



# ORLEANS PARISH SCHOOL BOARD PUBLIC HEARING

**McDonogh #35  
1331 Kerlerec Street  
New Orleans, LA 70116  
December 18, 2012  
4:30 p.m.**

**Call to Order – Roll Call**

**Pledge of Allegiance**

**Purpose of Hearing**

General Counsel Edward Morris

*Orleans Parish School Board – Public Hearing on proposed amended Board policies:*

➤ **OPSB Amended Policies – Second Reading**

- G725 – Recruitment (*amendment to current policy*)
- G726 – Employment of Personnel (*amendment to current policy*)
- G731- Promotion (*amendment to current policy*)
- J939 – Bullying, Intimidation, Harassment, and Hazing (*amendment to current policy*)
- I806 – Textbook Selection and Adoption (*amendment to current policy*)
- I801 – Basic Instructional Program (*amendment to current policy*)
- A127- Charter School Evaluations (*amendment to current policy*)
- A128 – Charter Renewal (*amendment to current policy*)

**Q & A**



## ORLEANS PARISH SCHOOL BOARD PUBLIC HEARING GUIDELINES

1. The public hearing will begin with of the proposed new and amended board policies by the Superintendent or his designee.
2. Anyone wishing to address the Board Policies should fill out a card located on the table and submit it to the Board Secretary. Cards will be received up to one-half hour after the meeting begins (**Notation: The Public Hearing begins at 4:30 PM**).
3. General Counsel to the Board will be responsible for the orderly and efficient conduct of the hearing and may set a reasonable time limit for each presentation depending on the number of cards received.
4. Each speaker will be limited to two (2) questions per item. General Counsel will recognize the speaker and give him/her permission to proceed. The speaker shall state his/her name and address for the Board records.
5. Those who have a group concern are encouraged to select a spokesperson from the group to address the concern.
6. Speakers are expected to be as concise as possible and to present their questions and comments in an objective manner in accordance with good taste and decorum and without reference to or insinuations against the Board, its members, or school system employees.
7. The Superintendent or his designee will serve as the official respondent to questions posed by the public.
8. Disruptions or disorderly conduct at the public hearing will constitute grounds for the presiding officer to ask security personnel to remove the offender.

## G725 – RECRUITMENT

The Superintendent of the Orleans Parish School District Board shall make a concerted effort to employ the best employees available, and to assign such employees to positions, departments, levels, or subject fields in which they have achieved full qualification or certification. Upon creation of a new ~~administrative or supervisory~~ position or a vacancy occurring in an established position, the Human Resources ~~d~~Department shall prepare a notification outlining the details of the position and procedures for applying. Such notification shall be posted in a prominent place at the School Board's Central Office and in all ~~district-OPSB-operated~~ schools, ~~as required~~. Further, such notification shall be posted on the official ~~district-OPSB~~ website and other such mediums (i.e., local newspapers) as the ~~District-Superintendent~~ may determine. Advertisements for vacancies shall generally be for a minimum of two (2) weeks.

All creation of positions, recruitment efforts and the filling of position vacancies must be consistent with the adopted budgeted position resources and the long-term staffing plans of the district. No positions should be filled without a budgeted position and corresponding financial resources available.

Applications for teaching positions shall be submitted to and retained by and in the office of the Director of Human Resources for a period of not less than three (3) years and all applications for ~~non-certified administrative~~ positions shall be retained for a period of not less than one (1) year.

### SCOPE

This policy shall apply only to recruitment and advertisement of position vacancies accessible to external candidates, i.e. persons whose immediate prior permanent employment was not with the Orleans Parish School Board.

The policy for recruitment and advertisement of positions vacancies to be filled internally shall be governed by Policy G731 – Promotion.

Superintendent recruitment and advertisement requirements are set forth in Policy C303.

## G726 – EMPLOYMENT OF PERSONNEL

The Orleans Parish School Board (~~the Board~~) and its administrative staff believes that it has an obligation to provide the children attending its schools with the very best personnel available regardless of race, color, creed, sex, age, national origin or any similar personal characteristic. Age shall be considered only with respect to minimums set by law.

The Director of Human Resources or his/her designee shall be responsible for establishing and maintaining appropriate procedures for reviewing and evaluating any and all applicants for selection, including administrative and supervisory personnel, and assuring adherence to applicable state and federal legal requirements. Selection of personnel to fill all positions shall be made on a non-discriminatory basis with selection procedures and evaluative criteria known to all applicants. Applicants should not resort to the use of political, social, or other pressures to gain employment or promotion.

