



POLICY 5.1815

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

[Contact: Laura Pincus, Esq., 434-8500.]

Development

CONSENT ITEM

- This new Policy provides uniform guidelines for school administrators regarding criteria and procedures for out-of-school suspensions.
- Information on homework requirements and credit for homework and projects during suspension is included in Section (10), consistent with the 2003-2004 Student Progression Plan and direction recently provided at a Superintendent's Administrators & Supervisors forum.

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
15 remanding of the student to the custody of the student's parent with specific
16 homework 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
23 this 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
29 code of conduct . . . [and] the principal shall respond by employing the
30 teacher's recommended consequence or a more serious disciplinary
31 action if the student's history of disruptive behavior warrants it. If the
32 principal determines that a lesser disciplinary action is appropriate, the
33 principal should consult with the teacher prior to taking disciplinary
34 action." Fla. 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
51 and 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
56 opportunity to present his or her side of the story to the principal/
57 designee.

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59 c. The suspension and the reasons for the suspension shall be reported
60 in writing within 24 hours to the student's parent by United States mail.
61 A copy of the suspension letter should also be given to the student.

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

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

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

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

88 Rehabilitation Act ("Section 504"). Students eligible for services under the
89 IDEA shall be disciplined in accordance with State Board of Education Rule
90 6A-6.0331(6) and Policy 5.189; and students with an active Section 504
91 accommodation plans will be disciplined in accordance with that Act and
92 Policy 5.1891.

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94 **10. Homework and Projects.--** The amount of credit given for homework that is
95 assigned to a student for completion during out-of-school suspension
96 pursuant to Fla. Stat. § 1003.01(5)(a) shall be limited to the minimum
97 passing grade. Additionally, as stated in the 2003-2004 Student Progression
98 Plan incorporated in Policy 8.01, the following guidelines shall apply:

99
100 a. Elementary.-- Students receiving out-of-school suspension must be
101 assigned schoolwork that will cover content and skills taught during the
102 duration of the suspension.

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104 b. Middle School.-- Students receiving out-of-school suspension must be
105 assigned schoolwork that will cover content and skills taught during the
106 duration of suspension. Students on suspension will be permitted to
107 make up nine-week and semester examinations if applicable. Projects,
108 term papers, etc., which represent work for a nine-week or semester
109 period will be submitted with penalty for the purpose of determining a
110 student's grade.

111
112 c. High School.-- Students receiving out-of-school suspension must be
113 assigned schoolwork to keep up with content and skills covered during
114 the duration of the suspension. Students on suspension will be
115 permitted to make up nine-week and semester examinations. Projects,
116 term papers, etc., which represent work for a period of time greater
117 than the suspension period will be submitted for the purpose of
118 determining a student's grade in accordance with each school's grading
119 practices.

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121 **11. Felony Suspension.--**

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

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

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135 c. If the student is not subsequently found guilty of the felony charge or
136 adjudicated delinquent, the suspension shall be terminated
137 immediately. If the student is found guilty or adjudicated delinquent,
138 the principal may recommend expulsion.

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141 STATUTORY AUTHORITY: §§ 1001.41(2); 1001.43(1); 1006.07;
142 1006.09, Fla. Stat.

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

145 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