



POLICY 5.18155

4-G I recommend that the Board adopt the proposed revised Policy 5.18155, entitled “Alternative to Out-of-School Suspension of Students.”

[Contact: Diane Curtis, PX 55945]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on July 30, 2008.
- Per Board request at the May 28, 2008 meeting, the following change has been made to the policy at lines 52, 75, 82, 84, 86, 89: “parent” has been replaced with “parent/designee”.

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)) or 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 at:
57 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; / /08

Legal Signoff:

The Legal Department has reviewed proposed Policy *.***** and finds it legally sufficient for development by the Board.

Attorney

Date