

PROPOSED NEW POLICY 5.1814

5-A I recommend the Board approve the proposed new Policy 5.1814, to be entitled "Severest Consequences for Violent Acts."

◆ **Development**

- 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.
- This proposed Policy is based on State Board of Education Rule 6A-1.0404. The Legal Department suggests having these severe-consequence provisions in this separate Policy, which will supplement the current discipline matrix Policies.
- The discipline matrix is primarily a *coding system for schools*, not a guideline for District administration and the Board as to length of expulsions. For example, rather than amending the matrix Policies to provide for maximum expulsion time for battery on a teacher, it would be better to have this separate Policy to clarify that requirement.

CONSENT ITEM

PROPOSED NEW POLICY 5.1814

SEVEREST CONSEQUENCES FOR VIOLENT ACTS

1 1. Pursuant to State Board of Education Rule 6A-1.0404(2), the School Board hereby
2 declares that students found to have committed the following offenses on school
3 property, school sponsored transportation, or during a school sponsored activity
4 shall receive the most severe consequences provided for by School Board Policy:

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6 a. homicide (murder, manslaughter);
7 b. sexual battery;
8 c. armed robbery;
9 d. aggravated battery;
10 e. battery or aggravated battery on a teacher or other school personnel;
11 f. kidnapping or abduction;
12 g. arson;
13 h. possession, use, or sale of any firearm; or
14 i. possession, use or sale of any explosive device.

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16 2. As used herein, the term "most severe consequences" shall refer to expulsion for
17 the remainder of the current school year and the entire next school year as allowed
18 by Fla. Stat. § 228.041(26), with no possibility of early reinstatement, and with
19 referral for criminal prosecution.

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21 3. Pursuant to SBER 6A-1.0404(3), the foregoing sections "shall not be construed to
22 remove [the] school board's discretion in cases where mitigating circumstances
23 may affect decisions on disciplinary action."

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26 STATUTORY AUTHORITY: §§ 230.22(2); 230.23(6); 230.23(22); 230.23005(1),

27 Fla. Stat.

28 LAWS IMPLEMENTED: §§ 230.23(6); 230.23005(1); 230.23015; 232.25(3); 232.26,

29 Fla. Stat.

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

31 HISTORY: Newly proposed: / /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