

# PROCEEDINGS OF THE TERREBONNE PARISH SCHOOL BOARD

February 5, 2019

The Terrebonne Parish School Board met today at 6:00 P.M. in regular session at its regular meeting place, the Terrebonne Parish School Board Office, 201 Stadium Drive, Houma, Louisiana, with Mrs. Debi Benoit, president, presiding, and the following members present: Mrs. Stacy V. Solet, vice president, Mr. Michael T. LaGarde, Mr. Gregory Harding, Mr. Matthew J. Ford, Mr. Clyde F. Hamner, Mr. Roger Dale DeHart, Dr. MayBelle N. Trahan, and Mr. Dane Voisin.

ABSENT: None

Mrs. Solet led the Board and audience in the invocation and Pledge of Allegiance to the Flag.

A moment of silence was observed in memory of Benjamin Chabert, student at Terrebonne High School; Denise M. Diegel, Assistant Principal at Terrebonne High School; Elaine L. Autin, retired school teacher; Errol L. Malbrough, retired school teacher, and Betty N. Gagneaux, retired school paraprofessional, who recently passed away.

President Benoit recognized members of Leadership Terrebonne who were in attendance at tonight's meeting.

Motion of Mr. DeHart, seconded by Mr. Ford, unanimously carried, the Board approved the minutes of School Board Meetings of December 4, 2018; December 18, 2018, and January 8, 2019, as recorded.

Several announcements were made by President Benoit relative to upcoming meetings.

The following report of the Buildings, Food Service, and Transportation Committee meeting was presented to the Board with Mr. Harding, chairman, presiding:

Dear Members of the Board:

**The BUILDINGS, FOOD SERVICE, and TRANSPORTATION COMMITTEE** met at 5:00 P.M. on Monday, January 14, 2019, in the Board Room of the School Board Office with the following members present: Mr. Gregory Harding, chairman, Mr. Roger Dale DeHart, and Mr. Clyde Hamner, ad-hoc member. Mr. Dane Voisin, vice-chairman, was absent. Also in attendance were Mrs. Debi Benoit, Board president; Mrs. Stacy Solet, Board vice president; Dr. MayBelle Trahan; Superintendent Philip Martin, and members of the staff.

Chairman Harding called the meeting to order. The meeting began with the invocation and Pledge of Allegiance to the Flag.

Mrs. Monica Walther, MS, RD, LDN, Supervisor of Child Nutrition Program, addressed the Committee regarding acceptance of bids received on Kitchen Equipment (attached).

## **RECOMMENDATION NO. 1**

**The Committee recommends** that the Board accept the lowest bids received, meeting all specifications, on Kitchen Equipment from Michael Blanchard, Inc., Houma, LA, in the amount of \$43,357.00; Richard's Restaurant Supply, Houma, LA, in the amount of \$321,218.12; Lafayette

Restaurant Supply, Inc., Lafayette, LA, in the amount of \$56,936.00; and Alack Refrigeration Co., Inc., Lafayette, LA, in the amount of \$60,492.60; funds to be derived from the Child Nutrition Program Fund.

Mrs. Walther addressed the Committee regarding authorization to advertise for six month bids for Meats and Frozen Items, and Canned and Dry Goods for the 2019 fall school session.

### **RECOMMENDATION NO. 2**

**The Committee recommends** that the Board authorize the Child Nutrition Department to proceed with the advertisement of six month bids (July 1, 2019, to December 31, 2019), for Meats and Frozen Items, and Canned and Dry Goods for the 2019 fall school session.

Mrs. Walther addressed the Committee regarding authorization to advertise for yearly bids for Milk and Milk Products; Fruit Juice; Fresh Fruits and Vegetables; and Supplies and Disposables for the 2019-2020 school session.

### **RECOMMENDATION NO. 3**

**The Committee recommends** that the Board authorize the Child Nutrition Department to proceed with the advertisement of yearly bids (July 1, 2019, through June 30, 2020), for Milk and Milk Products; Fruit Juice; Fresh Fruits and Vegetables; and Supplies and Disposables for the 2019-2020 school session.

Superintendent Martin addressed the Committee regarding transfer of Terrebonne Parish Library-Gibson Branch located on Gibson Elementary School campus from the Terrebonne Parish Consolidated Government to the Terrebonne Parish School Board (attached).

Mr. Devlin Aubert, Supervisor of Transportation, addressed the Committee regarding the installation of upgraded DVR systems in school buses.

Mr. Curtis Constrantiche, Purchasing Agent, addressed the Committee regarding the purchase of one (1) Maintenance Department truck and one (1) Maintenance Department van, funds to be derived from previously budgeted funds in the General Operating Fund.

Mr. Michael LaGarde entered the meeting, at this time.

Mr. Danny Hebert, P.E., dba Civil and Environmental Consulting Engineers, addressed the Committee regarding a construction update of artificial turf installation at Terrebonne and South Terrebonne High School Stadiums.

Mr. Merlin Lirette, AIA, CEFP, The Merlin Group, Ltd., addressed the Committee regarding a construction update of the Mulberry Elementary School addition (attached).

Mr. Lirette addressed the Committee regarding a construction update of the new Southdown Elementary School (attached).

Mr. Sammy Poiencot, Plant Operations Manager, addressed the Committee regarding maintenance updates.

There being no further business to come before the **Buildings, Food Service, and Transportation Committee**, the meeting was adjourned at 5:56 P.M.

Respectfully submitted,

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Gregory Harding, Chairman

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Roger Dale DeHart

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Clyde Hamner, Ad-hoc Member

SP/bp

Motion of Mrs. Benoit, seconded by Mrs. Solet, unanimously carried, the Board accepted the lowest bids received, meeting all specifications, on Kitchen Equipment from Michael Blanchard, Inc., Houma, LA, in the amount of \$43,357.00; Richard's Restaurant Supply, Houma, LA, in the amount of \$321,218.12; Lafayette Restaurant Supply, Inc., Lafayette, LA, in the amount of \$56,936.00; and Alack Refrigeration Co., Inc., Lafayette, LA, in the amount of \$60,492.60; funds to be derived from the Child Nutrition Program Fund.

Motion of Mrs. Benoit, seconded by Mrs. Solet, unanimously carried, the Board authorized the Child Nutrition Department to proceed with the advertisement of six month bids (July 1, 2019, to December 31, 2019), for Meats and Frozen Items, and Canned and Dry Goods for the 2019 fall school session.

Motion of Mr. DeHart, seconded by Mr. Hamner, unanimously carried, the Board authorized the Child Nutrition Department to proceed with the advertisement of yearly bids (July 1, 2019, through June 30, 2020), for Milk and Milk Products; Fruit Juice; Fresh Fruits and Vegetables; and Supplies and Disposables for the 2019-2020 school session.

The report of the Buildings, Food Service, and Transportation Committee meeting was concluded, and President Benoit reassumed the Chair.

The following report of the Education, Technology, and Policy Committee meeting was presented to the Board with Dr. Trahan, chairwoman, presiding:

Dear Members of the Board:

**The EDUCATION, TECHNOLOGY, and POLICY COMMITTEE** met on Monday, January 28, 2019, at 5:00 P.M. in the Board Room of the School Board Office with the following members present: Dr. MayBelle Trahan, chairwoman, Mr. Matthew Ford, vice chairman, and Mrs. Debi Benoit. Also in attendance were Mrs. Stacy Solet, Board vice president, Mr. Michael LaGarde, Mr. Clyde Hamner, Mr. Philip Martin, Superintendent, Mr. Bubba Orgeron, Assistant Superintendent, and members of the staff.

Chairwoman Trahan called the meeting to order. The meeting began with the invocation and Pledge of Allegiance to the Flag.

Mrs. Becky Breaux, Chief Financial Officer, presented recent legislative changes to policy File: D-3.3 Tax and Bond Elections and Sales (attached *Policy Alert*).

#### **RECOMMENDATION NO. 1**

**The Committee recommends** that the Board approve, as presented, revised policy File: D-3.3 Tax and Bond Elections and Sales:

**FILE: D-3.3**  
**Cf: D-2.1, D-3.1**

## TAX AND BOND ELECTIONS AND SALES

### TAX AND BOND ELECTIONS

The School Board shall call elections for the public to vote on tax or bond revenue issues. Every bond, tax, or other election at which a proposition or question is to be submitted to the voters shall be held only on one of the dates set forth by state law or upon proper application to and approval of the State Bond Commission on a date not provided by statute. The proposition placed on the ballot submitted to the voters in any bond election shall state the kinds and sources of revenues which shall be pledged to retire the bonds, should the proposition be successful.

Public notice of the date, time, and place of any meeting at which the School Board intends to ~~levy~~ **propose**, increase, or renew any ad valorem property tax or sales and use tax, ~~and~~ ~~or~~ authorize the calling of an election for submittal of such question to the voters shall be both published in the official journal of the School Board no more than sixty (60) days nor less than ~~thirty (30)~~ **twenty (20)** days before such public meeting and shall be announced to the public during the course of a public meeting no more than sixty (60) days nor less than ~~thirty (30)~~ **twenty (20)** days before such public meeting.

If such a meeting is postponed or cancelled, notice of any subsequent meeting to consider taking action regarding property or sales taxes shall be published in the School Board's official journal no less than ten (10) days before the subsequent meeting.

If consideration of or action upon the tax proposal is postponed, or if no action was taken regarding the tax proposal, then ~~notice of any subsequent meeting to consider the tax proposal shall be~~ **subject to the provisions of paragraph two above** ~~published no less than ten (10) days before the subsequent meeting, unless the date, time, and place of the subsequent meeting was announced to the public during the meeting.~~

On the date and at the hour and place specified in the notice of election, the Board, in public session, shall examine and canvass the returns and declare the result of the elections. The result shall be promulgated by one publication in the official journal of the Board.

### SALE OF BONDS

~~If approved by the electorate, the School Board shall adopt a resolution providing for the issuance of school bonds within a particular bonding district. Said issuance of bonds shall prescribe the form and fix the maturities thereof, and provide for the payment of said bonds in principal and interest.~~

**After an election authorizing the School Board issuance of bonds, the School Board may proceed to issue the bonds within the parameters approved by the electors. The School Board shall have the authority to adopt all procedures necessary for the authorization, sale, and delivery of bonds, including the right to enter into all contractual arrangements as may be necessary to effectuate the purpose for which the bonds are being issued under terms determined by the School Board.**

**Bonds issued may be sold at a public or private sale upon such terms, in the manner and by following such procedures as may be determined by the School Board. No bond issued shall be required to be registered with the**

**secretary of state or any other office or official.**

All bonds shall be advertised for sale on sealed bids, which advertisement shall be published at least once a week for three (3) weeks, the first publication to be made at least fifteen (15) days preceding the date fixed for the reception of bids. Advertisement shall be in the official journal of the governing authority at least fifteen (15) days before the date fixed for the reception of bids. Notice of sale shall also be published once a week for three (3) weeks preceding the date fixed for the reception of bids, either in a financial paper published in the city of New York or the city of Chicago, or in a newspaper of general circulation published in a city of the state of Louisiana having a population of not less than twenty thousand inhabitants, according to the last federal census.

