



# Louisiana Association of School Executives

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Lee Faucette, Editor

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## High School Redesign Commission Offers Phase Two Recommendations

The Governor's Commission on High School Redesign, at its meeting January 11, 2007, approved **Phase Two** recommendations to be forwarded for consideration by the appropriate state agencies and institutions.

### Phase Two Recommendations

- ✓ Increase the graduation requirements to require a 4<sup>th</sup> year of math for all students.
- ✓ Implement a recommended core of study for all students to include 4 years of math, science, social studies and English.
- ✓ Strengthen the Career-Technical Endorsement.
- ✓ Replace the GEE with End-of-Course Tests for the Freshman Class of 2009-2010.
- ✓ Modify the Graduation Index to better align high school accountability with the goals of high school redesign.
- ✓ Support Drop Out Prevention and Recovery.

The suggested changes result from the work of the High School Redesign Commission to make the high school experience more rigorous and relevant while better preparing students for a career or college. Key to the Commission's decision was the desire to increase Louisiana's number of graduates and decrease the number of dropouts.

Currently, most high school students follow the same curriculum. The new design will establish a recommended core of study that would qualify students for 4-year, regional state universities or

entry into a career opportunity upon high school graduation.

Beginning in the fall of 2008, entering 9<sup>th</sup> graders will be enrolled in the recommended core through their sophomore year. After 10<sup>th</sup> grade, a student may "opt out" of the core with parental consent and a valid reason.

Those in favor of End-of-Course Tests say the tests better reflect the learning achieved and help ensure more rigorous courses in high schools statewide.

Proponents of the redesign efforts backed changes in the way high schools are measured in the State's Accountability System. The recommended changes to the Graduation Index offer incentives for schools to provide a more relevant and rigorous course of study to engage more students and encourage their completion of high school.

Totally restructuring the 9<sup>th</sup> grade is a recommendation to support drop out prevention and recovery to reduce Louisiana's high drop out rate. A 9<sup>th</sup> grade initiative is planned to target 40-50 high schools to re-think the 9<sup>th</sup> grade experience.

The recommendations will be brought to the State Board of Elementary and Secondary Education at its January meeting. Action on the proposed changes could possibly be taken as early as April 2007.

For up-to-date information regarding the High School Redesign Commission and the actions of the commission, log on to the Department of Education's website, [www.louisianaschools.net](http://www.louisianaschools.net) and click on the [High School Redesign Commission](#) icon on the home page.

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Morehouse Parish

Dianetta Young  
Principal  
St. Martin Parish

***EXECUTIVE LEGAL COUNSEL***

***LOUISIANA ASSOCIATION OF SCHOOL EXECUTIVES***

***MARK D. BOYER  
BOYER & HEBERT, LLC  
ATTORNEYS AND COUNSELORS AT LAW***

***LAW QUARTERLY  
-JANUARY 2007-***

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**Gray vs. Caddo Parish School Board**

938 So.2d 1212

(Louisiana Second Circuit Court of Appeals, 2006)

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**Gray vs. Caddo Parish School Board**

938 So.2d 1212

(Louisiana Second Circuit Court of Appeals, 2006)

**Issue:** *Can a school employee, who believed that she was subject to an unreasonable search and seizure, seek judicial relief to determine if the school’s action rose to the level of a “grievance” as defined by that school board’s policy?*

*If so, can the school employee then force, via a writ of mandamus, the school board to hear all levels of the grievance policy?*

**Summary:** Gray was a day time custodian at Barrett Elementary School in Caddo Parish. On December 13, 2004, the school principal (having received suspicious reports) searched the trunk of Gray’s vehicle for school property or other illegal materials. The search showed that Gray had done nothing illegal and was not in possession of any stolen or illegal property.

Thereafter, Gray filed a grievance pursuant to the Caddo Parish School Board Policy. The grievance progressed to Level IV, wherein the board felt that complaint did not rise to the level of a “grievance” as defined in their policy. After having her grievance dismissed by the board, Gray sought relief from the District Court for Caddo Parish. A Writ of Mandamus was filed on October 17, 2005, seeking a court order to force the school board to follow through with grievance policies and procedures.

**Holding:** The appellate court held that the incident and complaint did rise to the level of a “grievance” as defined by the board policy. It further held that the board was obligated to comply with its grievance policies and procedures, mandating that it progress through level IV of the grievance process.

**Brief:**

**A. Background and District Rules:**

Ms. Gray was a daytime custodian at Barrett Elementary School. She had been employed by the Caddo Parish school system for 18 years at five different schools. On December 13, 2004, the principal at Barrett, Dr. Joanne Hood, searched a bag which had been placed in Ms. Gray's car trunk. Dr. Hood had previously received information from people in the neighborhood that janitorial workers had been seen putting bags in their vehicles. Dr. Hood became suspicious when she saw Ms. Gray taking a bag to her car shortly after arriving and not during a break time. When Ms. Gray initially refused to open the trunk, the principal made a statement which Ms. Gray interpreted as a threat of dismissal. The bag contained a gift of soft drinks and a sympathy card given to Ms. Gray by a coworker. Ms. Gray's brother had recently died.

Thereafter, Ms. Gray filed a grievance pursuant to the Caddo Parish School Board policy. The grievance procedure has five stages: informal (discussion between employee and supervisor), Level I (submission of employee's written complaint to immediate supervisor), Level II (submission to the appropriate human resources director), Level III submission to human resources assistant superintendent) and Level IV (submission to the school board).

