



### **POLICY 5.18155**

**4-E** I recommend that the Board adopt the proposed repeal of Policy 5.18155, entitled "Alternative to Out-of-School Suspension."

[Contact: Laura Pincus, PX 47850.]

#### **Repeal-Adoption**

#### **CONSENT ITEM**

- The Board approved development of this repeal of Policy at the repeal-development reading on August 8, 2012.
- This rule is being replaced by updated and modified Policy 5.1812 – Student Conduct Code for Elementary Students and Policy 5.1813 – Student Conduct Code for Secondary Students.

## POLICY 5.18155

### ALTERNATIVE TO OUT-OF-SCHOOL SUSPENSION OF STUDENTS

#### 1. Purpose

- ~~a. The Alternative to Out of School Suspension ("ATOSS" ) program is a voluntary program for certain specified schools and offers an option to eligible students who have received an out of school suspension for violating any policy relating to student conduct in Chapter 5 of the School Board Policies. The goal of ATOSS is to help students who have received an out-of-school-suspension maintain academic momentum by providing an opportunity to reflect, adjust, and interact positively with their peers, educational environment, and community, in a temporary placement in another educational setting.~~
- ~~b. ATOSS is specifically intended to serve as an alternative to an out-of-school suspension and thereby eliminate or reduce a student's suspension days. ATOSS is not a method to unilaterally remove "disruptive" students. Nor is ATOSS a replacement or substitute for assignment to an Alternative School.~~

#### 2. Overview

- ~~a. The Superintendent will determine which schools may participate in the ATOSS program based on school's out-of-school suspension rates, availability of sites, success of programs, ability to expand, size of site, student safety, and budgetary constraints.~~
- ~~b. For specified schools, principals and their identified designees may offer eligible students who have received an out-of-school suspension for violating any policy relating to student conduct in Chapter 5 of the School Board Policies an ATOSS placement for up to the number of days suspended. While participating in the ATOSS program, students will be provided with FCAT Prep and supplemental curriculum provided using a character education component with vocational and life skills. Additionally, counseling services will be provided to the students with appropriate referrals to community agencies made available. Students attending the program should be referred to the School Based Team at their home school upon their return for monitoring and identification of needed interventions. Upon completion, students will generally return to their home school. Specific ATOSS locations will be designated and staffed with appropriate personnel. Transportation to and from ATOSS locations is the responsibility of the student/parent.~~
- ~~c. For each day a student fully participates in the ATOSS program at a designated ATOSS site, the School District's official attendance record will~~

38 ~~reflect that the student was present. Thus, the School District will not~~  
39 ~~designate and/or record the participating student absent for any ATOSS day.~~  
40 ~~Following the student's completion of the assigned number of ATOSS days,~~  
41 ~~the student will have the opportunity to make up missed class work at the~~  
42 ~~student's home school within a reasonable period of time. In such cases, the~~  
43 ~~student will receive full academic credit for timely completion of missed class~~  
44 ~~work.~~

45 ~~d. ATOSS days must comply with all federal and state laws governing~~  
46 ~~educational services, including those applicable to students in Exceptional~~  
47 ~~Student Education ("ESE" ). For purposes of compliance with Fla. Stat. §~~  
48 ~~1003.23, ATOSS is hereby designated by The School Board of Palm Beach~~  
49 ~~County as an "educational activity which constitutes a part of the school-~~  
50 ~~approved instructional program" for students.~~

51 ~~e. Because ATOSS is voluntary, a minor student's parent (as defined by Fla.~~  
52 ~~Stat. § 1000.21(5)) legal guardian or designee must expressly consent to an~~  
53 ~~ATOSS placement during the out-of-school suspension. A surrogate will be~~  
54 ~~appointed in the absence of a parent or guardian. Form PBSB 2267 will be~~  
55 ~~used for placement in the program, along with form 2269. These forms are~~  
56 ~~hereby incorporated by reference and can be found~~  
57 ~~at: [www.palmbeach.k12.fl.us/Records/FormSearch.asp](http://www.palmbeach.k12.fl.us/Records/FormSearch.asp)~~