Only the Superintendent has the authority to hire OPSB school-based or administrative personnel. All school-based hiring decisions shall be made by the Superintendent based on the principal's recommendations. All non-school-based hiring shall be made by the Superintendent, to the extent permitted by law, ~~will be~~ under the advice of the Human Resource Director, ~~after the~~ No position shall be filled unless the Chief Financial Officer has reviewed and confirmed the availability of the appropriate funds. Any employee seeking to hire or have payroll processed for an individual (General Fund or Grant Funded) who was not approved in advance by the Superintendent, may be disciplined, up to and including termination.

### PERSONNEL CHANGES

~~The Director of Human Resources shall recommend teachers and all other personnel, after reviewing such recommendations with the Chief Financial Officer, to the Superintendent for final approval. It shall be the responsibility of the Director of Human Resources or designee to ensure that all persons recommended have proper certification where applicable, and are qualified for the position.~~

It shall be the responsibility of the Executive Director of Human Resources or his/her designee to ensure that all persons recommended for employment have proper certification where applicable, are qualified for the position as required by the job description, and have the appropriate reference and criminal background checks.

### TEACHERS AND OTHER CERTIFIED PERSONNEL

The principal ~~should~~ shall be responsible for interviewing any teacher or certified personnel at the school in which the principal is employed. ~~The school principal shall consult with the Director of Human Resources regarding any possible selections for hiring or placement of any school-based personnel. The school principal shall consult with the Director of Human~~

Resources regarding any possible selections for hiring or placement of any school-based personnel. Any hiring selections must be ~~brought by~~submitted to the Director of Human Resources to ensure the persons selected have proper certification, where applicable, ~~and to the Chief Financial Officer for review~~ prior to going to the Superintendent for final approval.

The School Board shall require all teaching personnel employed by the district to possess those qualifications set forth by the Louisiana Board of Elementary and Secondary Education (BESE) and by all applicable accrediting agencies. The School Board ~~also~~ recognizes that these qualifications, as well as qualifications for all positions, are ~~set up~~established to promote minimum standards. The Superintendent ~~under the advice of the Director of Human Resources~~ shall strive to employ persons who exceed these minimum requirements, whenever possible.

#### Return To Employment After Retirement

While an employee whose retirement is accepted by the Orleans Parish School ~~District Board~~ shall not be guaranteed any position/reemployment with the School District, it shall be at the discretion of the Superintendent or his/her designee to rehire candidates after they have traditionally retired from the ~~school system~~School District. The decisions of the Superintendent or his/her designee shall be made in the best interest of the ~~s~~School ~~d~~District.

Upon retirement, employees lose all tenure and seniority rights in the ~~school system~~School District. Retirees returning to work will accrue ~~seniority and rights as other employees with similar duties and responsibilities. All other and fringe~~ benefits, such as sick leave and vacation leave, ~~will accrue in the same manner as any other~~ a new hire within the same classification. No sick leave or vacation leave shall be carried forward from retirement to rehire.

Moreover, any retired administrator/supervisor who is reemployed shall be hired on a temporary renewable contract basis. ~~The initial, the term for which and any subsequent renewals~~ shall not exceed two (2) years. Accordingly, the Orleans Parish School ~~District Board~~ encourages retirees from administrative and supervisory positions to apply for teaching positions, as ~~recent~~ state and federal ~~laws legislation has imposed~~impose stringent restrictions upon the qualifications required for classroom teachers.

#### BUS DRIVERS AND OTHER SUPPORT PERSONNEL

##### Bus Drivers

~~If under the current transportation contract no regular bus operator is available for the purpose of transporting students to special events, any employee of the district with a valid CDL may be selected as a substitute bus driver. All potential substitute bus drivers must be on a district approved list and proof of their current CDL status must be provided annually.~~

~~Only if the Board is required, in filling a vacant route pursuant to the above provisions, to bear an increase in the unreimbursed costs for non-passenger miles over those attributable to the~~

~~previous operator who vacated the route, may a the School Board select an operator to fill the vacant route on a different basis than outlined above.~~

#### Other-SUPPORT PERSONNEL

~~Applicants shall be selected for support positions based on criteria as may be determined by the School District which have been reviewed by the Director of Human Resources in consultation with the Superintendent or his/her designee. Unless specifically covered by a written employment contract expressly entered into by the individual employee and the Board, school employees Support personnel shall be hired on an at-will employment basis, which means they are subject to dismissal by the Board upon the written recommendation of the Superintendent. School employee shall mean any employee of the Board that is not required to hold a valid teacher's certificate as a condition of employment or is not a bus driver. All selections shall be temporary until ability to perform assigned tasks has been determined. The term "support personnel" shall include the following employees whether full-time or regular part-time: 1) clerical personnel, 2) instructional aides, and 3) school-based food service personnel.~~

#### DISCLOSURE OF INFORMATION BY APPLICANT

~~Prior to hiring any employee, the School Board shall require the applicant to sign a statement that authorizes the release and disclosure of the following information by the applicant's current or previous employer(s):~~