~~The School Board may reject any and all bids. If the bonds are not sold pursuant to the advertisement, they may be sold by the School Board by private sale, within sixty (60) days after the date advertised for the reception of sealed bids, but no private sale shall be made at a price less than the highest bid which shall have been received. If not sold, the bonds shall be re-advertised in the manner prescribed above.~~

Revised: July 1998

Revised: August 2011

Revised: October 2013

**Revised: January 2019**

Ref: Constitution of Louisiana, Art. VI, Sec. 30, Sec. 33; La. Rev. Stat. Ann. §§18:1281, 18:1282, 18:1283, 18:1284, 18:1285, 18:1286, 18:1293, **39:503, 39:505, 39:521**, 39:570, 39:1421, 39:1422, 39:1423, 39:1424, 39:1424.1, 39:1425, 39:1426, 39:1427, 39:1428, 39:1429, 42:19.1; Board minutes, 7-21-98, 8-16-11, 10-15-13, **2-5-19**.

Mrs. Breaux presented recent legislative changes to policy File: D-7.4 Purchasing (attached *Policy Alert*).

**RECOMMENDATION NO. 2**

**The Committee recommends** that the Board approve, as presented, revised policy File: D-7.4 Purchasing:

**FILE: D-7.4**  
**Cf: B-16, D-6.1**  
**Cf: D-74a, D-7.4b**

**PURCHASING**

All purchasing for the school system to be paid from Terrebonne Parish School Board funds shall be made by the Superintendent or his/her designee in conformance with existing regulations and procedures of the School Board and the laws pertinent to state and federal agencies. Budget allocations for specific purposes shall constitute advance School Board approval for all purchases except in such cases as state law or School Board policy may require. No debt shall be contracted in the name of the Terrebonne Parish School Board without action by the School Board except those items which are provided for in the regular budget. No obligations shall be incurred except those approved by the Superintendent of Schools or his authorized agent. Purchases shall be made at the lowest possible cost to the school system consistent with the system specifications of quality and service. The Terrebonne Parish School Board shall not be responsible for

unauthorized purchases made by school personnel.

Each principal shall assure that purchases by the individual school shall be made in accordance with applicable state and federal law, and administrative regulations and procedures developed by the Superintendent and staff ~~and the laws pertinent to state and federal agencies.~~

No employee, officer, or agent of the Terrebonne Parish School Board shall participate in the selection, award, or administration of a contract or purchase of supplies, materials, and equipment if a conflict of interest, real or apparent, would be involved. Terrebonne Parish School Board employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. All purchasing shall comply with the U.S. Department of Education *General Administrative Regulations* (EDGAR), the *Louisiana Public Bid Law*, the *Louisiana Code of Governmental Ethics*, the *Louisiana Procurement Code*, and applicable state or federal regulations, as applicable.

#### PROCUREMENT METHOD

Depending on the funding source and purchase amount, the following procurement methods shall be used:

<b>Procurement Methods</b>	<b>Federal Requirement Uniform Grants Guidance Section 200.320</b>	<b>State Requirement Title 38 La. Bid Law R.S. 38:2212.1</b>	<b>State Requirement Title 39 La. Procurement Code R. S. 39:1551-173655 <u>Executive Order: JBE 2017-18</u></b>	<b>Action required</b>
<b>Micro Purchases</b> (new method)	Purchases less than <del>\$3,500 per Federal Acquisition Regulations at 48 CFR 2.101**</del> <b><u>\$10,000</u></b>  No competitive process required.	Purchases less than \$1,000  No competitive process required.	Purchases less than \$5,000  No competitive process required.	<b>Title 38</b> - Follow more restrictive state requirement. <b>Title 39</b> - Follow more restrictive <del>federal</del> <b>state</b> requirement.
<b>Small Purchases</b> (informal)	\$3,500 - \$150,000 <b><u>\$10,000- \$250,000</u></b>  Price or rate quotation from adequate number of qualified sources.	\$1,000-\$10,000  3 or more quotes suggested but not required.	Purchases less than \$5,000  No competitive process required.	<b>Title 38</b> - Follow more restrictive state requirement. <b>Title 39</b> - Follow more restrictive <del>federal</del> <b>state</b> requirement.
		\$10,000-\$30,000  Solicit 3 or more quotes.	\$5,000-\$15,000  Solicit 3 or more quotes.	<b>Title 38 and Title 39</b> Align with federal requirement.
			\$15,000-\$25,000  Solicit 5 or more quotes.	<b>Title 39</b> - Follow more restrictive state requirement.
<b>Sealed Bids</b> (formal advertising)	Exceeding <del>\$150,000</del> <b><u>\$250,000</u></b>  Publicly bid and award to lowest responsible	Materials and Supplies Exceeding \$30,000  Public Works Exceeding	Exceeding \$25,000  Refer to LA Procurement Code (R.S. 39:1551-173655)	<b>Title 38</b> - Follow more restrictive state requirements for <del>materials and supplies; use</del> <b>more restrictive</b>

	bidder.	<del>\$152,400</del> <b><u>\$154,450</u></b>  Publicly bid and award to lowest responsible bidder.		federal requirements for public works. <b>Title 39</b> - Follow more restrictive state requirements.
<b>Competitive Proposals</b>	Exceeding <del>\$150,000</del> <b><u>\$250,000</u></b>  Request for Proposal from adequate number of sources; must have written method for selecting recipients.	Materials and Supplies Exceeding \$30,000  Public Works Exceeding <del>\$152,400</del> <b><u>\$154,450</u></b>  Publicly bid and award to lowest responsible bidder.	Exceeding \$25,000  Refer to LA Procurement Code (R.S. 39:1551-1736 <b><u>55</u></b> )	<b>Title 38 and Title 39</b> Follow more restrictive state requirements.
<b>Noncompetitive Proposals – Sole Source Purchases</b>	Sole source purchases are appropriate only under the circumstances listed below. These circumstances must be adequately documented.  1. The item procured is only available from a single source; 2. The purchase is in response to a public emergency that will not permit a delay resulting from the competitive process; 3. The purchase is expressly authorized by awarding or pass-through agency in response <b>to written request</b> from the School Board; or 4. After soliciting a number of sources competition is deemed inadequate. Process must be adequately documented.			
Note:	<del>** Refer to 48 CFR Subpart 2.101 to identify the current micro-purchase threshold designated by the Federal Acquisition Regulations (FAR) which is subject to adjustment due to inflation.</del>			

The School Board may choose, by resolution, to adopt the *Louisiana Procurement Code* in part or in its entirety. The School Board may also purchase from vendors with state contracts that have been pre-approved by the *Office of State Procurement (OSP)*.

#### USE OF FEDERAL FUNDS

Procurement of materials and supplies made when using federally generated funds shall follow the appropriate procurement method, as summarized in the above chart.

#### Solicitations from Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

When spending federal funds, the Terrebonne Parish School Board shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used, when possible. Affirmative steps shall include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which

encourage participation by small and minority businesses and women's business enterprises;

5. Using the services and assistance, as appropriate, of such organizations as the Louisiana Economic Development Agency, and Small Business Administration and the Minority Business Development Agency of the United States Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs 1 through 5 of this section.

#### Exclusion or Rejection of Quotes or Bids

A contract award or a purchase made with federal funds shall not be made to parties listed on the government-wide exclusions in the *System for Award Management* maintained by the U.S. Government, which contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority.

#### USE OF STATE FUNDS

Procurement of materials and supplies, when using state or locally generated funds, shall follow the procurement method as summarized in the above chart. As noted in the chart, the procurement method may be dependent on whether the School Board has adopted the provisions of Title 38 or Title 39 of the Louisiana Statutes as it pertains to the actual purchase.

#### Financing Purchases

The School Board may finance the purchase of equipment or other movable property to be used by the School Board by entering into an installment sale, lease, or similar agreement with any lender or other person. Such agreement shall be subject to approval of the State Bond Commission in accordance with statutory provisions. No individual school or employee shall obligate the School Board without proper school system personnel knowledge and approval.

#### Use of State Contract

If equipment, materials or supplies are available from a State of Louisiana Contract, the Superintendent and/or his/her designee may approve the purchase without using one of the purchasing procedures outlined in statutory provisions, if advantageous to the School Board.

The School Board may also *piggyback*, or purchase materials and supplies, on valid contracts of other political subdivisions. In doing so, the School Board shall obtain documentation from the other agency that clearly demonstrates the contract was previously bid and is a viable contract. The price paid by the School Board shall be the same as the contract's bid price.

#### Louisiana Procurement Code

State law authorizes School Boards to adopt all or any part of the *Louisiana Procurement Code* as contained in state statutes (La. Rev. Stat. Ann. §39:1551-39:1755). For proper and efficient operations, the Terrebonne Parish School Board may adopt, by resolution or otherwise, pertinent provisions of the *Louisiana Procurement Code*, accompanying



administrative regulations as promulgated in the *Louisiana Procurement Code*, as well as guidelines and policies issued by the state's Office of State Purchasing, relevant to the procurement of materials, supplies, merchandise, and other types of property.

#### SOLE SOURCE PROVIDER

The School Board may award a contract for the purchase of supplies, services, or major repairs without competition when the Superintendent or designated employee has determined, in writing, that there is only one source for the supply, service, or major repair item(s) to be acquired. Pertinent procedures for purchasing such items from a sole source shall be as outlined in the State of Louisiana Office of State Purchasing's *Purchasing Rules and Regulations*, **and as noted at the bottom of the Procurement Method Chart included above.**

#### Qualified Group Purchasing Organizations

A *qualified group purchasing organization* means an organization, whether for profit or not for profit, of which two (2) or more public school districts are members and which solicits proposals or bids from vendors of ~~services~~, materials, equipment, or supplies of the type and nature as may be purchased by a public school district or public school.

**As provided in La. Rev. Stat. Ann. §38:2212.1**, the School Board may enter into an agreement with: (A) one or more School Boards to form a qualified group purchasing organization; or (B) one or more qualified group purchasing organizations for the purchase of ~~services~~, materials, equipment, and supplies, including installation thereof. Any such agreement shall require that the qualified group purchasing organization submit a price list for those materials, **equipment**, and supplies offered by it and that the prices quoted on the list remain in effect for a stated period of time of not less than three (3) months. Any such price list shall be considered, for all purposes, to be a valid and binding bid by the qualified group purchasing organization during the effective period of the agreement, and no additional bid by the qualified group purchasing organization is necessary.

The School Board may purchase **materials**, equipment, **or supplies directly** from **or through** a qualified group purchasing organization if the price for ~~such equipment~~ is less than that for the same or substantially similar **materials**, equipment, **or supplies** on the state **contract or** bid list.

