

POLICY 5.1815

5-C 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. A
60 copy of the suspension letter should also be given to the student.

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62 d. As required by Fla. Stat. § 1006.09(1)(b), "Each suspension and the
63 reasons for the suspension shall also be reported in writing within 24
64 hours to the district school superintendent." This reporting can be
65 facilitated through TERMS.

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

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

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85 9. IDEA & Section 504.-- This Policy must be construed consistent with the
86 Individuals with Disabilities Education Act ("IDEA") and Section 504 of the
87 Rehabilitation Act ("Section 504"). Students eligible for services under the
88 IDEA shall be disciplined in accordance with State Board of Education Rule
89 6A-6.0331(6) and Policy 5.189; and students with an active Section 504
90 accommodation plans will be disciplined in accordance with that Act and
91 Policy 5.1891.

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93 10. Felony Suspension.--

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

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

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

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112 STATUTORY AUTHORITY: §§ 1001.41(2); 1001.43(1); 1006.07;
113 1006.09, Fla. Stat.

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

116 HISTORY: NEW: / /04

Legal Signoff:

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

Attorney

Date