- ~~1. All actual cases of sexual misconduct with a minor or student by the applicant.~~
- ~~2. All instances of sexual misconduct with students, as defined by BESE, committed by the applicant, if any, if such employer is/was a city, parish, or other local public School Board.~~

~~Adult sexual misconduct in schools, as defined by BESE for the purposes of disclosing information to the School Boards includes sexually inappropriate behavior by the adult that is directed at a student, including but not limited to sexually-related conversations, jokes, or questions directed at students. More specifically, sexual misconduct is:~~

- ~~A. Any conduct that would amount to sexual harassment under Title IX of the (U.S.) Education Amendments of 1972, as amended;~~
- ~~B. Any conduct that would amount to a sexual offense affecting a minor under state criminal codes;~~
- ~~C. Any sexual relationship by a school employee with a student, regardless of the student's age; with a former student under 18; with a former student (regardless of age) who suffers from a disability that would prevent consent in a relationship. All students enrolled in the school and in any organization in~~

which the school employee holds a position of trust and responsibility are included;

- D. Any activity directed toward establishing a sexual relationship such as sending intimate letters, engaging in sexualized dialogue in person, via the Internet, in writing or by phone, making suggestive comments, dating a student.
3. All investigations of sexual misconduct by the applicant with a minor or student that occurred within thirty-six (36) months prior to the applicant's resignation, dismissal, or retirement from employment.
4. All actual or investigated cases of abuse or neglect committed by the applicant, if any, if such employer is/was the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, or the Louisiana Special Education Center.

In accordance with the Louisiana Children's Code, Art. 603:

A. Abuse means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

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1. The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
2. The exploitation or overwork of a child by a parent or any other person.
3. The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of Louisiana.

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B. Neglect means the refusal or willful failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health is substantially threatened or impaired. Neglect includes parental neglect. Consistent with Louisiana Children's Code, Art. 606(B), the inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

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If an investigation determined that a formal allegation of an applicant was inconclusive, unjustified, or otherwise without cause for further formal pursuit, the applicant shall not be required to disclose such information.

The statement shall also request the current or previous employing school board make available to the School Board, within twenty (20) business days of receipt of the request, copies of all documents as contained in the applicant's personnel file maintained by such employer relative to instances of sexual misconduct, if any. Such request for information shall include a copy of the required statement signed by the applicant.

The School Board may employ any applicant on a conditional basis pending the School Board's review of any information obtained pursuant to this request. However, in accordance with statutory provisions, the School Board shall not hire any applicant who does not sign the statement as required by law.

Any information obtained by the School Board as a result of the statement and request outlined above shall be used by the School Board only for the purpose of evaluating an applicant's qualifications for employment in the position for which he/she has applied, is not subject to the state public records statutes, and shall not be disclosed to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment.

In addition to the above, the applicant shall grant permission by signing a statement on the application form that permits the School Board to have access to any and all reference, background, and previous employment information and to receive copies of any such documentation from a current or previous employer.

#### CRIMINAL HISTORY OF APPLICANTS

The Orleans Parish School Board shall require, in accordance with state law, applicants for employment with the School Board to submit necessary information regarding their backgrounds. A prospective employee shall be required to provide authorization for the disclosure of any information regarding past criminal activities.

A standard applicant fingerprint card and a disclosure authorization form shall be provided the applicant by the School Board or may be obtained from local police authorities. It shall be the responsibility of the applicant to have his/her fingerprints taken by a qualified individual and submitted to the proper authorities for processing. Any cost associated with fingerprinting or the disclosure of background information on an applicant may be passed on to the applicant.

1. No person who has been convicted of or has plead nolo contendere to crimes listed in La. Rev. Stat. Ann. §15:587.1 shall be hired as a teacher, substitute teacher, bus driver, substitute bus driver, or janitor, or as a temporary, part-time, or permanent school employee of any kind, unless



approved in writing by a district judge and the district attorney with jurisdiction in this parish, or if employed on an emergency basis, unless approved in writing by the Superintendent. Any such statement of approval shall be kept on file at all times at the location wherein the employee is assigned and shall be produced upon request by any law enforcement officer.

2. For the purposes of reviewing the criminal history of prospective employees, any person employed to provide cafeteria, transportation, janitorial or maintenance services by any person or entity that contracts with a school or school system to provide such services shall be considered to be hired by the ~~school system~~School District.

3. Every such prospective employee or hired contractor as identified above shall be subjected to fingerprinting and each person's fingerprints shall be submitted to the proper authorities for a criminal history review.

4. A person who has submitted his/her fingerprints may be temporarily hired pending the results of the inquiry.

5. Upon the final conviction or upon a plea of nolo contendere of any crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74 (criminal neglect of family), any teacher may be dismissed following a hearing held in accordance with statutory provision.

