

NEW POLICY 5.1814

4-E I recommend the Board adopt the proposed new Policy 5.1814, to be entitled "Most Severe Consequences for Violent Acts."

Adoption

CONSENT ITEM

- At the Expulsion workshop on July 22, the Board requested that the most severe consequences be imposed via Policy for the most violent acts of students. This request accords with State Board of Education Rule 6A-1.0404, upon which this proposed Policy is based.
- Although on Sept. 9 the Board discussed changing "shall" to "may" in line 12, the Legal Department recommends retaining the word "shall." State Board Rule 6A-1.0404 requires school boards to "ensure that students found to have committed the following offenses . . . shall receive the most severe consequences" *However*, this Policy allows discretion for principals, the District administration, and the Board to take mitigating circumstances into consideration when deciding what disciplinary consequences should be imposed.
- Paragraph (3)(d) (at line 23) imposes the most severe consequences only for "*aggravated battery*" on persons *other than employees*. This language is quoted from State Board Rule 6A-1.0404. That Rule and the Criminal Code provide a heightened level of protection to District *employees*, as shown in paragraph (3)(e), which imposes the most severe consequences for even *simple battery* on an employee.
- As requested by the Board on Sept. 9, section (3) has been added to impose the most severe consequences for making a written or oral threat of death or serious bodily injury upon a student, District employee, or Board member.
- On Sept. 30, the Board approved this proposed Policy for a second reading/ adoption on Nov. 18 (rescheduled to Dec. 2).

PROPOSED NEW POLICY 5.1814

MOST SEVERE CONSEQUENCES FOR VIOLENT ACTS

- 1 1. Definition.-- As used herein, the term "most severe consequences" may refer to
2 expulsion of a student for the remainder of the current school year and the entire
3 next school year as allowed by Fla. Stat. § 228.041(26), with no early reinstatement,
4 and with referral for criminal prosecution.
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- 6 2. Discretion.-- Pursuant to SBER 6A-1.0404(3), the following sections shall not be
7 construed to remove the discretion of the principal/designee, District administration,
8 or the School Board in cases where mitigating circumstances may affect decisions
9 on disciplinary action.
10
- 11 3. Consequences.-- As required by State Board of Education Rule 6A-1.0404(2), it is
12 the Policy of the School Board that students shall receive the most severe
13 consequences if found to have committed the following offenses on school
14 property, on school sponsored transportation, or during a school sponsored
15 activity:
16
 - 17 a. homicide (murder, manslaughter) of a student, District employee, School
18 Board member, or other person;
 - 19 b. sexual battery upon a student, District employee, School Board member, or
20 other person;
 - 21 c. armed robbery of a student, District employee, School Board member, or other
22 person;
 - 23 d. aggravated battery on a student or other person not listed in paragraph (e);
 - 24 e. battery or aggravated battery on a teacher, other school personnel, or School
25 Board member;
 - 26 f. kidnapping or abduction of a student, District employee, School Board
27 member, or other person;
 - 28 g. arson;
 - 29 h. possession, use, or sale of any firearm; or
 - 30 i. possession, use or sale of any explosive device.
- 31
- 32 4. Further, the most severe consequences may be imposed if a student is found to
33 have made a written or oral threat of intention to inflict serious bodily harm or death
34 upon any student of the District, any District employee, or any School Board
35 member (regardless of where the threat was made).
36
- 37 5. Under Fla. Stat. § 230.23(6)(d)11, the most severe consequences may also be

38 imposed for committing the following offenses involving the school or school
39 personnel's property, school transportation, or a school-sponsored activity:
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41 a. making a threat to throw, project, place, or discharge any destructive device as
42 defined in Fla. Stat. § 790.001(4), with the intent to do bodily harm to any
43 person or with the intent to do damage to any property of any person; or
44

45 b. making a false report, with intent to deceive, mislead, or otherwise misinform
46 any person, concerning the placing or planting of any bomb, dynamite, other
47 deadly explosive, or weapon of mass destruction.
48

49 STATUTORY AUTHORITY: §§ 230.22(2); 230.23(6); 230.23(22); 230.23005(1),
50 Fla. Stat.

51 LAWS IMPLEMENTED: §§ 228.041(26); 230.23(6); 230.23005(1); 230.23015;
52 232.25(3); 232.26; 790.162; 790.163, Fla. Stat.

53 STATE BOARD RULE SUPPLEMENTED: F.A.C. r. 6A-1.0404

54 HISTORY: _____ / ____ /02

Legal Signoff:

The Legal Department has reviewed proposed new Policy 5.1814 and finds it legally sufficient for development by the Board.

Attorney

Date