendations on how they can assist in those next steps and school-level interventions

The advocate may not:

- Speak for the student or parent / guardian regarding the incident resulting in the disciplinary action
- Silence the student or parent / guardian during the proceedings
- Question witnesses or school leadership during the proceedings
- Meet with staff at the district without the written consent from the parent
- Request their own appeal of a student disciplinary action

The advocate is expected to follow all rules/procedures of the disciplinary proceeding and maintain a professional demeanor towards all parties during all stages of the disciplinary proceeding; otherwise, the advocate may be asked to leave the hearing.

Any information or request made by an advocate, regarding a disciplinary hearing, enrollment in school or a transfer to a different school, must be verified with the student's parent / guardian before any action is taken. The advocate must provide the parent / guardian contact information to the Student Hearing Office and / or the Youth Opportunity Center so the necessary confirmation can occur. The Student Hearing Office will only release the student's file and expulsion records to the advocate if the parent consents in writing.

### **Advocates, Remember!**

Advocates are expected to be stakeholders in the agreed upon educational goals for the students. When the Student Hearing Office, Youth Opportunity Center, families, and students agree upon a course of action, the advocates may volunteer to help facilitate the agreed upon outcome. Advocates may assist with enrollment and registration, pursuing a transfer, or coordinating and participating in transition meetings. Once an advocate volunteers to be a stakeholder, the expectation is the advocate works with the Student Hearing Office or Youth Opportunity Center to implement the course of action for the student and shares updates regarding that progress and process with the Student Hearing Office or the Youth Opportunity Center as necessary.

## Resources for Families

Advocates from the following organizations are available to represent your student. If you are interested in representation by an advocate, please contact an advocacy group of your choice in advance of the disciplinary hearing.

### **Louisiana Center for Children's Rights**

Education Advocacy Hotline  
1100-B Milton Street  
New Orleans, LA 70122  
Tel: 504-658-6860  
[http://www.laccr.org/  
atest@laccr.org](http://www.laccr.org/atest@laccr.org)

### **Advocacy Center of Louisiana**

8325 Oak Street  
New Orleans, LA 70118  
Tel: (504) 522-2337  
Fax: (504) 522-5507  
[http://advocacyla.org/  
advocacycenter@advocacyla.org](http://advocacyla.org/advocacycenter@advocacyla.org)

### **Stand Up for Each Other**

Tel: (504) 410-5437  
[Standupforeachother@gmail.com](mailto:Standupforeachother@gmail.com)

The Orleans Parish School Board is not affiliated with, endorse, any of the providers listed in this document. The inclusion of these services and providers is meant solely as a reference for students and families.

## **Contact and Additional Information**

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### **Disciplinary Packets must be submitted to:**

Hearingoffice@opsb.us

The Student Hearing Office is located:

Former Mahalia Jackson Elementary School  
2405 Jackson Avenue, Building A – 2nd Floor  
New Orleans, LA 70113  
Phone: (504) 450-3919

There is a parking lot available on the school site for families and school representatives.

### **Lerone Crayton**, Director of the Student Hearing Office

Email: lcrayton@opsb.us

Phone: (504) 913-2690

### **Ashley Jones**, Assistant Director Discipline Compliance and Operations

Email: ajones@opsb.us

Phone: (504) 439-5894

### **James Moore**, Senior Student Hearing Officer

Email: jamoore@opsb.us

Phone: (504) 388-0286

### **Vibha Robinson**, Program Coordinator

Email: vrobinson@opsb.us

Phone: (504) 450-3919

### **Other Student Hearing Office Services Provided**

The Student Hearing Office team is available to conduct workshops and trainings about expulsion policies and procedures, disciplinary proceedings involving students in special education and other topics as requested on school campuses and via teleconference.

The Student Hearing Office is available to conduct conflict resolution meetings at the Student Hearing Office, school campuses and via teleconference as requested.

If you would like to schedule a visit, please contact the Student Hearing Office directly.

### **Cited Laws and Policies**

- EnrollNOLA Enrollment manual
- Youth Opportunity Center manual
- Louisiana Rev. Stat. § 17:416.13
- Louisiana Bulletin 1706: Regulations for Implementation for the Children with Exceptionalities Act
- 34 CFR 300.530(e)