6. Any other school employee if such employee is convicted of or pleads nolo contendere to crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74, may be dismissed.

7. The School Board may reemploy a teacher or other school employee who has been convicted of crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74, only upon written approval of a district judge and the district attorney who has jurisdiction in this school district, or upon written documentation from the court in which the conviction occurred stating that the conviction had been reversed, set aside, or vacated.

## G731 – PROMOTION

~~The Orleans Parish School Board District desires to provide internal employment to qualified candidates through intradepartmental or interdepartmental promotion whenever possible. A promotion is defined as advancement to a different position which has increased responsibilities and adjustment to a higher salary level.~~

~~The Superintendent shall determine whether a vacant position will be filled by way of promotion shall consider and determine all promotions of employees based upon the final recommendations of the Superintendent. All employees considered for promotion must possess the appropriate qualifications and/or certification issued the position to which promoted, unless waived by the Board. All employees who possess the appropriate qualifications and/or certification required for the vacant position may apply. All promotions should shall be consistent with the budgeted positions of the district and should be supported by previous performance evaluations, attendance records, specialized training, and recommendations from current and/or former supervisors. Any employee under investigation, suspension, probation, or any other adverse personnel action should shall not be considered for promotion.~~

### ADVERTISEMENTS

~~When a position is to be filled by promotion, the Human Resources Department shall prepare a notification outlining the details of the position and procedures for applying and shall post the vacant position on the Central Office bulletin board, and on a bulletin board within each OPSB-operated school.~~

~~when needed, an advertisement of the vacancy may be posted on the district website and in various mediums, as required. The School Board shall also give notice of such intent to employ and such positions to be filled in a letter to principals of all public schools in the district with a directive that such notice be prominently posted on a bulletin board within the school.~~

### TEACHERS/CERTIFICATED EMPLOYEES

Whenever a teacher is promoted from a position of lower salary to one of higher salary, the district and employee shall enter into a written contract of employment for a term of not less than two (2) years, except when such employment is for a temporary position, nor more than four (4) years, as stipulated by the contract.

Any teacher thus promoted and who enters into an employment contract as stated above, shall not gain permanent tenured status in the position to which promoted. If tenured prior to promotion, then the teacher shall retain such permanent status previously acquired. If the teacher is serving a probationary term upon promotion, the probationary period shall continue to run and the teacher shall acquire tenured status as a teacher at the end of successfully completing the requisite the probationary period.

## **J939 – BULLYING, INTIMIDATION, HARASSMENT, AND HAZING** **ZERO TOLERANCE**

The Orleans Parish School District is committed to maintaining a safe, orderly, civil and positive learning environment so that no student feels threatened while in school or participating in school-related activities. Students and their parents/guardians shall be notified that the school, school bus, and all other school environments are to be safe and secure for all. Therefore, all statements or actions of a bullying, intimidating, threatening, harassing, hazing, or any other violent nature made on campus, at school-sponsored activities, on school buses, at school bus stops, and en route from home to the bus stop and from the bus stop home shall not be tolerated. Even if made in a joking manner, these statements or actions threatening other students, school personnel, or school property shall be unacceptable.

All students, teachers, and other school employees shall take **reasonable and** responsible measures within the scope of their individual authority to prevent violations of this policy.

### **BULLYING, INTIMIDATION, HARASSMENT**

For purposes of this Policy, the terms “harassment”, “intimidation”, and “bullying” shall mean either of the following:

Any intentional **gesture**, written, verbal, electronic transmission or communication, or physical act that a reasonable person under the circumstances should know will have the effect of harming a student or damaging his property or placing a student in reasonable fear or harm to his life or person or damage to his property which is so severe, persistent or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student.

Any intimidating, threatening, or abusive gesture or written, verbal, electronic transmission or communication or physical act by a student directed at another student occurring on school property, on a school bus, or at a school-sponsored event that a reasonable person under the circumstances would perceive as being motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, sexual orientation, gender, gender identity or expression, physical characteristic, political persuasion, mental disability, or physical disability, as well as attire or association with others identified by such categories.

### **HAZING**

**Hazing** shall mean any knowing behavior, whether by commission or omission, of any student to encourage, direct, order, or participate in any activity which subjects another student to potential physical, mental, or psychological harm for the purpose of initiation or admission into, affiliation with, continued membership in, or acceptance by existing members of any organization or extracurricular activity at a public elementary or secondary school, whether such behavior is planned or occurs on or off school property, including any school bus and school bus stop. Hazing does not mean any adult-directed and school-sanctioned athletic program practice or event or military training program. Any solicitation to engage in hazing, and the aiding and abetting another person who engages in hazing shall be prohibited. The consent, stated or implied, of the hazing victim shall not be a defense in determining disciplinary action.

