



POLICY 5.18155

5-E I recommend that the Board approve development of the proposed repeal of Policy 5.18155, entitled “Alternative to Out-of-School Suspension.”

[[Contact: Laura Pincus, PX 47850.]

Repeal-Development

CONSENT ITEM

- 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~~

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~~3~~ **1. Purpose**

- ~~4~~ a. ~~The Alternative to Out of School Suspension ("ATOSS") program is a~~
~~5~~ ~~voluntary program for certain specified schools and offers an option to eligible~~
~~6~~ ~~students who have received an out of school suspension for violating any~~
~~7~~ ~~policy relating to student conduct in Chapter 5 of the School Board Policies.~~
~~8~~ ~~The goal of ATOSS is to help students who have received an out-of-school-~~
~~9~~ ~~suspension maintain academic momentum by providing an opportunity to~~
~~10~~ ~~reflect, adjust, and interact positively with their peers, educational~~
~~11~~ ~~environment, and community, in a temporary placement in another educational~~
~~12~~ ~~setting.~~
- ~~13~~ b. ~~ATOSS is specifically intended to serve as an alternative to an out-of-school~~
~~14~~ ~~suspension and thereby eliminate or reduce a student's suspension days.~~
~~15~~ ~~ATOSS is not a method to unilaterally remove "disruptive" students. Nor is~~
~~16~~ ~~ATOSS a replacement or substitute for assignment to an Alternative School.~~

~~17~~ **2. Overview**

- ~~18~~ a. ~~The Superintendent will determine which schools may participate in the~~
~~19~~ ~~ATOSS program based on school's out-of-school suspension rates, availability~~
~~20~~ ~~of sites, success of programs, ability to expand, size of site, student safety,~~
~~21~~ ~~and budgetary constraints.~~
- ~~22~~ b. ~~For specified schools, principals and their identified designees may offer~~
~~23~~ ~~eligible students who have received an out-of-school suspension for violating~~
~~24~~ ~~any policy relating to student conduct in Chapter 5 of the School Board~~
~~25~~ ~~Policies an ATOSS placement for up to the number of days suspended. While~~
~~26~~ ~~participating in the ATOSS program, students will be provided with FCAT Prep~~
~~27~~ ~~and supplemental curriculum provided using a character education component~~
~~28~~ ~~with vocational and life skills. Additionally, counseling services will be provided~~
~~29~~ ~~to the students with appropriate referrals to community agencies made~~
~~30~~ ~~available. Students attending the program should be referred to the School~~
~~31~~ ~~Based Team at their home school upon their return for monitoring and~~
~~32~~ ~~identification of needed interventions. Upon completion, students will generally~~
~~33~~ ~~return to their home school. Specific ATOSS locations will be designated and~~
~~34~~ ~~staffed with appropriate personnel. Transportation to and from ATOSS~~
~~35~~ ~~locations is the responsibility of the student/parent.~~
- ~~36~~ c. ~~For each day a student fully participates in the ATOSS program at a~~
~~37~~ ~~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~~

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 To Be Repealed: ___/___2012

Legal Signoff:

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

Sandra E. Pincus
Attorney

7/30/12
Date