

POLICY 5.1819

5-E I recommend that the Board approve development of 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.]

Development CONSENT ITEM

- This Policy, currently in Chapter Four, is being transferred to Chapter Five, as most Policies in Chapter Four will be repealed.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

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

39 40	۷.	Providing a written explanation if objections of the parties are overruled.		
41	vi.	Maintaining the record of the hearing.		
42 43	vii.	Preparing a recommended order with findings of fact and conclusions of law.		
44 45 46 47	d. Successful completion of the training shall be confirmed through a satisfactory score on a test of the knowledge and skills necessary for successfully presiding over an expulsion hearing. This test may be written, oral, or in the form of a demonstration.			
48 49	STATUTORY AUTH	HORITY: Fla. Stat. §§ <u>1001.41(2); 1001.42(23)</u>		
50 51	LAWS IMPLEMENTED: Fla. Stat. §§ 120.57; 120.81(f)&(h); <u>1006.08(1); 1006.09(1)(c)</u> 230.23(6)(c)(1); 230.33(8), 232.26(2)			
52 53 54	RELATED POLICIE	S OR PROCEDURES: Policies 4.150-4.152, 4.120-4.135. <i>See also</i> Uniform Rules of Procedure 28-106.102, 28-106.301307, F.A.C.; and 28-106.201214, F.A.C.		
55	HISTORY: New:	02/05/01 (as 4.114); <u>/ /2007 (as 5.1819)</u>		

Legal Signoff:

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

Attorney

Date