### **REPORTING PROCEDURES**

Any student who believes he or she has been the victim of bullying, intimidation, threatening behavior, harassment or hazing by a student, teacher, administrator or other school personnel, or by any other person who is participating in, observing or otherwise engaged in activities including sporting events and other extracurricular activities, under the auspices of the school district or a school within the school system, is encouraged to immediately report the alleged acts to any appropriate school district official.

Any teacher, administrator, or other school personnel **who personally observes, or** who has or receives notice that a student has or may have been the victim of bullying, intimidation, threatening behavior, harassment, or hazing at school or any school activity shall be *required* to immediately **take such action as necessary and appropriate to stop the incident in question, if it is ongoing, and** report the alleged acts to an appropriate school district official.

### **AT THE SCHOOL BUILDING LEVEL**

The principal shall be the person responsible at the school level for receiving oral or written reports of bullying, intimidation, threatening behavior, harassment, or hazing of a student. Any other school administrator, teacher, or other school personnel who **personally observes or** receives a report of

bullying, intimidation, threatening behavior, harassment or hazing of a student shall immediately **take such action as necessary and appropriate to stop the incident in question, if it is ongoing, and** inform the principal, who shall notify the Superintendent or his/her designee.

#### OTHER SITES

Building administrators designated by the Superintendent at each administrative, support, or maintenance site shall be responsible for receiving oral or written reports of bullying, intimidation, threatening behavior, harassment, or hazing of a student. Upon receipt of a report, the building administrator shall immediately notify the Superintendent or his/her designee.

#### INVESTIGATION OF COMPLAINTS AND REPORTS

The Superintendent or his/her designee shall immediately investigate or authorize the investigation of all reports and complaints involving alleged bullying, intimidation, threatening behavior, harassment or hazing of students. Investigations may consist of personal interviews with the complainants or the individual who is alleged to have been bullied, intimidated, threatened, harassed or hazed, the individual or individuals against whom the complaint is made, witnesses, and any other persons who may have knowledge of the alleged incident or incidents or circumstances leading to or giving rise to the complaint. Other methods of investigation also may be used and pertinent documents may be examined by the investigator.

During the pendency of an investigation, the school district may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators or other school personnel pending completion of the investigation.

Investigations shall be completed as soon as practicable. A written report shall be prepared upon the completion of the investigation. If the complaint involves the Superintendent of Schools, the report shall be made and filed directly with the School Board. The written report shall include determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

#### DISCIPLINARY ACTION

The school district shall take appropriate action in response to a report following an investigation of any alleged bullying, intimidation, threatening behavior, harassment, or hazing of a student. When the report determines that the alleged act or conduct appears to be in violation of this policy, disciplinary action shall be taken as outlined in the *Student Code of Conduct*. The principal/designee shall contact the parent, tutor, or legal guardian of the pupil being disciplined for alleged misconduct to notify them of the disciplinary action.

Whenever the act or conduct determined to be a violation of this policy may also constitute a violation of state or federal criminal statute, the appropriate law enforcement officer shall be promptly notified.

Any student, school employee, or school volunteer who in good faith reports an incident of harassment, intimidation, or bullying to the appropriate school official in accordance with the procedures established by local board policy shall be immune from a right of action for damages arising from any failure to remedy the reported incident.

**Any school personnel, whether employee or volunteer, teacher, staff or administration, who fails to report an incident of bullying which they personally observe, or fails to take appropriate action as called for in this policy regarding incidents reported to them, shall be subject to discipline, being no less than a written reprimand and up to and including termination.**

#### APPEAL

The parent of a student disciplined for violation of this policy may appeal to the Superintendent or his/her designee no later than five (5) days after being notified of the disciplinary action. The Superintendent or his/her designee shall review all documentation regarding the incident, and if determined to be necessary by the Superintendent or designee, conduct a hearing on the matter. The results of the review or hearing shall be sent to the parents or legal guardian within three (3) school days. The decision of the Superintendent shall be final, except for a student expulsion, which may be appealed to the School Board in accordance with statutory provisions.

**School personnel subject to discipline for failure to report or take action as required by this policy, shall have the same right to appeal as with any other disciplinary matter.**

#### DISSEMINATION OF POLICY

This policy shall be conspicuously posted in each school in a place or places accessible to all students, teachers and other personnel. The school district shall develop a method for discussing this policy with students which shall take into account their level of understanding based upon their grade level or other consideration generally applicable to students enrolled in the same class or grade. The school district also shall discuss this policy with administrators and teachers, and other school personnel whose employment duties bring them into contact with students.

Parents are encouraged to allow their children to utilize only the official email address issued to them by the OPSB. Students using alternative email addresses as a user ID for social networking sites may be out of the jurisdiction of the OPSB.

