

POLICY 5.1815

5-A I recommend the Board approve the proposed new Policy 5.1815, to be entitled "Student Suspension."

[Contact: Corey Smith, Esq., 434-8500.]

Development

CONSENT ITEM

- This new Policy provides uniform guidelines for school administrators regarding criteria and procedures for out-of-school suspensions.

POLICY 5.1815

STUDENT SUSPENSION

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6 1. Purpose.-- The purpose of this Policy is to provide uniform guidelines for
7 school administrators regarding criteria and procedures for imposing out-of-
8 school suspensions.
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10 2. Definition.-- Pursuant to Fla. Stat. § 1003.01(5)(a), suspension, "also
11 referred to as out-of-school suspension, means the temporary removal of a
12 student from all classes of instruction on public school grounds and all other
13 school-sponsored activities, except as authorized by the principal or the
14 principal's designee, for a period not to exceed 10 school days and remanding
15 of the student to the custody of the student's parent with specific homework
16 assignments for the student to complete."
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18 3. Authority to Suspend.-- Pursuant to Fla. Stat. §§ 1006.09 and 1012.28(5),
19 only the school principal or the principal's designee have the authority to
20 suspend a student for violation of the Code of Student Conduct.
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22 4. Parameters of the Matrix.-- Any suspension imposed upon a student in this
23 District shall be in conformity with the Matrix of Incidents and Actions for
24 Elementary Students and the Matrix of Incidents and Actions for Secondary
25 Students, found in School Board Policies 5.1812 and 5.1813.
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27 a. As required by law, in cases of disruptive behavior the teacher "may
28 recommend an appropriate consequence consistent with the student code
29 of conduct . . . [and] the principal shall respond by employing the teacher's
30 recommended consequence or a more serious disciplinary action if the
31 student's history of disruptive behavior warrants it. If the principal
32 determines that a lesser disciplinary action is appropriate, the principal
33 should consult with the teacher prior to taking disciplinary action." Fla.
34 Stat. § 1003.32(3).
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36 b. No student shall be suspended for unexcused tardiness, lateness,
37 absence, or truancy.
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39 5. Alternative Measures.-- As required by Fla. Stat. § 1006.09(1)(b), the
40 principal/designee must make a good faith effort to employ parental
41 assistance or other alternative measures prior to suspension, except in the

42 case of emergency or disruptive conditions which require immediate
43 suspension or in the case of a serious breach of conduct as defined by the
44 discipline-related Policies in Chapter 5 of this Policy manual.

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46 **6. Due Process Required by Fla. Stat. § 1006.09**

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48 a. When a student commits an offense punishable by out-of-school
49 suspension, the principal/designee shall make a good faith effort to
50 immediately inform a student's parent by telephone of the suspension and
51 the reasons for the suspension.

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53 b. Prior to the suspension the principal/designee shall provide oral and
54 written notice to the student of the charges and an explanation of the
55 evidence against him or her; and the student shall be given an opportunity
56 to present his or her side of the story to the principal/ designee.

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58 c. The suspension and the reasons for the suspension shall be reported in
59 writing within 24 hours to the student's parent by United States mail.

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61 d. Each suspension and the reasons for the suspension shall be reported in
62 writing within 24 hours to the Superintendent.

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64 **7. Suspension from Transportation.--** The principal/principal's designee may
65 suspend any student transported to or from school at public expense from the
66 privilege of riding on a school bus for violation of Policy 5.186, "Student
67 Transportation Conduct," including for behavior at bus stops, and the
68 principal/designee must give notice in writing to the student's parent and to the
69 Superintendent within 24 hours.

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71 **8. Principal as Final Decision Maker.--** The school principal is the final
72 decision maker regarding suspensions and "shall not be held legally
73 responsible for suspensions of students made in good faith." Fla. Stat. §
74 1006.09(1)(b). A principal must give the student a rudimentary hearing, and
75 may also hold an informal meeting with the student and/or parent or
76 representative prior to the suspension to consider any explanations or
77 defenses the student may have. However, Fla. Stat. § 1006.07(1)(a) exempts
78 suspensions from the Administrative Procedure Act; and once the principal
79 makes the decision to suspend a student, that decision is final; there is no
80 appeal process within the School District.

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82 **9. IDEA & Section 504.--** This Policy must be construed consistent with the
83 Individuals with Disabilities Education Act ("IDEA") and Section 504 of the

84 Rehabilitation Act ("Section 504"). Students eligible for services under the
85 IDEA shall be disciplined in accordance with State Board of Education Rule
86 6A-6.0331(6) and Policy 5.189; and students with an active Section 504
87 accommodation plans will be disciplined in accordance with that Act and
88 Policy 5.1891.

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90 **10. Felony Suspension.--**

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92 a. Pursuant to Fla. Stat. § 1006.09(2), when a student is formally charged by
93 the State Attorney's Office with a felony or a delinquent act that would be a
94 felony if committed by an adult, for an incident that allegedly occurred off of
95 District property, the student may be suspended if that incident is shown,
96 in an administrative hearing conducted by the principal with prior notice to
97 the parents, to have an adverse impact on the educational program,
98 discipline, or welfare in the school in which the student is enrolled.

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100 b. The principal shall follow the felony suspension procedures set forth in
101 Policy 5.80(5).

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103 c. If the student is not subsequently found guilty of the felony charge or
104 adjudicated delinquent, the suspension shall be terminated immediately.
105 If the student is found guilty or adjudicated delinquent, the principal may
106 recommend expulsion.

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109 STATUTORY AUTHORITY: §§ 1001.41(2); 1001.43(1); 1006.07;
110 1006.09, Fla. Stat.

111 LAWS IMPLEMENTED: §§ 1003.01(5)(a); 1006.07; 1006.09; 1002.20(4)(a),
112 Fla. Stat.

113 HISTORY: NEW: / /03

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.1815 and finds it legally sufficient for development by the Board.

Attorney

Date