#### Competitive Online Solicitation

The School Board may use a *reverse auction* or *competitive online solicitation process* on the Internet for the purchase of equipment, supplies, and other materials, in lieu of the more formal bid process, when the School Board's procurement officer determines that the electronic bidding is more advantageous and in the best interests of the School Board.

Prior to the use of a competitive online solicitation process, the School Board may require that:

1. Vendors register before opening dates and time, and as part of the registration, require that the vendors agree to any terms and conditions and other requirements of the solicitation.
2. Vendors be prequalified prior to placing bids and allow only bidders who are prequalified to submit bids.

3. The solicitation shall designate an opening date and time and the closing date and time. The closing date and time may be fixed or remain open depending on the structure of the item being bid.
4. At the opening date and time, the School Board shall begin accepting online bids and continue accepting bids until the bidding is officially closed. Registered bidders shall be allowed to lower the price of their bid below the lowest bid posted on the Internet until the closing date and time.
5. Bidders' identities shall not be revealed during the bidding process; only the successively lower prices, ranks, scores, and related bid details shall be revealed.
6. All bids shall be posted electronically and updated on a real-time basis.
7. The School Board shall retain the right to cancel the solicitation if it determines that it is in the School Board's best interest.
8. The School Board shall retain its existing authority to determine the criteria that will be used as a basis for making awards.

Adequate public notice for purchases using a reverse auction or competitive online solicitation process shall be given as follows:

1. The advertisement or notice shall be published two (2) times in a newspaper in the locality, the first advertisement to appear at least fifteen (15) days before the opening date of the reverse auction. In addition to the newspaper advertisement, the School Board may also publish an advertisement by electronic media available to the general public.
2. The first publication of the advertisement shall not occur on a Saturday, Sunday, or legal holiday.

#### LOCAL PREFERENCE

To the extent possible, when purchasing with state or locally-generated funds, all things being equal, purchases of school supplies, equipment, insurance, candy, soft drinks, etc., shall be made from dealers whose firms are located in the Parish of Terrebonne, both by individual schools and by the Terrebonne Parish School Board.

To the extent possible, when purchasing with state or locally-generated funds, all things being equal, local firms shall be given preference in the awarding of contracts for construction or maintenance work. All firms awarded contracts to perform work for the Terrebonne Parish School Board shall be urged and encouraged to employ local labor, when possible.

#### VENDORS

The School Board shall seek business and bids from all eligible vendors, regardless of race, creed, color, sex, national origin, age or handicap. No favoritism shall be extended to any vendor. Each order shall be placed on the basis of quality, price and delivery; past services being a factor if all other considerations are equal.

No person officially connected with or employed by the School Board shall be an agent for, or have any pecuniary or beneficial interest in or receive any compensation or reward from any vendor for the sale of supplies, materials, equipment, services, or public works contracts.

No employee of the School Board shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any vendor representative or agent of a vendor, or a prospective vendor or contractor.

Vendors may set up an appointment to see the principal with written prior approval from the Superintendent/designee. The principal may present the information to the appropriate school staff member. If the school staff member wishes to set up an appointment with the vendor to discuss products offered, he or she may do so.

Revised: June 1998

Revised: November 1999

Revised: November 2001

Revised: December 2011

Revised: February 2015

Revised: December 2016

Revised: August 2017

**Revised: January 2019**

Ref: 2 CFR 200 (*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*), 48 CFR 2.101 (*Definitions*); La. Rev. Stat. Ann. §§33:4712.7, 38:2211, 38:2212, 38:2212.1, 38:2214, 38:2218, 38:2219, 38:2271, 39:1551, 39:1552, 39:1553, 39:1554, 39:1554.1, 39:1556, 39:1557, 39:1558, 39:1597, 39:1710; Board minutes, 3-20-79, 4-21-79, 11-15-83, 10-9-84, 8-6-85, 11-18-86, 2-19-91, 7-7-98, 11-20-01, 12-20-11, 2-10-15, 12-06-16, 9-5-17, **2-5-19**.

Mrs. Sandra LaRose, Supervisor of Elementary/Middle Education, presented recent legislative changes to policy File: H-2.3b Student Assignment to Classes (attached *Policy Alert*).

### **RECOMMENDATION NO. 3**

**The Committee recommends** that the Board approve, as presented, revised policy File: H-2.3b Student Assignment to Classes:

**FILE: H-2.3b**

**Cf: H-2.3a**

### **STUDENT ASSIGNMENT TO CLASSES**

Student assignments in K through 8 will be made by the principal of the school. The placement of a student shall be based on grades, achievement test scores, and participation in special programs and made in accordance with the *Terrebonne Parish Pupil Progression Plan*.

#### **High School**

Selection of courses of study in grades 9 through 12 shall be made by individual students. Assistance in planning course of study and selection of classes shall be provided by teachers, counselors, and administrators. Each student shall be furnished a schedule of classes offered and requirements for graduation. Some classes may have prerequisites for enrollment.

#### **Multiple Siblings**

In grades kindergarten through second grade, the parent of twins, triplets, etc. (more than one child at a single birth event) may request that their

children be placed initially in the same or separate classrooms, if the children are in the same grade at the same school. Such a request shall be presented to the Superintendent or his/her designee no later than fourteen (14) days either after the first day of the school year or after the first day of attendance if the child enrolls after the fourteenth day of the school year. Notwithstanding any law, rule, regulation, or School Board policy to the contrary, the request of the parent for initial placement shall be granted subject to further review.

As soon as possible after the end of the student's first grading period, the Superintendent or his/her designee shall review the initial placement of the child. If the Superintendent or his/her designee, in consultation with the school principal, the child's(ren's) teacher(s), and the parent, determines that the initial placement of the children is disruptive to the school or is not in the best educational interests of the child(ren), the initial placement of the child shall be modified, and the child(ren) shall be placed in accordance with School Board policy otherwise applicable to the child(ren).

### **Teachers with Felony Convictions**

**At the request of a student's parent or legal guardian, a student shall be removed from the class of any teacher who has a felony conviction and placed in another class.**

New policy: April 1999

Revised: November 2008

**Revised: January 2019**

Ref: La. Rev. Stat. Ann. §§17:81, 17:101, 17:104, 17:104.1, 17:221.2, 17:221.5; Board minutes, 4-20-99, 11-18-08, **2-5-19**.

Dr. Debra Yarbrough, Supervisor of Personnel, presented recent legislative changes to policy File: F-4.1 Sexual Harassment (attached *Policy Alert*).

### **RECOMMENDATION NO. 4**

**The Committee recommends** that the Board approve, as presented, revised policy File: F-4.1 Sexual Harassment:

**FILE: F-4.1**  
**Cf: F-4, H-1, H-4.5**

### **SEXUAL HARASSMENT**

The Terrebonne Parish School Board recognizes that sex and gender discrimination is unlawful. In particular, Title IX of the Education Amendment prohibits discrimination on the basis of sex for all education programs that receive federal funding. State criminal laws, as well as civil law, such as laws against child abuse, all prohibit sexual harassment.

The Terrebonne Parish School Board is committed to maintaining a school system that is fair and respectful for all. Therefore, the Terrebonne Parish School Board prohibits such harassment by School Board members, administrators, certified and non-certified personnel, students, vendors, and any others having business or other contact with the school system.

All administrative and supervisory personnel shall investigate all complaints, either formal or informal, verbal or written, of sexual harassment and shall discipline any person who sexually harasses a student or employee. Failure

to enforce this policy in a prompt and strict manner may subject such administrative and supervisory personnel to disciplinary action.

Persons found in violation of this policy will be subject to discipline, including, but not limited to, reprimand, probation, demotion, suspension, or termination, or other sanction as determined appropriate by the School Board.

#### DEFINITION

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other sexual conduct, either verbal or physical, when:

1. Submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, or participation in school program or activities; or
2. Submission to or rejection of such advances, requests or conduct is used as a basis for employment or education decisions affecting the individual; or
3. Such advances, requests, or conduct have the effect of interfering with an individual's professional or academic performance or creating an intimidating, hostile, or otherwise offensive academic or work environment.
  - A. Sexual harassment, as defined above, may include, but is not limited to, the following:
    - 1) Verbal harassment such as derogatory comments, jokes, slurs;
    - 2) Physical harassment such as unnecessary or offensive touching, cornering, patting, or pinching;
    - 3) Visual harassment such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, looks, or gestures;
    - 4) Demands for sexual favors accompanied by implied or overt threats concerning an individual's employment or education status; or
    - 5) Demands for sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.

The harassment may be gender specific, but non-sexual in nature. Such harassment includes statements based on gender stereotypes and behavior which interferes with an employee's work or with a student's academic progress.

#### REPORTING AND INVESTIGATING PROCEDURES

1. An employee who believes he or she has been the victim of sexual harassment shall report the alleged acts to his or her immediate supervisor. If the employee believes that the immediate supervisor is the source of the harassment, he or she shall report to the next higher level administrator on the chain of command.

2. Any student who alleges sexual harassment by a student or staff member in the school district may complain directly to a teacher, guidance counselor, or administrator. Any school employee who receives a report of alleged sexual harassment shall immediately report the same to the school principal or the immediate supervisor, and the principal or immediate supervisor shall immediately investigate the allegations. Failure by an employee to do so may subject the employee to disciplinary action.
3. All complaints of sexual harassment must be investigated immediately and with due regard for impartiality and confidentiality **utilizing the procedures outlined in policy F-12.3, Investigations. The investigation may also include personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint, as well as a review of related charges, if any, personnel files, work records and other pertinent information.**

Failure to maintain confidentiality will result in disciplinary action.

4. All individuals involved in the alleged incident must be notified that an investigation is being conducted. The investigating supervisor shall meet with the complainant and the alleged offender either separately or together as the circumstances dictate. Both parties shall have the right to representation at all levels of the investigation.
5. In determining whether alleged conduct constitutes sexual harassment, the investigator shall consider the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred.
6. If necessary, immediate steps may be taken to protect the complainant pending completion of an investigation of alleged sexual harassment.
7. No reprisals or retaliation shall be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
8. All supervisors shall follow up within one month and again in three months of any reported incident of sexual harassment to determine whether the victim has been subject to any further forbidden conduct.