Ref: La. Rev. Stat. Ann. §§17:183, 17:416, 17:416.13.

*Amended 12/2011*

## **I806 – TEXTBOOK SELECTION AND ADOPTION**

The Orleans Parish School District shall authorize the Superintendent to select, according to Louisiana Department of Education guidelines, all textbooks and supplementary instructional materials. In the preparation of such courses of study and in the selection of textbooks, he/she shall have the cooperation of other officers of instruction and of such special committees of teachers, principals, supervisors and representatives for students and community groups as he/she may appoint.

No history textbook shall be approved which has been adjusted in accordance with the State of Texas revisionist guidelines nor shall any science textbook be approved which presents creationism or intelligent design as science or scientific theories

## **I801 – BASIC INSTRUCTIONAL PROGRAM**

In keeping with its commitment to provide equal educational opportunities for each child, the Orleans Parish School District recognizes that the basic instructional program in the district's schools consist of those required courses that lead to high school graduation, including students in special and alternative schools as listed in the *Louisiana Handbook for School Administrators*, Bulletin 741. A variety of other courses and programs shall also be offered. Regardless of the high school they attend, students throughout the district shall be given equal opportunity in course and program selection.

Although particular course offerings and teaching approaches may vary school to school and area to area, programs in basic curriculum areas shall be coordinated and sequenced to grade level so that students can make satisfactory progress throughout their school careers. In all instances, the elementary curriculum, middle school curriculum, and senior high curriculum shall meet the educational requirements established by state statute and the Louisiana Department of Education.

**No teacher of any discipline of science shall teach any aspect of religious faith as science or in a science class. No teacher of any discipline of science shall teach creationism or intelligent design in classes designated as science classes.**

## A127 – CHARTER SCHOOL EVALUATION

The Orleans Parish School Board (the “School Board”) is committed to being a quality charter authorizer by conducting operating agreement oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law. To that end, it is the policy of the School Board to implement an evaluation system that generates all the information needed to determine whether a charter school is meeting the goals and standards as set forth by the Louisiana State Board of Elementary and Secondary Education (“BESE”) accountability system and as articulated in each charter application and operating agreement.

Louisiana Charter School Law empowers charter authorizers to enter into a charter with a non-profit for an initial five year period and to make decisions regarding charter revocations, extensions and renewals. In May 2006, the BESE approved the “Framework for the Evaluation of Louisiana Charter Schools.” The purpose of the Framework is to provide clarity and transparency for all parties involved on how such decisions are made and upon what such decisions are based. In October 2006, the School Board adopted the elements of the Framework as the basis of School Board charter evaluations. Since that time, BESE has amended the “Framework for the Evaluation of Louisiana Charter Schools.” In order to remain consistent, the School Board adopts and amends the following charter school evaluation system.

### **Charter School Evaluation System**

According to the *"Principles and Standards for Quality Charter School Authorizing"* published by the National Association of Charter School Authorizers (NACSA), a quality charter school is characterized by "high student achievement, financial stewardship, and responsible governance." Student performance is the primary measure of school quality. The School Board shall use the State of Louisiana's assessment and accountability programs as objective and verifiable measures of student achievement and school performance. Additional measures of charter school quality include financial and legal performance.

In order to make fair and transparent decisions regarding contract revocations, extensions and renewals, the School Board has determined that it is in the best interests of the School Board, charter schools, students, parents and the public to articulate clear performance standards for charter schools and to evaluate each charter school's level of achievement with respect to those standards.

### **Evaluation Standards**

The performance of charter schools authorized by the School Board (Types 1, 3, and 4) will be evaluated in the following categories:

- Student Performance
- Financial Performance
- Legal and Contract Performance

Within these three categories, the School Board has defined a common set of performance standards.

### **Student Performance**

The Louisiana Charter School Law requires charter schools to make demonstrable improvements in student performance over the term of its charter.

The School Board will annually evaluate charter schools against the following student performance indicators and standards:



<b>INDICATOR</b>	<b>STANDARD</b>
SPS Assessment Index Baseline	80.0 or above
SPS Assessment Index Growth	Meet growth target
AYP Subgroup	Meet for all subgroups
% Basic or Above [Not Applicable to schools meeting or exceeding a SPS score of 120]	10% or greater increase
Attendance	State Average or above
Dropout	State Average or below

The School Board shall use budget and cash flow statements and financial audit reports submitted pursuant to the contract between a charter school and the School Board to determine if the school has met the financial standards set herein.

An audit finding shall be considered "Major" if it indicates a deliberate act of wrongdoing, reckless conduct or causes the loss of confidence in the abilities or integrity of the school or seriously jeopardizes the continued operation of the school.

"Financial Obligations" shall include, but not be limited to, pension payments, payroll taxes, insurance coverage and loan payments and terms.