### 58 ~~3. ATOSS Eligibility~~

59 ~~a. The principal/designee shall determine a student's eligibility for ATOSS~~  
60 ~~participation. The following factors are relevant to determining eligibility at the~~  
61 ~~designated schools:~~

62 ~~i. the facts relating to the suspension incident;~~

63 ~~ii. the student's prior disciplinary record and, in particular, whether the~~  
64 ~~student has a history of committing violent acts;~~

65 ~~iii. a review of the student's academic history to support the student in~~  
66 ~~completing all academic assignments required to receive full credit upon~~  
67 ~~completion of a suspension in ATOSS; and~~

68 ~~iv. whether the student could be subject to expulsion for the incident.~~

69 ~~b. Students who have committed a Level 4 incident under School Board Policies~~  
70 ~~5.1812 or 5.1813 and students subject to expulsion, are not eligible for an~~  
71 ~~ATOSS placement.~~

### 72 ~~4. Communication with Parent~~

73 ~~a. If determined eligible for ATOSS, a student's home school must discuss, the~~  
74 ~~same day as the ATOSS eligibility determination, the ATOSS offer with his or~~  
75 ~~her parent or designee. The discussion should be in person or by telephone.~~

76 ~~b. The school must communicate the following information to the parent:~~

77 ~~i. that the student received an out-of-school suspension;~~

78 ~~ii. that the student is eligible to attend ATOSS during the suspension;~~

79 ~~iii. the ATOSS program's purpose and how it operates;~~

80 ~~iv. the school proposes to assign the student to an ATOSS placement for a~~  
81 ~~specified time period;~~

82 ~~v. that the parent or designee must acknowledge responsibility for providing~~  
83 ~~daily transportation to and from the ATOSS site;~~

84 ~~vi. that the parent or designee must accept or decline the ATOSS offer on~~  
85 ~~behalf of the student;~~

86 ~~vii. that if the parent or designee accepts the offer, both parent or designee~~  
87 ~~and student must attend a 15-minute orientation session at the~~  
88 ~~designated ATOSS site the first day the student attends; and~~

89 ~~viii. that at ATOSS commencement, the parent or designee must provide his~~  
90 ~~or her written consent for the student to attend ATOSS for each of the~~  
91 ~~days the school has designated.~~

92 ~~5. **Challenge to Decision.** A student who is suspended and believes he or she~~  
93 ~~should have been offered the opportunity to be eligible for ATOSS may request~~  
94 ~~reconsideration of the decision directly to the student's home-school Principal. The~~  
95 ~~principal shall have final decision-making authority based on the same factors~~  
96 ~~listed above in section (3).~~

97 ~~6. **Students Eligible for ESE**~~

98 ~~a. Students eligible for ESE will receive services pursuant to their Individualized~~  
99 ~~Education Program, as determined by compliance with the Individuals with~~  
100 ~~Disabilities Education Act, the Act's implementing regulations, and state law.~~

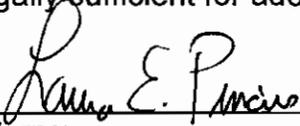
101 ~~b. ATOSS must not deprive children with disabilities of their right to a free~~  
102 ~~appropriate public education. The School Board will ensure that eligible ESE~~  
103 ~~students receive applicable services and procedural safeguards.~~

104 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41(2); 1001.42(6)(a);

105 1001.42(23)  
106 LAWS IMPLEMENTED: Fla. Stat. §§ 1006.07(1)(a); 1006.07(2); 1006.08(1);  
107 1006.09(1)(b); 1003.23(1)  
108 HISTORY: 3/12/08 (ER); 5/28/2008; 9/3/08 Repealed: \_\_/\_\_\_2012

Legal Signoff:

The Legal Department has reviewed the proposed repeal of Policy 5.18155 and finds it legally sufficient for adoption by the Board.

  
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Attorney

8/23/12  
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Date