#### **RETALIATION PROHIBITED**

**The Superintendent shall discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation shall include, but not be limited to, any form of intimidation, reprisal or harassment at the time of a report or any time after a report.**

#### **NON-HARASSMENT**

**The School Board recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. Deliberate false accusations of sexual harassment can have**

**a serious detrimental effect on innocent parties and subject the accuser to disciplinary actions.**

### **SEXUAL HARASSMENT AS SEXUAL ABUSE OR CRIMINAL ACTIVITY**

**Under certain circumstances, sexual harassment of a student may constitute sexual abuse under the Louisiana Children's Code. In such situations, School Board personnel become mandatory reporters and shall comply with Article 609(A) of the Louisiana Children's Code and directly report the sexual abuse to the Child Protection Unit of the Louisiana Department of Social Services. Also, activity of a criminal nature should be reported by the victim to local law enforcement.**

### **TRAINING REQUIREMENT**

**Each School Board employee shall receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of his/her employment.**

### **NOTIFICATION**

Notification of this policy will be circulated ~~to~~ and posted in all schools and departments of the Terrebonne Parish School System and incorporated in staff and student handbooks. ~~Training sessions on this policy and prevention of sexual harassment shall be held for teachers and students in all schools on an annual basis.~~

### **RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

This policy does not deny the right of any individual to pursue other avenues of recourse which may include initiating civil action or seeking redress in state or federal courts.

Revised: April 1996

Revised: June 1996

**Revised: January 2019**

Ref: 42 USC 2000e et seq. **(Civil Rights Act of 1964)**; 29 CFR §1604.11 **(Guidelines on Discrimination Because of Sex)**; La. Rev. Stat. Ann. §§**14:41, 14:42, 14:42.1, 14:43, 14:81.4, 17:81, 23:967, 42:431, 42:432, 42:343, 42:344; La. Civil Code, §2315**; Board minutes, 4-23-96, 6-18-96, **2-5-19.**

Dr. Yarbrough presented recent legislative changes to policy File: F-9.3 Recruitment (attached *Policy Alert*).

### **RECOMMENDATION NO. 5**

**The Committee recommends** that the Board approve, as presented, revised policy File: F-9.3 Recruitment:

**FILE: F-9.3**  
**Cf: F-9.4, F-10.4**

### **RECRUITMENT**

The Terrebonne Parish School Board shall make a concerted effort to recruit the best qualified applicants available. When vacancies occur in existing positions or when new positions are created, and such positions are not filled

by transfer of qualified personnel, the Superintendent or his/her designee shall post notice of the vacancy and shall have the discretion to advertise for certain positions when circumstances warrant.

No individual shall be rejected for any position because of the applicant's age.

When filling vacancies in positions of authority or those with policymaking duties, the Superintendent or his/her designee shall not utilize only oral contacts and interviews of applicants considered, or use any other means to circumvent the provisions of state statute. Nothing, however, shall prohibit oral contact prior to a person becoming an applicant or shall prohibit oral contact which may result in a written application or other documents.

### APPLICATIONS

Applications submitted for any vacancy shall be retained by the personnel department.

Disclosure of Information by Applicant (*Information moved from policy F-9.4 Employment of Personnel*)

As part of the application process, 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 the Louisiana Board of Elementary and Secondary Education (BESE), and outlined in the *Louisiana Handbook for School Administrators*, Bulletin 741, committed by the applicant, if any, if such employer is/was a city, parish, or other local public School Board.
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.

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, through its Superintendent or his/her designee, 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 Superintendent, or principal, with the approval of the Superintendent, may employ any applicant on a conditional basis pending a review of any information obtained pursuant to this request. Permanent employment shall



not occur until the information has been satisfactorily verified. However, in accordance with statutory provisions, the Superintendent shall not hire any applicant who does not sign the release of information statement as required by law.

Any information obtained by the School Board as a result of the signed release statement and request outlined above shall be used by the Superintendent *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, as part of the application process, the School Board shall request the applicant's performance evaluation results, if applicable. The applicant, once the evaluation results have been received, shall be given an opportunity to review the information received and provide any response or information the applicant deems appropriate.

Finally, 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.

#### Disclosure of Applicant's Records

The name of each applicant for certain positions of authority or those with policymaking duties, the qualifications of such an applicant, and any relevant employment history or experience of such an applicant shall be available for public inspection, examination, copying, or reproduction as provided for in the statutory provisions governing public works.

#### Bus Operators

All persons, prior to employment as a bus operator with the School Board, shall fill out an application form. Each applicant shall complete all prerequisites required by law and Bulletin 119, *Louisiana Student Transportation Specifications and Procedures*, before he/she shall be considered for employment as a bus operator or substitute bus operator.

Upon completion of the prerequisites, the applicant's valid application shall be filed in the personnel department for consideration of employment to fill vacancies as they occur. All applications shall be validated each year.

#### CRIMINAL HISTORY OF APPLICANTS

The Terrebonne 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 **Every** prospective employee shall be required to provide authorization for the disclosure of any information regarding past criminal activities, including arrests, convictions, having pled nolo contendere, or other dispositions, including dismissal of convictions, of any criminal offense, in accordance with La. Rev. Stat. Ann. §15:587.

A standard applicant fingerprint card acceptable to the Louisiana Bureau of Criminal Identification and Information 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. 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.
2. ~~No~~ **A** person who has been convicted of or has plead *nolo contendere* to crimes listed in La. Rev. Stat. Ann. §15:587.1 shall **not** be hired as a ~~teacher, substitute teacher, bus operator, substitute bus operator, or janitor, or as a temporary, part-time, or permanent school employee of any kind.~~

**A. The School Board may hire a person as an administrator, teacher, or substitute teacher who has been convicted of or plead nolo contendere to a felony not listed in La. Rev. Stat. Ann. §15:587.1(C), who has been found to have submitted fraudulent documentation to the Louisiana Board of Elementary and Secondary Education (BESE) or the Louisiana Department of Education (LDOE) as part of an application for a Louisiana teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment if BESE properly issues a teaching certificate or authorization after a formal appeal request submitted by the person.**

**B. The School Board may reemploy an administrator, teacher, or other school employee who has been dismissed for conviction of a crime, except a crime listed in La. Rev. Stat. Ann. §15:587.1(C) only upon written approval of the district judge of the parish and district attorney, or upon written documentation from the court in which the conviction occurred stating that the conviction has been reversed, set aside, or vacated. Such statement of approval from the judge and district attorney and any written documentation from the court shall be kept on file and produced upon request by law enforcement.**

**No later than thirty (30) days after the documentation is placed on file by the school, the school principal shall submit a copy of said documentation from the court to the Louisiana Superintendent of Education.**

- ~~3. Every such prospective employee 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, subject to the approval of the Superintendent.~~
- ~~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 review 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. A teacher or any other School Board employee shall report any final conviction or plea of guilty or *nolo contendere* to any criminal offense, excluding traffic offenses, to the School Board within forty-eight (48) hours of conviction or plea.~~
- ~~8. The Superintendent, or principal with the approval of the Superintendent, 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.~~

New policy: September 1998

Revised: September 2012

Revised: February 2018

**Revised: January 2019**

Ref: La. Rev. Stat. Ann. §§15:587, 15:587.1, 17:15, 17:24.2, 17:81, 17:81.9, 17:83, 17:430, 17:3884, 23:291, 42:1119, 44:12.1, 44:31, 44:31.1, 44:32, 44:33, 44:34; La. Children's Code, Art. 603, 606; Board minutes, 9-15-98, 9-18-12, 3-6-18, **2-5-19**.

Dr. Yarbrough presented recent legislative changes to policy File: F-9.4a Employment of Retired Certified Personnel (attached *Policy Alert*).

### **RECOMMENDATION NO. 6**

**The Committee recommends** that the Board approve, as presented, revised policy File: F-9.4a Employment of Retired Certified Personnel:

**FILE: F-9.4a**  
**Cf: F-9.1, F-10.4a**

### **EMPLOYMENT OF RETIRED CERTIFIED PERSONNEL**

The Superintendent, or principal, with the approval of the Superintendent, may employ retired employees under certain conditions; however, an employee whose retirement has been accepted shall not be guaranteed any position/employment with the Terrebonne Parish School Board.

#### CERTIFIED PERSONNEL

Certified personnel who are members of the *Teachers' Retirement System of Louisiana* (TRSL) who have retired and are rehired shall be designated as either a *retired teacher* or *retired member*, as provided below:

#### Retired Teachers

A *retired teacher* is:

1. A person reemployed in a reemployment-eligible position, specifically:

A. *Reemployment-eligible critical shortage position or critical shortage position* which shall include any of the following:

- (1) A position for a full-time or part-time classroom teacher who teaches any student in **pre**-kindergarten through twelfth grade in a school where a critical shortage exists.
- (2) A position for a full-time certified speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, or school counselor, **school psychologist, interpreter, educational transliterator, or educator of the deaf or hard of hearing**, whose position of employment requires a valid Louisiana ancillary certificate approved and issued by the Louisiana Department of Education where a critical shortage exists.

B. *Reemployment-eligible position* which shall include:

- (1) A position for a substitute classroom teacher who teaches any student in pre-kindergarten through twelfth grade.
- (2) A position assigned to the professional activities of instructing adults through an adult education or literacy program administered through a public institution of elementary or secondary education, provided the retiree has a valid Louisiana teaching certificate.

**(3) A position for a school nurse.**

**(4) A position for a presenter or professional development training.**

**(5) A position for a tutor for any student in pre-kindergarten through twelfth grade.**

**(6) A position for a classroom teacher employed in a temporary capacity to proctor tests.**

2. A person classified as a reemployment-eligible retiree who is:

- A. A member of the TRSL who was retired on or before June 30, 2010.
- B. A retiree who holds an advanced degree in speech therapy, speech pathology, or audiology.

*Critical shortage* shall mean a situation ~~where there exists a shortage of certified teachers in a certain subject area or a shortage of certified speech therapists, speech pathologists, audiologists, educational diagnosticians, school social workers, or school counselors.~~ **in which the School Board has advertised and posted notice of positions to be filled and has received fewer than three (3) certified applicants.** Certification that a critical shortage exists shall be presented to the Louisiana Board of Elementary and Secondary Education (BESE) and the *Teachers Retirement System of Louisiana*, in order for a retiree who is employed in a critical shortage area to be eligible to receive retirement benefits.

Prior to making such certification of a critical shortage for any *full-time*

*critical shortage position*, the School Board shall be required to advertise in the School Board's official journal, on two (2) separate occasions, notice that a shortage of certified teachers exists and the positions to be filled. Additionally, the School Board shall cause notice of the shortage of certified teachers to be posted at the career development or similar office of every post-secondary institution within a 120 mile radius of the School Board. If a certified applicant who is not a retiree applies for an advertised position, such person *shall be hired* before any certified retiree is employed, unless fewer than three (3) applicants have applied for the position, each of whom is certified in the critical shortage area being filled.

*Classroom teacher* shall mean any employee whose position of employment requires a valid Louisiana teaching certificate and who is assigned professional activities of instructing pupils in courses in classroom situations for which daily pupil attendance figures are kept, or is assigned to proctor admission, evaluation, or assessment testing; however, such proctoring shall not be considered a subject area for a critical shortage. Such classroom situations may include testing in school classrooms or other settings such as homes or hospitals or other learning situations including co-curricular activities. Instruction may be provided in person or through an approved medium such as television, radio, computer, Internet, multimedia telephone, or correspondence and may be delivered inside or outside the classroom or in other teacher-student settings.