In the instant case, the informal and Level I stages with the principal involved in the incident were resolved against Ms. Gray. At Level II, although the director of classified personnel did not believe that her complaint rose to the level of a grievance, he attempted to obtain a transfer to another school for her. However, a transfer to another daytime custodial position was not possible, and Ms. Gray declined to accept a nighttime position.

As the results at the informal, Level I and Level II stages were unsatisfactory to Ms. Gray, she sought consideration at Level III. A Level III grievance hearing was held on March 24, 2005. The assistant superintendent who reviewed the matter recommended that Ms. Gray be reassigned or transferred to another school site by the classified personnel department and that the principal be advised of less intimidating means of conducting searches of private property when deemed necessary. Attempts to place Ms. Gray in another position were unsuccessful for a number of reasons, including her refusal to interview for evening positions. When the disposition reached at Level III was not implemented, Ms. Gray sought to move her grievance forward to Level IV.

On October 4, 2005, the school board refused to hear her grievance at Level IV on the basis that it did not meet the policy's definition of a "grievance."

On October 17, 2005, Ms. Gray filed a petition for a writ of mandamus to compel the school board to implement the disposition reached at Level III. Alternatively, she requested that the court order the school board to comply with La. R.S. 17:100.4 and hear her grievance.

On October 26, 2005, the school board filed an exception of unauthorized use of summary proceedings, contending that the plaintiff's request to be placed at a different school involved discretion. Because discretion was involved, the school board asserted that it could not be described as a truly ministerial duty and that mandamus was not available. The school board also maintained that it exercised its discretion at Level IV and disposed of her grievance by dismissing it as presented.

The trial judge ruled in favor of the plaintiff. He found that the matter was a grievance and that it was treated as such. He concluded that the Level III resolution should be implemented. The judgment on the writ of mandamus, which was signed on December 16, 2005, made the writ peremptory. It directed that the school board transfer or reassign the plaintiff to a similar position within the Caddo Parish school system which afforded her substantially the same working conditions, in accordance with the Level III disposition. Costs were assessed against the school board. On the same day, the trial court signed a judgment denying the school board's exceptions.

The school board filed the instant appeal.

### C. Applicable Law, Policy, and Application

The school board claims that the trial court erred in finding that the employee's complaint met the definition of a "grievance" in the school board policy.

"The current school board policy defines a "grievance" as meaning "a claim by an employee of the violation, misinterpretation or inequitable application of any of the board policies, rules or regulations under which such employee works." However, the definition also provides that the term shall not apply "in any manner in which (1) a method of review is not prescribed by law, or (2) the board is without authority to act."

Mr. Barr, Dr. Robinson and Superintendent Tyler all testified that they determined that Ms. Gray's complaint did not rise to the level of a "violation, misinterpretation or inequitable application of any of the board policies, rules or regulations." Nonetheless, they all treated it as such and endeavored to assist her by transferring her to a different school.

La. R.S. 17:100.4 provides that each school board shall adopt grievance

procedures for teachers and other school employees. Subsection A of La. R.S. 17:100.4 allows individual school boards to enact their own rules, regulations and policies in order to establish a grievance procedure that will guarantee a fair hearing on employee grievances. Subsection C, however, contains three mandatory procedures that each school board is required to include in their specific grievance policy. It states:

C. Effective not later than January 1, 1996, and thereafter, the rules, regulations, and policies required by Subsection A of this Section shall include but not be limited to the following guidelines and procedures:

(1) The grievant or group of grievants shall present the grievance first to the appropriate immediate supervisor or his designee.

(2) If the grievant or group of grievants is not satisfied with the disposition of the grievance by the immediate supervisor or his designee, the grievance shall be presented to the school system superintendent or his designee.

(3) If the grievant or group of grievants is not satisfied with the disposition of the grievance by the school system superintendent or his designee, the grievant or group of grievants may request in writing a full hearing before the superintendent or his designee on the grievance. Upon receipt of such written request, the superintendent or his designee shall conduct a full hearing on the grievance, maintain a transcript of the proceedings, and make a written recommendation for disposition of the grievance and provide a copy of the transcript to the school board at a meeting of the board. The board then shall dispose of the grievance.

We agree with the trial court that Ms. Gray's complaint that she was subjected to an unconstitutional search of her vehicle was, in fact, a grievance. Consequently, when Ms. Gray was dissatisfied with the implementation of the Level III recommendation, the school board erred in dismissing the appeal as presented because the matter did not meet the definition of a "grievance."

In her petition, Ms. Gray alternatively requested that the court order the school board to comply with La. R.S. 17:100.4 and hear her grievance. We find that such a disposition would be the most appropriate under the facts of this case and will allow the parties to come to a just resolution of this matter. The appellate court shall render any judgment which is just, legal, and proper upon the record on appeal. La. C.C.P. art. 2164. See also Wilson v. Ouachita Parish School Board, 29,463 (La.App. 2d Cir.5/7/97), 694 So.2d 596, writ denied, 97-1543 (La.9/26/97), 701 So.2d 990. Accordingly, we vacate the trial court judgment and direct that the school board hear Ms. Gray's grievance."

### C. Judicial Ruling

The appellate court held that the incident and complaint did give rise to a valid “grievance” as defined by the Caddo Parish School Board. Having been denied full access to all levels of the grievance policies and procedures, the appellate court remanded the case to the school board, ordering compliance with Level IV of the Caddo Parish grievance policy.