### **Legal and Contract Performance**

Louisiana Charter School Law requires charter schools to be in compliance with the material terms of its contract with the School Board and all applicable laws.

The School Board shall assess a school's performance in relation to the legal requirements that are applicable to charter schools and to the contract standards listed below using information from various sources. However, the School Board's evaluation is not limited to these indicators and the School Board may consider other indicators, as warranted.

<b>INDICATOR</b>	<b>STANDARD</b>
Special Education	R.S. 17:1941 et seq; Bulletin 1706 §§ 300 & 500; Charter Agreement, ¶30(M)(1);
ELL Program	Public Law 107-110, January 2002 of No Child Left Behind Act of 2001; State Bulletin 111; Title I, Section 3122
Student Enrollment	La. R.S. 17:3991(C)(1)(c)(iv) <u>Common Enrollment process, as adopted by the School Board, beginning with the enrollment cycle for the 2015-'16 school year</u>
Student Discipline	<u>Board Policy A126 – School Board Chartering Authority</u> ; LA R.S. 17:223 and 224; 34 CFR §300.519-29 <u>Common Expulsion process, as adopted by School Board</u>
Health and Safety	La. R.S. 17:416.16
Governance	La. R.S. 17:3991(A)(1)(a); 17:3973(5)(b); 17:3991(A)(1)(b); 17:3991(A)(1)(b)(i);

Facilities	17:3991(A)(1)(c)(ii); 17:3991(E)(1); Charter Agreement, ¶30(N) School Board Policy E500-Facilities, Capital Maintenance Mgmt; Charter Agreement, ¶17(D-F)
Notifications	Charter Agreement ¶¶9-11; ¶16
NCLB Compliance	No Child Left Behind Act of 2001
Charter Contract Compliance	Charter Agreement ¶¶30(K); 18(A)(2); 18(A)(4); 18(A)(5); 23(A); 23(B); 25
Louisiana Charter Laws/Other Applicable Statutes	La. R.S.15.587.1; 17:3991(E)(5)(b); 17:3991(E)(3); 17:3991(E)(4); 17:3991(B)(3); 17:3991(B)(9)
Federal Law	Family Medical Leave Act; Fair Labor Standards Act

In general, the School Board will consider the standard not met if a violation indicates a deliberate act of wrongdoing, reckless conduct or fraudulent activity or seriously jeopardizes the rights of students, safety of students or continued operation of the school.

### **Upholding the Standards**

It is the responsibility of the School Board to hold the charter school accountable for achieving the student, financial and legal and contract performance standards by annually evaluating performance against these standards and by making decisions about contract extensions and renewals based on such evaluations.

### **Evaluation Actions and Timelines**

The School Board shall evaluate the performance of a charter school through an on-going series of reports and School Board actions. Possible School Board actions include Approval, Extension, Non-Extension, Probation, Renewal, Non-Renewal and Revocation.

### **Contract Approval (Year 1)**

The School Board may approve an application for a new charter school in conformance with its process, timelines and criteria. The charter shall be effective upon the execution of an agreement between the applicant and the School Board. An approved school charter shall be valid for an initial period of five years, contingent upon the results of the reporting requirements at the end of the third year as provided in R.S. 17:3998(A)(2), and may be renewed for additional periods of not less than three years nor more than ten years.

All charter school applicants approved by the School Board to operate charter schools, including any charter schools transferred from the jurisdiction of BESE, the Recovery School District, or any other Alternate Governing Authority (AGA), shall be required to participate in any single application, common enrollment, and common expulsion processes that shall be adopted by the School Board, as a condition of their charter agreements with the School Board, beginning not later than the enrollment period for the 2014-2015 school year.

### **Annual Evaluation (Each Year Thereafter)**

No later than its December meeting of each year, the School Board will receive a Performance Report detailing each charter school's performance against the evaluation standards defined in this Framework.

All charter schools authorized by the School Board shall be required to participate in any single application, common enrollment, and common expulsion processes that shall be adopted by the Board, with compliance measured as an element of the annual evaluation report, beginning not later than the enrollment period for the 2015-2016 school year.

The Report may be used by the school, its students and families and the public to ascertain the effectiveness of the school and shall be used by the School Board as the basis for any action involving the charter school. The School Board will then authorize the Superintendent to submit the results of the Evaluation to Louisiana Board of Elementary and Secondary Education no later than December 31<sup>st</sup> of each year, in compliance with BESE Charter Evaluation guidelines.