*Substitute classroom teacher* shall mean a classroom teacher employed in a temporary capacity to fill the position of another classroom teacher who is unavailable to teach or to proctor for any reason.

#### Salary of Retired Teacher

The salary of any retired teacher who is reemployed shall be based on the salary schedule which accounts for all prior years of teaching service and pertinent experience. The earnings of a retired teacher returning to active service may result in a reduction in retirement benefits received, in accordance with statutory provisions.

#### Retired Member Not Considered a Retired Teacher

A retired member not considered a *retired teacher*, who returns to active service with the School Board, shall have his/her retirement benefits suspended for the duration of reemployment, even if such employment is based on a contract, and shall make no contributions to the TRSL and shall receive no additional service credit nor accrue any additional retirement benefits.

#### Notification to TRSL

Whenever a retiree returns to active service, the School Board shall, within thirty (30) days thereafter, notify the TRSL, in writing, of such employment, the date of reemployment, and a determination as to whether the person is a *retired teacher*.

Other reports shall be submitted as required by state law.

Adopted: September 2010

Revised: October 2011

Revised: January 2013

Revised: January 2016

**Revised: January 2019**

Ref: La. Rev. Stat. Ann. §§11:710, 11:1006, 11:1007, 17:81; Board minutes, 9-21-10, 10-18-11, 1-15-13, 1-19-16, **2-5-19**.

Dr. Yarbrough presented recent legislative changes to policy File: F-10.4 Employment Non-Instructional/Support Personnel (attached *Policy Alert*).

### **RECOMMENDATION NO. 7**

**The Committee recommends** that the Board approve, as presented, revised policy File: F-10.4 Employment Non-Instructional/Support Personnel:

**FILE: F-10.4**

**Cf: F-9.4**

### **EMPLOYMENT NON-INSTRUCTIONAL/SUPPORT PERSONNEL**

The Terrebonne Parish School Board bases its employment and assignment policies on the principle that quality education can best be provided by staffing all positions in the system with the very best personnel available. Selection of personnel to fill all positions shall be based upon performance, effectiveness, and qualifications applicable to each specific position. Decisions 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.

No person shall be denied employment, reemployment, or advancement, nor shall be evaluated on the basis of sex, marital status, race, handicap, or color, creed, or national origin. Age shall be considered only with respect to minimums set by law.

### **CONDITIONS OF EMPLOYMENT**

#### 1. Experience

Experience shall not be a prerequisite for employment unless, in the opinion of the Superintendent, the position is one in which experience is required.

#### 2. Probationary Status

All new non-instructional personnel shall be employed on a probationary basis of six (6) months or as required by law or administrative regulation. A list of new non-instructional personnel employed shall be furnished to the School Board on a monthly basis.

#### 3. Pre-Employment Medical Examination

As a condition of employment, prior to receiving Terrebonne Parish School Board authorization for active employment, a person shall be required to submit to a pre-employment medical examination for his/her applicable job classification, by School Board-approved physician(s), with expenses to be paid by the School Board. The School Board may be entitled to reimbursement from an employee for the costs of such employee's or applicant's pre-employment medical examination or drug test, however, if the employee terminates the employment relationship sooner than ninety (90) working days after the first day of work or never reports to work, unless there is a

substantial change made to the employment by the School Board.

4. Criminal History Review

As a condition of employment, the prospective employee shall be required to submit to a criminal history review in accordance with La. Rev. Stat. Ann. §§15:587.1 and §17:15.

5. Disclosure of Information

As a condition of employment, the applicant must sign a statement authorizing request and release and disclosure, by current or previous employers, if a public school board, of information relative to sexual misconduct with students, in accordance with La. Rev. Stat. Ann. §17:81.9.

6. Proof of Selective Service Registration

To be eligible for employment with the Terrebonne Parish School Board, men born in 1960 or later must provide proof of registration with the Selective Service System in accordance with the Military Selective Service Act, Selective Service Regulations, and the President's Proclamation on Registration.

7. Terms of Employment

- A. Non-instructional/support personnel, who are considered non-exempt under the federal Fair Labor Standards Act, shall be provided at least a thirty (30) minute duty-free lunch break and two (2) fifteen (15) minute breaks daily.
- B. Non-instructional/support personnel, who are considered non-exempt under the federal Fair Labor Standards Act, shall not be required to work additional time unless properly compensated.
- C. All approved overtime work after regular school hours shall be offered to non-instructional/support personnel on a fair and equitable basis. When all factors are equal, opportunities for overtime work, within an employee's job classification, shall be assigned on a rotating basis according to seniority.

Overtime work for which an employee will be paid with reimbursable funds shall not be given the option of release time.

BUS OPERATORS

Whenever a school bus operator is needed to drive a new route or a route vacated by a previous operator, the school bus operator who is tenured and has acquired the greatest seniority shall be offered the opportunity to and may change from driving his/her route to the vacant route before another operator is selected. **The School Board shall notify such bus operator of the route vacancy by mail to his/her residence.** If the tenured bus operator with the greatest seniority chooses not to change to the vacant route, the route shall then be offered in order of seniority to a school bus operator who has acquired tenure.

If no tenured operator chooses to change to the vacant route, the route shall then be offered to a full-time probationary bus operator.

If no regular bus operator, tenured or probationary, chooses to change to the vacant route, then a substitute bus operator shall be selected for the position from a list of approved substitute school bus operators. If no tenured, probationary, or substitute bus operator wants the route, then a new operator shall be hired.

Whenever a school bus operator owning his/her own bus retires, a vacated route shall be offered first to any person meeting the requirements of the School Board who is willing to acquire the bus of the retiring operator at full appraised value. This provision shall be applicable only when the bus owned by the retiring operator has been manufactured within a period of five (5) years immediately prior to the operator's retirement and the operator is retiring due to a documented physical disability.

The Superintendent may select an operator to fill a vacant route using a different process than outlined above, but **only** if the School Board is required to bear an increase in the unreimbursed costs for non-passenger miles over those attributable to the previous operator who vacated the route.

Whenever a vacancy occurs on a route due to death, resignation, retirement, or the expiration of the regular operator's approved leave, or a new route is established, the route shall be filled with a regular school bus operator using the process stated above no later than the following school year unless the route is consolidated or eliminated. A substitute bus operator may only be used as a temporary measure until a permanent operator is appointed to a route.

If an operator is on approved leave, his/her route shall not be considered a vacant route. A substitute shall be used to drive a route for an operator on approved leave regardless of the length of time of the approved leave.

Substitute operators for bus routes shall have and shall meet the same qualifications as regular operators.

#### Bus Route Vacancies

Once a year all vacant routes shall be posted no later than three (3) days before bus operators' opening meetings for viewing and applying and filled before the opening of school (Excluding supplemental jobs, i.e. Voc. Ed. Runs, noon runs, Operation Move, etc. that shall be posted once a month in operators' newsletters). The supplemental vacancies shall be posted for five (5) working days. The supplemental vacancies shall be filled within ten (10) working days of closure of posting. The posting of the filled vacancies will be placed on the bulletin board and in the operators' newsletter.

Revised: October 1997

Revised: August 2003

Revised: August 2005

Revised: July 2007

Revised: October 2012

Revised: January 2018

**Revised: January 2019**

Ref: La. Rev. Stat. Ann. §§15:587, 15:587.1, 17:15, 17:81, 17:81.9, 17:84.1, 17:493.1, 17:497.3, 17:500; Board minutes, 6-19-84, 5-17-88, 1-17-89, 4-4-89, 5-17-90, 5-21-91, 7-16-91, 7-21-92, 5-18-93, 6-3-03, 7-17-07, 10-16-12, Forethought wd. revisions 1-30-18, **2-5-19**.



Dr. Yarbrough presented recent legislative changes to policy File: F-11.4 Sick Leave (attached *Policy Alert*).

### **RECOMMENDATION NO. 8**

**The Committee recommends** that the Board approve, as presented, revised policy File: F-11.4 Sick Leave:

**FILE: F-11.4**  
**Cf: F-9.16, F-11.4a**  
**Cf: F-11.4b, F-11.13**

### **SICK LEAVE**

The Terrebonne Parish School Board shall grant all employees hired for the school year or longer a minimum of ten (10) days absence per year, because of personal illness or other emergencies, without loss of pay.

Sick leave, when not used, shall be allowed to accumulate to the credit of the employee without limitation. However, upon initial employment, a *teacher* employed by the School Board shall not be allowed any sick leave until he or she reports for duty and actually performs work.

The minimum of ten (10) days of sick leave for an employee shall be based on the employee beginning work at the beginning of the school year. In the case of an employee beginning work in the first month of the school year, *ten days* sick leave shall be allowed. If an employee begins work in the second month of the school year, *nine days* of sick leave shall be allowed, and the number of days of sick leave shall continue to be prorated for an employee who begins work until the eighth month of the school year, when only *three days* of sick leave shall be allowed. The Superintendent and/or his/her designee shall be responsible for developing and maintaining pertinent regulations and procedures governing sick leave. The Executive Committee shall be authorized to award up to two (2) additional days of sick/emergency leave for reasons listed under "Sick Leave for Emergencies" below.

### **TERMINOLOGY**

Statutes governing sick leave for School Board personnel include differing provisions for different categories of employees. For purposes of this policy, the following terminology shall apply:

- A *teacher* shall mean any employee who holds a valid teaching certificate or whose employment requires the holding of a teaching certificate, or any social worker, guidance counselor, or school psychologist who holds, as applicable, a valid professional ancillary certificate.
- A *bus operator* shall mean any employee who is employed as a school bus operator.
- A *school employee* shall mean an employee who is not a teacher or a school bus operator.
- The use of the term *employee* shall include all three (3) categories of personnel.

### CERTIFICATION OF ABSENCE

An employee who is absent for six (6) or more consecutive days shall be required to present a certificate from a physician certifying such absence upon return to work. In the case of repeated absences of less than six (6) days because of illness, the School Board reserves the right to require verification of illness. Should a pattern of behavior so warrant, upon the request of the Superintendent or School Board, the employee shall be required, at the expense of the School Board, to provide a certificate from a physician specified by the Superintendent or School Board, in order to verify the existence of an illness, injury, or medical emergency.

Excuses for employee absences due to illness or injury must be provided on physician's letterhead containing the physician's name, address, and telephone number, typed, printed, or as part of the letterhead. The physician's typed or neatly printed name shall also appear beneath his/her signature. The letter must clearly state the reason for the illness or injury, date of the illness or injury, and the anticipated return-to-work date.

If an employee is absent from duty under circumstances in which he/she is not entitled to any kind of leave, such employee shall be considered to be in violation of his/her contract, and is not entitled to be paid for the days of unauthorized absence and non-performance of duties.

