



### **POLICY 5.1819**

- 4-E** I recommend that the Board adopt the proposed revised Policy 4.114, entitled “Designation of Expulsion Hearing Officers,” which will be renumbered as Policy 5.1819.

[Contact: Gerald A. Williams, Esq., and Bruce A. Harris, Esq., PX 48500.]

#### **Adoption**

#### **CONSENT ITEM**

- The Board approved development of this Policy at the first reading on March 28, 2007.
- This Policy, currently in Chapter Four, is being transferred to Chapter Five, as most Policies in Chapter Four will be repealed.
- The substance of the Policy remains the same.

**POLICY 4.114 5.1819**

**DESIGNATION OF EXPULSION HEARING OFFICERS**

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3 1. When the superintendent makes a recommendation to the school board for  
4 expulsion of a student, the student and the student's custodial parent/guardian  
5 shall be notified of the recommendation, stating the charges against the student  
6 and advising of the student's right to due process as prescribed by Fla. Stat. §§  
7 120.569 and 120.57, ~~Fla. Stat.~~
- 8 2. ~~Notwithstanding the provisions of Policy 4.102 and 4.150(3),~~ if If the student or  
9 custodial parent/guardian timely requests a hearing, the Superintendent shall  
10 have the authority to assign either an outside attorney who is a member in good  
11 standing of The Florida Bar, a qualified former educational administrator, or other  
12 qualified individual to conduct the expulsion hearing, regardless of whether the  
13 hearing will be conducted under Fla. Stat. § 120.57(1) or § 120.57(2), ~~F.S.~~
- 14 3. Definitions
  - 15 a. "Qualified former educational administrator" shall mean any former school  
16 principal or assistant principal who has successfully completed the training  
17 program provided in section ~~5~~ 4 below, if that individual was employed in  
18 good standing by this district or any other school district. This provision  
19 shall not include a person currently employed by this school district.
  - 20 b. "Other qualified individual" shall mean any law student, law school  
21 graduate, or person holding a master's degree or doctorate in educational  
22 leadership or educational administration (other than current employees of  
23 the school district), who has successfully completed the training program  
24 specified in section ~~5~~ 4, below.
- 25 4. Any former educational administrator or other individual, as set forth in § 3 ~~or § 4~~  
26 above, desiring to become qualified to conduct expulsion hearings shall complete  
27 six (6) hours of training to include, at a minimum:
  - 28 a. Instruction on the proper interpretation of the Florida Statutes and school  
29 board policies relating to the basis for expulsion of students.
  - 30 b. Observation of an expulsion hearing conducted by an attorney, which may  
31 be accomplished in person or by viewing a video-taped hearing.
  - 32 c. Instruction on resolving legal issues and procedural questions which may  
33 arise, including but not limited to:
    - 34 i. Detecting disputes over material issues of fact;
    - 35 ii. Assessing the weight of admitted evidence;
    - 36 iii. Excluding irrelevant, immaterial, or unduly repetitious evidence;
    - 37 iv. Excluding improper hearsay or "similar-fact" evidence (in formal  
38 hearings under § 120.57(1) ~~F.S.~~)

- 39                   v.    Providing a written explanation if objections of the parties are
- 40                                overruled.
- 41                   vi.   Maintaining the record of the hearing.
- 42                   vii. Preparing a recommended order with findings of fact and
- 43                                conclusions of law.
- 44                d. Successful completion of the training shall be confirmed through a
- 45                    satisfactory score on a test of the knowledge and skills necessary for
- 46                    successfully presiding over an expulsion hearing. This test may be written,
- 47                    oral, or in the form of a demonstration.

48   STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42(23) 230.22(2);  
49    230.23(22)

50   LAWS IMPLEMENTED: Fla. Stat. §§ 120.57; 120.81(f)&(h); 1006.08(1); 1006.09(1)(c)  
51    230.23(6)(c)(1); 230.33(8), 232.26(2)

52   RELATED POLICIES OR PROCEDURES: ~~Policies 4.150-4.152, 4.120-4.135.~~ *See also*  
53    Uniform Rules of Procedure 28-106.102, 28-106.301-.307,  
54    F.A.C.; and 28-106.201-.214, F.A.C.

55   HISTORY:   New: 02/05/01 (as 4.114);       /      /2007 (as 5.1819)

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.1819 and finds it legally sufficient for development by the Board.

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Attorney

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Date