

PROPOSED NEW POLICY 5.1814

5-C I recommend the Board approve the proposed new Policy 5.1814, to be entitled "Most Severe 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*, rather than a guideline for District administration and the Board as to length of expulsions. Therefore, rather than amending the matrix Policies to provide for maximum expulsion time for battery on a teacher, for example, it would seem more appropriate to clarify the Board's position through this Policy.

CONSENT ITEM

PROPOSED NEW POLICY 5.1814

MOST SEVERE 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 any of the following offenses on
3 school property, school sponsored transportation, or during a school sponsored
4 activity shall receive the most severe consequences provided for by School Board
5 Policy:

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7 a. homicide (murder, manslaughter);
8 b. sexual battery;
9 c. armed robbery;
10 d. aggravated battery;
11 e. battery or aggravated battery on a teacher or other school personnel;
12 f. kidnapping or abduction;
13 g. arson;
14 h. possession, use, or sale of any firearm;
15 i. possession, use or sale of any explosive device; or
16 j. as provided by Fla. Stat. § 230.23(6)(d)11, making a threat as defined by §
17 790.162 (regarding destructive devices) or a false report as defined by §
18 790.163 (regarding bombs or explosives), involving the school's or school
19 personnel's property, school transportation, or a school-sponsored activity.

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

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

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

32 LAWS IMPLEMENTED: §§ 230.23(6); 230.23005(1); 230.23015; 232.25(3); 232.26,
33 Fla. Stat.

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

35 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