### SICK LEAVE FOR EMERGENCIES

Emergencies for sick leave purposes shall be defined by the School Board as:

1. The serious illness of:
  - A. Spouse
  - B. Child or spouse of child
  - C. Parents or parents of spouse
  - D. Brother, sister, brother-in-law, sister-in-law, or his/her spouse
  - E. Grandparents or grandparents of spouse
  - F. Grandchild
  - G. Aunts or uncles
  - H. A person living and being cared for under the same roof as that of the employee.
  
2. A sudden or unexpected occurrence or combination of occurrences demanding prompt action on the part of the teacher/employee requesting leave, which, if the said person fails to act promptly is likely to cause significant harm, detriment or injury to said person or to a member of his/her immediate family. This definition precludes absence in any case for which the need for action can be foreseen and planned for, or in which action can be taken by some other person, or in which the claimed emergency is not truly substantial. Such examples may include, but not be limited to the following:
  - A. Fire
  - B. Flood
  - C. Other acts of God
  
3. The death of a person other than those listed in (#1) above.
  
4. Attendance at the wedding of a relative listed in (#1) above.
  
5. Attendance of no longer than one (1) day at the employee's

graduation or the attendance at the graduation of the employee's child or spouse.

6. The marriage of an employee, up to three (3) consecutive days. The request for leave shall be submitted, in writing, to the principal/department head at least two (2) weeks before the first day of leave.

The Executive Committee shall be authorized to award up to two (2) additional days of sick/emergency leave for reasons listed above.

#### EXTENDED SICK LEAVE

The School Board shall permit employees to take up to ninety (90) days of extended sick leave in each six-year period of employment which may be used for a medical necessity at any time the employee has **no** remaining regular sick leave balance at the time the extended sick leave is set to begin. The initial six-year period of employment shall begin on August 15, 1999, for all *teachers* and *bus operators* employed as of that date, on August 15, 2008, for *school employees* employed as of that date, or on the effective date of employment for those employees employed after the dates above. All decisions relative to the granting of extended sick leave shall be made by the Superintendent.

Unused days during any six-year period of employment shall not cumulate or carry forward into the next six-year period of employment. The balance of days of extended sick leave available shall transfer with the employee from one public school employer to another without loss or restoration of days.

Interruptions of service between periods of employment with a public school employer shall not be included in any calculation of a six-year period, such that any employment with any public school employer, regardless of when it occurs, shall be included in any determination of the balance of days of extended sick leave available to the employee.

Any employee on extended sick leave shall be paid **sixty-five percent (65%)** of the salary paid the employee at the time the extended sick leave begins.

#### Definitions

*Child* means a biological son or daughter, an adopted son or daughter, a foster son or daughter, a stepson or daughter, or a legal ward of an employee standing in *loco parentis* to that ward who is either under the age of eighteen (18) or who is eighteen (18) years of age but under twenty-four (24) years of age and is a full-time student, or who is nineteen (19) years of age or older and incapable of self-care because of a mental or physical disability.

*Immediate family member* shall mean a spouse, parent, or child of the employee.

*Infant* means a child under one year of age.

*Medical necessity* shall be the result of a catastrophic illness or injury, a life-threatening, chronic, or incapacitating condition, as certified by a physician, of the employee or a member of his/her immediate family.

*Parent* means the biological parent of an employee or an individual who stood in *loco parentis* to the employee.

### Extended Sick Leave for Maternity **or Adoptive** Purposes

Each *teacher* granted maternity **or adoptive** leave in accordance with state law and who has no remaining sick leave **balance** available may ~~also~~ be granted up to (30) days of additional extended sick leave in each six-year period of employment for personal illness relating to pregnancy, illness of an infant, or for required medical visits certified by a physician as relating to infant or maternal health.

### Gainful Employment Permitted

An employee may undertake additional gainful employment while on extended sick leave, provided **all** of the following conditions are met:

1. The employee can demonstrate that he/she will be working not more than twenty (20) hours a week in a part-time job that the employee has been working for not less than one hundred twenty (120) days prior to the beginning of any period of extended sick leave.
2. The physician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended sick leave is required.

Any violation of the provisions regarding gainful employment may require the employee to return to the School Board all compensation paid during any week of extended sick leave in which the employee worked more than twenty (20) hours and to reimburse the School Board all related employment costs attributable to such period as calculated by the School Board, without any restoration of leave days.

### Application Process

On every occasion that a *teacher* uses extended sick leave, a statement from a licensed physician certifying that it is for personal illness relating to pregnancy, illness of an infant, or for required medical visits related to infant or maternal health, or that it is a medical necessity, shall be presented prior to extended sick leave being taken.

On every occasion that a *bus operator* or *school employee* uses extended sick leave, a statement from a licensed physician certifying that it is a medical necessity for the *bus operator* or *school employee* to be absent for at least ten (10) consecutive work days shall be presented prior to extended sick leave being taken.

The required physician's statement may be presented along with the request for extended sick leave subsequent to the *teacher's* or *school employee's* return to service. In such a case, the extended sick leave shall be granted for all days for which extended sick leave is requested, provided the request and required documentation is presented within three (3) days after the *teacher* or *school employee* returns to service. However, the School Board or the Superintendent reserves the right to question the validity of the medical certification after the three day period.

If the period an employee is on extended sick leave is anticipated to carry over from one school year to the start of the next school year, another application and physician's statement shall be submitted prior to the start of the next school year in order to be eligible for continued extended sick leave.

### SICK LEAVE FOR ASSAULT OR BATTERY

Any employee of the public schools who is disabled while acting in his/her official capacity as a result of an assault or battery by any student or person shall receive sick leave without reduction in pay, and without reduction in accrued sick leave days while disabled as a result of such assault and battery. A *teacher* shall be required to provide a certificate from a physician certifying the disability. A *bus operator* or *school employee* shall be required to present certification of the disability from a physician if the bus operator or school employee is absent for six (6) or more consecutive days as a result of the disability.

*Disability*, for purposes of this policy, shall mean the inability to perform the essential functions of the job.

The sick leave authorized shall be in addition to all other sick leave authorized herein, shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any manner except as set forth above.

The School Board shall not reduce the pay or accrued sick leave of any employee who is absent from his/her duties to seek medical attention or treatment as a result of an injury from assault or battery.

If the employee's physician determines that the employee is able to return to regular duties with restrictions and the School Board does not allow the employee to return to duty with those restrictions, the employee's leave shall be granted or continued as provided by statute.

If any ~~teacher or school~~ employee, but ~~not a bus operator~~ is receiving sick leave as a result of assault or battery as provided in this section and begins receiving retirement benefits, the sick leave provided herein shall cease.

### SICK LEAVE FOR PHYSICAL CONTACT WITH A STUDENT

Any *teacher* who is disabled while acting in his/her official capacity as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student, shall receive sick leave for a period of up to one (1) calendar year without reduction in pay and without reduction in accrued sick leave days while disabled as a result of rendering such assistance. Any *school employee*, but not a *bus operator*, disabled in a similar manner shall receive up to ninety (90) days of such sick leave. The *teacher* or *school employee* shall be required to present a certificate from a physician certifying the disability. The School Board may extend the period of sick leave beyond the allowable period at its discretion.

The School Board shall not reduce the pay or accrued sick leave of any *teacher* or *school employee* who is absent from his/her duties to seek medical attention or treatment as a result of an injury from physical contact with a student.

If the *teacher's* or *school employee's* physician determines that the employee is able to return to regular duties with restrictions and the School Board does not allow the employee to return to duty with those restrictions, the *teacher's* or *school employee's* leave shall be granted or continued as provided by statute.

### VALIDITY OF PHYSICIAN'S CERTIFICATION

If at any time during the period of certified disability the School Board questions the validity or accuracy of the physician's certification for any type of sick leave request made by a *teacher*, or for extended leave or leave requested as a result of physical assault or battery made by a *bus operator* or *school employee*, the School Board may require the employee to be examined by a licensed physician selected by the School Board.

Any further review of medical certification shall proceed as follows:

1. Upon review of the physician's certification submitted, if the School Board or Superintendent questions the validity or accuracy of the certification, the School Board or Superintendent may require the employee, or the immediate family member, as a condition for taking the applicable sick leave, to be examined by a licensed physician selected by the School Board or Superintendent. If the physician finds medical necessity or certifies the disability, the leave shall be granted.
2. If the selected physician disagrees with the original medical certification from the physician selected by the employee, then the School Board or Superintendent may require the employee, or immediate family member, as a condition for taking the applicable sick leave, to be examined by a *third* licensed physician, whose name appears next in the rotation of physicians on a list established by the local medical society and maintained by the School Board or Superintendent. The final determination of medical necessity or certification of a disability shall be based on the opinion of the third physician.
3. In the determination of the validity of a physician's certification, the opinion of *all* physicians consulted shall be submitted to the School Board or Superintendent in the form of a sworn statement. All information contained in any statement from a physician shall be confidential and shall not be subject to the public records law.

The School Board shall pay all costs of any examinations and tests determined to be necessary.

### SICK LEAVE/WORKERS' COMPENSATION

Should any *teacher* become injured or disabled while acting in his/her official capacity, other than by assault, the *teacher* shall be entitled to appropriate worker's compensation benefits and/or sick leave benefits, at the *teacher's* option, for the period of time while injured or disabled. Any benefits received, however, shall not exceed the total amount of the regular salary the *teacher* was receiving at the time of injury or disability. The *teacher* shall be required to present a certificate from a physician certifying such injury or incapacitation.

### VESTING OF SICK LEAVE

All sick leave accumulated by a *teacher* or *school employee*, but *not* a *bus operator*, shall be vested in the *teacher* or *school employee* by whom such leave has been accumulated. In the event of the transfer of a *teacher* or *school employee* from one school system to another in Louisiana, or upon the return of such *teacher* or *school employee* to the same school system within five (5) years or such longer period that may be approved by the

School Board to which the *teacher* or *school employee* returned, regardless of the dates on which the leave was accumulated or the date of transfer or return of the *teacher* or *school employee*, such vested leave which remains unused or for which the *teacher* or *school employee* has not been compensated directly or transferred such days for retirement credit, shall be transferred, returned to, or continued by the School Board and shall be retained to the credit of *teacher* or *school employee*.

#### REPORTING OF SICK AND EMERGENCY LEAVE ABSENCES

1. An employee who is absent because of personal illness or an emergency is required to sign the absentee form provided by the Superintendent, indicating the dates and causes of all absences, and to deliver the completed form to the principal/supervisor at the end of each work week.

The principal/supervisor is authorized to enter the required information and sign for the absentee provided the absentee is not available and cannot be reached before the appointed time for transmitting the reports to the personnel office. Upon completion of the absentee form, a duplicate copy of said form shall be made available to the employee who was reported absent by the appropriate principal/supervisor.

2. When an employee is absent for six (6) or more consecutive days because of personal illness, he/she shall be required to present a certificate from a physician certifying such illness.

\*If the absence falls within the current ten (10) days allowed or if the absence is to be charged to the accrued days of absence, a statement from the attending physician must be attached to the absence from the first absence and any absence thereafter in a school year.