### ***Third Year Review\****

*The Charter Operator shall provide a comprehensive report to the School Board at the end of the third year of operation in compliance with guidelines and timelines established by the School Board in this Policy.*

*Each Charter Operator's comprehensive report and its third year evaluation shall be used to determine if the school will receive a two-year extension, as follows:*

#### ***1. Contract Extension.***

*A. A charter school meeting the following standards in January of its third year of operation will receive a two year extension, contingent upon the submission of its comprehensive third year report at the conclusion of its third year:*

- a. all financial performance standards;*
- b. all legal and contractual standards; and*
- c. one of the following student performance standards:*
  - i. SPS Year Two is 80.0 or above; or*
  - ii. Assessment Index Year Two is 80.0 or above.*

*B. A charter school meeting the following standards in June of its third year of operation will receive a two-year extension:*

- a. all financial performance standards;*
- b. all legal and contractual standards; and*
- c. one of the following student performance standards:*
  - i. Assessment Index Year Three is 80.0 or above; or*
  - ii. Assessment Index increase of 10 Points over two years of has been met; or*
  - iii. Required Growth of 10 points has been met.*

#### ***2. Contract Probation.***

*A. A charter school not meeting all of the standards required for a two-year extension, but meeting the following standards, may receive a one year probationary extension in June of its third year, subject to any conditions and/or monitoring required by the School Board:*

- a. submission of its comprehensive third year report;*
- b. all financial performance standards;*
- c. all legal and contractual standards; and*
- d. Required Growth of 10 points not met, but 5 point increase made.*

*B. A charter school not meeting all of the standards required for a two-year extension, but meeting the following standard, may receive a one-year extension and be placed on contract*

*probation in June of its third year, subject to any conditions and/or monitoring required by School Board:*

- a. submission of its comprehensive third year report;*
- b. at least one student performance measure necessary to receive an extension has been met; and*
- c. three or fewer financial standards or legal and contractual standards or a combination thereof have not been met.*

#### ***Fourth Year Review***

*A charter school granted a one-year extension and placed on probation after its third year of operation shall comply with all conditions of probation established by School Board.*

*1. A charter school on probation after its third year of operation that meets the following standards in January of its fourth year of operation may receive a one-year extension, at the conclusion of its fourth year:*

- A. all financial performance standards;*
- B. all legal and contractual standards; and*
- C. one of following student performance measures:*
  - a. Baseline SPS Year Three is 80.0 or above; or*
  - b. Growth SPS met;*

*2. A charter school meeting the following standards in June of its fourth year of operation shall receive a one-year extension:*

- A. all financial performance standards;*
- B. all legal and contractual standards; and*
- C. one of the following student performance standards:*
  - a. Assessment Index Year Four is 80.0 or above; or*
  - b. Required Growth of 10 points has been met.*

#### ***Charter Revocation***

*1. The School Board has the authority to revoke a school's operating agreement at any time during the charter term if it is determined that the charter school, one of its officers, or employees has:*

- a. Committed a material violation of any of the conditions, standards, or procedures provided for in the approved operating agreement*
- b. Failed to meet or pursue within the agreed timelines any of the academic or other educational results specified in the operating agreement*
- c. Failed to meet generally accepted accounting standards of fiscal management*
- d. Violated of any provision of law or policy applicable to a charter school, its officers, or employees*

*2. In all circumstances, the School Board shall follow the requirements of the Louisiana Charter School Law, any Charter Contract between the OPSB and BESE and/or each operating agreement it has with each charter school, including all due process requirements, regarding the processes required for revocation.*

*3. A charter school not meeting the standards for extension will be recommended for revocation.*  
***\*Italicized provisions will become effective with 2009-10 Charter Evaluations conducted in FY 2010.***

## A128 – CHARTER RENEWAL

1. At the conclusion of the Charter Operator's fifth year of operation and the expiration of its initial operating agreement, a Charter Operator no longer has a continuing right to operate a charter school.
2. A charter school may apply for a renewal of its charter in compliance with processes and timelines established by the Orleans Parish School Board.
3. The School Board Administration shall make a recommendation to the School Board Legal Committee as to whether a charter renewal application should be approved.
4. A charter school may be renewed if all requirements set forth in law and policy for the renewal of a charter have been met.
5. Final approval of a charter renewal will be contingent upon the Charter Operator and the School Board reaching an acceptable charter operating agreement.
6. No charter shall be renewed unless the Charter Operator seeking renewal can demonstrate, at a minimum, using standardized test scores, improvement in the academic performance of pupils over the term of the charter school's existence.
7. A charter may be renewed for a term consistent with law and policy effective when a renewal decision is made.
8. All charter school operators granted renewals by the School Board, including any charter schools transferred from the jurisdiction of BESE, the Recovery School District, or any other Alternate Governing Authority, shall be required to participate in any single application, common enrollment, and common expulsion processes that shall be adopted by the School Board, as a condition of their charter agreements with the School Board, beginning not later than the enrollment period for the 2014-2015 school year.

Ref: La. Rev. Stat. Ann. §17:3992; Amended April, 2010