This regulation will be invoked only if there is an employee job action which would involve the loss of time from the job by employee. The original policy will remain in effect unless it is necessary to administratively invoke this regulation.

3. An employee who, because of personal illness or an emergency, expects to be absent for more than ten (10) consecutive days, shall immediately notify the Superintendent, in writing, stating the reason for the absence and the probable duration thereof.
4. The principal/supervisor shall report all employee absences to the Superintendent, with full explanation of the reason for the absence, on appropriate forms furnished. Decisions of the Executive Committee will be subject to ratification by the School Board at the first meeting of the School Board following the committee meeting.
5. An employee who is absent because of personal illness or an emergency should notify his/her principal/department head at the earliest possible time as to the date on which he/she expects to resume his/her duties.

#### PAYMENT UPON RETIREMENT OR DEATH

Upon the retirement of any employee, or upon the employee entering DROP, or upon the employee's death prior to retirement, the School Board

shall pay the employee or his/her heirs or assigns, for any unused sick leave, not to exceed twenty-five (25) days. Such pay shall be at the daily rate of pay paid to the employee at the time of his/her retirement or death.

DEFERRED RETIREMENT OPTION PROGRAM (DROP)

Any employee of the Terrebonne Parish School Board who participates in the *Deferred Retirement Option Program (DROP)* shall be eligible for and may elect to receive on a one-time basis severance pay (accrued sick leave up to a maximum of twenty-five [25] days) upon entering DROP on the same basis as any other employee who retires or otherwise leaves employment; otherwise, any accrued sick leave shall be paid only upon final retirement of the employee.

Revised: July 1996

Revised: December 1999

Revised: September 2001

Revised: December 2004

Revised: January 2009

Revised: November 2012

Revised: September 2014

Revised: February 2018

**Revised: January 2019**

Ref: La. Rev. Stat. Ann. §§14:125, 17:425, 17:425.1, 17:500, 17:500.1, 17:500.2, 17:1200, 17:1201, 17:1202, 17:1205, 17:1206, 17:1206.1, 17:1206.2; Board minutes, 7-16-96, 10-19-99, 12-14-99, 9-18-01, 6-15-04, 12-21-04, 1-20-09, 11-20-12, 9-16-14, 3-6-18, **2-5-19**.

Dr. Yarbrough presented recent legislative changes to policy File: F-11.6 Maternity Leave (attached *Policy Alert*).

**RECOMMENDATION NO. 9**

**The Committee recommends** that the Board approve, as presented, revised policy File: F-11.6 Maternity and Adoptive Leave:

**FILE: F-11.6**  
**Cf: F-11.4, F-11.4a**

**MATERNITY AND ADOPTIVE LEAVE**

**MATERNITY LEAVE**

The Terrebonne Parish School Board shall grant to regularly contracted employees, with limited exception, leave without pay for maternity purposes for a reasonable period of time before and after ~~childbirth~~ **the birth of a child**. *Reasonable period of time* means that period during which the female employee is disabled on account of pregnancy, childbirth, or related medical conditions. *Regularly contracted*, for purposes of this policy, shall mean teachers serving under contract (not to include substitute teachers or teachers replacing others on leave) and other female employees who are employed by the School Board on a regular basis. Such leave shall be granted upon proper application to the School Board for maternity leave.

By the end of the fourth (4th) month of pregnancy, the employee shall complete and return to the Personnel Department a maternity leave form stating the anticipated date of delivery, the anticipated date leave shall be



taken, and the anticipated date the employee will return to regular employment.

Employees may use sick leave for the period of medical disability occasioned by pregnancy, childbirth, or for the period of disability following delivery. Such medical disability must be verified by the employee's physician. **Such certificate shall follow the same standards as for submission of certificates for sick leave as found under Certification of Absence in policy F-11.4 Sick Leave.** Employees who use sick leave shall comply with all sick leave regulations.

The employee shall be eligible to return to the position she left when the employee submits written notice from her physician that the employee is physically fit to return to active employment. Such notice should be provided no later than twenty (20) calendar days following delivery.

If the employee's disability continues, as verified by the employee's physician, and the employee is eligible for extended sick leave, the employee will be granted such sick leave and shall be compensated accordingly.

After the disability ends as verified by the employee's physician, the employee may apply for FMLA (Family and Medical Leave Act) or leave without pay.

Time taken by a non-tenured teacher on maternity leave shall not be considered as time accrued toward gaining tenure. Maternity leave does not affect tenure that has already been gained. Such leave shall not be counted for salary purposes.

Maternity leave shall not interrupt consecutive service for sabbatical leave purposes.

### **ADOPTIVE LEAVE**

**The School Board shall grant leaves of absence not to exceed thirty (30) days to regular employed teachers after the legal adoption of a child. If multiple children are adopted on the same date, the event shall be considered a single qualifying event. The granting of such leave shall not affect any of the tenure rights with the teacher may have acquired under state law.**

**Each teacher granted adoptive leave in accordance with state law who has no remaining sick leave days available may also be granted up to thirty (30) days of extended sick leave in each six-year period of employment for personal illness related to illness of an infant, or for required medical visits certified by a physician as relating to infant health.**

**Adoptive leave shall not interrupt the consecutive service for sabbatical leave purposes.**

**Revised: January 2019**

Ref: La. Rev. Stat. Ann. §§17:1171, 17:1186, 17:1201, 17:1211, **23:334, 23:341, 23:342**; Board minutes, 6-29-71, 9-19-72, 12-19-78, 8-6-85, 5-23-90, **2-5-19**.

Mrs. Benoit presented changes to policy File: B-11.1 Regular Meetings.

**RECOMMENDATION NO. 10**

**The Committee recommends** that the Board approve, as presented, revised policy File: B-11.1 Regular Meetings:

**FILE: B-11.1**  
**Cf: B-12.4**

**REGULAR MEETINGS**

The Terrebonne Parish School Board shall meet in regular session on the first ~~and third~~ Tuesday of each calendar month at 6:00 p.m.

## 1. Place of Meeting

All meetings of the Terrebonne Parish School Board shall be held at its office on Stadium Drive, Houma, Louisiana, unless a different place shall be designated by resolution or in the notice of the meeting.

## 2. Notice of Regular Meetings

A notice of regular meetings shall be mailed to all School Board members at least five (5) days in advance of the meeting.

## 3. Time Limit

The time of regular meetings of the Terrebonne Parish School Board shall be limited to approximately three (3) hours or to such time as proper transaction of business requires. Items requiring extended study shall be taken up at special meetings.

Official actions or decisions shall be made only in official meetings of the School Board. No member of the School Board, nor any committee of the School Board, shall have the power to act in the name of the School Board outside of official School Board meetings.

*A simple majority of School Board members present and voting may adopt any motion or any policy and/or regulation, unless the law or School Board policy specifically requires adoption by a majority of the full membership or more.*

Official meetings of the School Board may only be held when a quorum is present.

Revised: August 2014

Revised: July 2018

**Revised: January 2019**

Ref: La. Rev. Stat. Ann. §§17:81, 42:12, 42:13, 42:14, 42:15, 42:16, 42:17, 42:19, 42:20, 42:24, 42:25; Board minutes, 10-3-89, 8-19-14, 8-7-18, **2-5-19.**

Mr. Roger Dale DeHart entered the meeting at this time.

Mrs. Benoit presented changes to policy File: B-12 Board Meeting Procedures.

**RECOMMENDATION NO. 11**

**The Committee recommends** that the Board approve, as presented, revised policy File: B-12 Board Meeting Procedures:

**FILE: B-12**  
**Cf: B-4, B-12.8**

**BOARD MEETING PROCEDURES**

It is the desire of the School Board that meetings shall be formal enough for orderly procedure, but informal enough to be natural, to encourage free discussion, and to promote group thinking and action. In matters of procedures not covered by law, Board policy, or the State Board of Elementary and Secondary Education, meetings of the Board shall be governed by Robert's Rules of Order, Newly Revised. The President shall be entitled to discuss and vote on all matters before the Board.

The President of the Board, or, in his absence, the Vice-President, shall conduct all meetings. In the absence of both, the Superintendent shall preside until the Board elects an acting chairman.

**TRANSACTIONS OF BUSINESS**Discussions

The presiding officer shall recognize members of the Board who wish to be heard in the order that he deems advisable. No member of the Board shall speak without having first been recognized. Any member, however, who feels that he is being unfairly treated may appeal to the Board to be heard immediately. Such appeal may be made at any time, without prior recognition by the Chair, and shall be voted on immediately. Upon a favorable majority vote of the entire Board, he shall be heard prior to the transaction of any other business.

Limitations

Each Board member shall be given an opportunity to express without interruption, his views on the motion last made. The time a member may have to speak on a subject may be set by the President or a consensus of the Board, whenever deemed necessary. The President may also stop any discussion which does not apply to the motion last made. The Board shall suspend the procedures under which it conducts its meetings upon approval of a two-thirds majority of the Board's membership.

Public participation in Board meetings shall be prohibited except upon written request in accordance with Board policy, and then only upon approval of the Board. The President of the Board shall have complete authority to remove any person(s) who willfully disrupts a meeting to the extent that orderly conduct of the meeting cannot be maintained.

Motions

A motion is out of order while another motion is being discussed, unless it is a substitute motion or an amendment to the motion under consideration. Exceptions are the motion to adjourn, motion to table

a previous motion, motion to refer the motion being discussed and the motion to vote immediately (on the previous question); these motions are always in order.

A copy of all motions shall be carefully recorded. The names of those who make motions, those who second them, and those who vote "ayes" "**yeas**" and "nays" shall be recorded.

**Revised: January 2019**

Ref: La. Rev. Stat. §§17:81, 42:5.1, **2-5-19**.

There being no further business to come before the **Education, Technology, and Policy Committee**, the meeting adjourned at 5:45 P.M.

Respectfully submitted,

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MayBelle Trahan, Ed.D., Chairwoman

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Matthew Ford, Vice Chairman

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Debi Benoit

ABO/jb

Motion of Mrs. Benoit, seconded by Mr. Hamner, unanimously carried, the Board approved, as presented and outlined in the foregoing report, revised policy File: D-3.3 Tax and Bond Elections and Sales.

Motion of Mrs. Benoit, seconded by Mrs. Solet, unanimously carried, the Board approved, as presented and outlined in the foregoing report, revised policy File: D-7.4 Purchasing.

Motion of Mr. Hamner, seconded by Mr. DeHart, unanimously carried, the Board approved, as presented and outlined in the foregoing report, revised policy FILE: H-2.3b Student Assignment to Classes.

Motion of Mr. Hamner, seconded by Mrs. Benoit, unanimously carried, the Board approved, as presented and outlined in the foregoing report, revised policy FILE: F-4.1 Sexual Harassment.

Motion of Mr. Hamner, seconded by Mrs. Solet, unanimously carried, the Board approved, as presented and outlined in the foregoing report, revised policy FILE: F-9.3 Recruitment.

Motion of Mr. Harding, seconded by Mr. DeHart, unanimously carried, the Board approved, as presented and outlined in the foregoing report, revised policy FILE: F-9.4a Employment of Retired Certified Personnel.

Motion of Mr. Harding, seconded by Mr. Hamner, unanimously carried, the Board approved, as presented and outlined in the foregoing report, revised policy FILE: F-10.4 Employment Non-Instructional/Support Personnel.

Motion of Mr. DeHart, seconded by Mrs. Solet, unanimously carried, the Board approved, as presented and outlined in the foregoing report, revised policy FILE: F-11.4 Sick Leave.

Motion of Mr. Hamner, seconded by Mr. Harding, unanimously carried, the Board approved, as presented and outlined in the foregoing report, revised policy FILE: F-11.6 Maternity and Adoptive Leave.

Mrs. Solet moved, seconded by Mrs. Benoit, that the Board approve, as presented and outlined in the foregoing report, revised Policy FILE: B-11.1 Regular Meetings.

A lengthy discussion ensued.

A roll call vote having been called for on the motion, the vote thereon was as follows:

**YEAS:** Mr. LaGarde, Mr. Harding, Mrs. Benoit, Mrs. Solet, Mr. Hamner, Dr. Trahan, and Mr. Voisin

**NAYS:** Mr. Ford and Mr. DeHart

**ABSENT:** None

President Benoit declared the foregoing motion carried.

Motion of Mrs. Benoit, seconded by Mrs. Solet, unanimously carried, the Board approved, as presented and outlined in the foregoing report, revised policy FILE: B-12 Board Meeting Procedures.

The report of the Education, Technology, and Policy Committee meeting was concluded, and President Benoit reassumed the Chair.

The following report of the Finance, Insurance, and Section 16 Lands Committee meeting was presented to the Board with Mr. Hamner, chairman, presiding:

Dear Members of the Board:

**The FINANCE, INSURANCE, and SECTION 16 LANDS COMMITTEE** met immediately following the 5:00 P.M. Education, Technology, & Policy Committee meeting on Monday, January 28, 2019, in the Board Room of the School Board Office with the following members present: Mr. Clyde Hamner, chairman; Mr. Michael LaGarde, vice chairman, and Mrs. Stacy Solet. Also in attendance were Mrs. Debi Benoit, Board president, Mr. Matthew Ford, Dr. MayBelle Trahan, Mr. Roger Dale DeHart, Superintendent Philip Martin, and members of the staff.

Chairman Hamner called the meeting to order. The meeting began with the invocation and Pledge of Allegiance to the Flag.

Mr. Len Fontaine, Senior Vice President, Hub International, presented information on the Group Health Plan Claim Statistics for 2018 (attached).

Mr. Curtis Constrantiche, Purchasing Agent, addressed the Committee regarding approval to advertise for bids on Section 16 Hunting & Trapping Leases.

### **RECOMMENDATION NO. 1**

**The Committee recommends** that the Board authorize the Purchasing Department to advertise for bids on Hunting and Trapping Leases that are

currently available and/or may become available during the annual renewal period.

Mr. Constrantiche addressed the Committee regarding approval to advertise for bids on Duplicator Paper and Card Stock.

**RECOMMENDATION NO. 2**

**The Committee recommends** that the Board authorize the Purchasing Department to advertise for bids for all Duplicator Paper and Card Stock.

Mr. Constrantiche addressed the Committee regarding the renewal of the Office Supply Catalog Contract.

**RECOMMENDATION NO. 3**

**The Committee recommends** that the Board authorize the renewal of the Office Supply Catalog Contract with Stire Office World, 1060 West Tunnel Boulevard, Houma, LA 70360, at the current rates, for a twelve (12) month period, from July 1, 2019, through June 30, 2020, under the same terms and conditions, upon mutual agreement between Terrebonne Parish School Board and Stire Office World.

Mr. Constrantiche addressed the Committee regarding the contract renewal for Ink and Toner Cartridges.

**RECOMMENDATION NO. 4**

**The Committee recommends** that the Board renew the current contract for Ink and Toner Cartridges from Rasix Computer Center, Inc., dba Academic Supplier, 3519 Main Street, Suite 401, Chula Vista, CA 91911, for a 12-month period beginning May 1, 2019, and ending April 30, 2020, upon mutual agreement between Terrebonne Parish School Board and Rasix Computer Center, Inc.

Mr. Constrantiche addressed the Committee regarding approval for the Purchasing Department to advertise for Request for Proposals for Fiscal Agent Banking Services.

**RECOMMENDATION NO. 5**

**The Committee recommends** that the Board authorize the Purchasing Department to advertise for Request for Proposals for Fiscal Agent Banking Services.

Mrs. Rebecca Breaux, Chief Financial Officer, presented information on the upcoming renewal of Ad Valorem Millage (Property Tax) (attached).

Mrs. Breaux presented information on a Monthly Budget-to-Actual Comparison report (attached).

Mrs. Breaux presented an update on the Sales Tax collections report (attached). She stated that sales tax collections for the month of November 2018 are approximately 3.13% lower than November 2017.

There being no further business to come before the **Finance, Insurance, and Section 16 Lands Committee**, motion of Mrs. Solet, seconded by Mr. Hamner, the meeting adjourned at 7:14 P.M.

Respectfully submitted,

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Clyde Hamner, Chairman

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Michael LaGarde, Vice Chairman

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Stacy Solet

RB/bp

Motion of Mr. Harding, seconded by Dr. Trahan, unanimously carried, the Board authorized the Purchasing Department to advertise for bids on Hunting and Trapping Leases that are currently available and/or may become available during the annual renewal period.

Motion of Mr. DeHart, seconded by Mrs. Solet, unanimously carried, the Board authorized the Purchasing Department to advertise for bids for all Duplicator Paper and Card Stock.

Motion of Mr. DeHart, seconded by Mrs. Solet, unanimously carried, the Board authorized the renewal of the Office Supply Catalog Contract with Stire Office World, 1060 West Tunnel Boulevard, Houma, LA 70360, at the current rates, for a twelve (12) month period, from July 1, 2019, through June 30, 2020, under the same terms and conditions, upon mutual agreement between Terrebonne Parish School Board and Stire Office World.

Motion of Dr. Trahan, seconded by Mr. Harding, unanimously carried, the Board renewed the current contract for Ink and Toner Cartridges from Rasix Computer Center, Inc., dba Academic Supplier, 3519 Main Street, Suite 401, Chula Vista, CA 91911, for a 12-month period beginning May 1, 2019, and ending April 30, 2020, upon mutual agreement between Terrebonne Parish School Board and Rasix Computer Center, Inc.

Motion of Mrs. Solet, seconded by Mr. DeHart, unanimously carried, the Board authorized the Purchasing Department to advertise for Request for Proposals for Fiscal Agent Banking Services.

The report of the Finance, Insurance, and Section 16 Lands Committee meeting was concluded, and President Benoit reassumed the Chair and presided for the remainder of the proceedings.

The Executive Committee report was then presented to the Board.

Motion of Mrs. Solet, seconded by Dr. Trahan, unanimously carried, the Board received the following Executive Committee report in its entirety:

Dear Members of the Board:

The **Executive Committee** met at 5:30 P.M. on Tuesday, January 15, 2019, in the Board Room of the School Board Office with the following members present: Mrs. Debi Benoit, president, and Mrs. Stacy Solet, vice president. Also in attendance were Mr. Matthew Ford, Mr. Clyde Hamner, Mr. Michael LaGarde, Mr. Roger Dale DeHart, Superintendent Philip Martin, and Mrs. Rebecca Breaux.

The meeting began with an invocation and Pledge of Allegiance to the Flag.

**The Executive Committee** examined and authorized payment of invoices for the current month (including supplemental payroll and travel expenses).

**The Executive Committee** addressed member concerns.

There being no further business to come before the **Executive Committee**, the meeting was adjourned at 5:46 P.M.

Respectfully submitted,

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Debi Benoit, President

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Stacy Solet, Vice President

RB/bp

The Executive Committee report was concluded.

Motion of Mr. Hamner, seconded by Mr. Voisin, unanimously carried, the Board approved a family and medical leave in accordance with Policy (FILE: F-11.4a) for Cynthia Duplantis, special education paraprofessional at Mulberry Elementary School, beginning January 16, 2019, through February 8, 2019 (medical).

Motion of Mr. DeHart, seconded by Mrs. Solet, unanimously carried, the Board approved a family and medical leave in accordance with Policy (FILE: F-11.4a) for Kim Mazac, special education paraprofessional at Mulberry Elementary School, beginning February 19, 2019, through May 24, 2019 (medical).

Motion of Mr. Hamner, seconded by Dr. Trahan, with the exception of Mr. DeHart and Mr. Ford who objected, the Board accepted the lowest responsible bid received, meeting all specifications, for Artificial Turf at Terrebonne High and South Terrebonne High School Stadiums, from T3 Global Projects, LLC, for a total base bid of \$1,871,000.00, plus Alternate #1 for \$128,000.00 (drainage pump at the South Terrebonne High School Stadium), for a total bid of \$1,999,000.00, pending timely receipt of all post-bid documentation, increased the previously approved construction budget by \$136,331.30 (from \$2,000,000.00 to \$2,136,331.30, inclusive of engineering and project management fees), monies to be derived from the Building Fund, and further, authorized the Board president to sign all necessary documents pertaining thereto, pending Board attorney review.

Motion of Mr. DeHart, seconded by Mr. Harding, unanimously carried, the Board voted to go into executive session, at this time (6:55 P.M.), relative to a parent appeal for early readmission of Student #143129.

Motion of Mr. DeHart, seconded by Mr. Voisin, unanimously carried, the Board reconvened in regular session (7:15 P.M.) with all members present.

Mr. DeHart moved, seconded by Mr. Voisin, that the Board allow Student #143129 to return to the base school in the fourth nine weeks, subject to signing a contract.

A roll call vote having been called for on the motion, the vote thereon was as follows:

**YEAS:** Mr. LaGarde, Mr. Harding, Mr. Ford, Mrs. Benoit, Mrs. Solet, Mr. Hamner, Mr. DeHart, Dr. Trahan, and Mr. Voisin



**NAYS:** None

**ABSENT:** None

President Benoit declared the foregoing motion carried.

Motion of Mr. DeHart, seconded by Mr. Harding, unanimously carried, the Board rescheduled the School Board Meeting of March 5, 2019, to March 12, 2019 (Due to Mardi Gras Holidays), and rescheduled the agenda deadline from noon Wednesday, February 27, 2019, to noon Wednesday, March 6, 2019.

Motion of Mr. Voisin, seconded by Mr. Harding, unanimously carried, the Board voted to adjourn its meeting **(7:20 P.M.)**.

/s/ Philip Martin, Secretary

/s/ Debi Benoit, President

RLB