



POLICY 5.1815

- 5-A** Board discussion of the proposed new Policy 5.1815, to be entitled "Student Suspension."

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

[Development] (discussion only)

- 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), similar to the 2003-2004 Student Progression Plan and consistent with direction recently provided at a Superintendent's Administrators & Supervisors forum and preliminarily discussed at the May 24 Policy meeting.

POLICY 5.1815

STUDENT SUSPENSION

- Purpose.**-- The purpose of this Policy is to provide uniform guidelines for school administrators regarding criteria and procedures for imposing out-of-school suspensions.
 - Definition.**-- Pursuant to Fla. Stat. § 1003.01(5)(a), suspension, "also referred to as out-of-school suspension, means the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal's designee, for a period not to exceed 10 school days and remanding of the student to the custody of the student's parent with specific homework assignments for the student to complete."
 - Authority to Suspend.**-- Pursuant to Fla. Sat. §§ 1006.09 and 1012.28(5), only the school principal or the principal's designee have the authority to suspend a student for violation of the Code of Student Conduct.
 - Parameters of the Matrix.**-- Any suspension imposed upon a student in this District shall be in conformity with the Matrix of Incidents and Actions for Elementary Students and the Matrix of Incidents and Actions for Secondary Students, found in School Board Policies 5.1812 and 5.1813.
 - a. As required by law, in cases of disruptive behavior the teacher "may recommend an appropriate consequence consistent with the student code of conduct . . . [and] the principal shall respond by employing the teacher's recommended consequence or a more serious disciplinary action if the student's history of disruptive behavior warrants it. If the principal determines that a lesser disciplinary action is appropriate, the principal should consult with the teacher prior to taking disciplinary action." Fla. Stat. § 1003.32(3).
 - b. No student shall be suspended for unexcused tardiness, lateness, absence, or truancy.
 - Alternative Measures.**-- As required by Fla. Stat. § 1006.09(1)(b), the principal/designee must make a good faith effort to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by the discipline-related Policies in Chapter 5 of this Policy manual.

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

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- 47 a. When a student commits an offense punishable by out-of-school suspension,
48 the principal/designee shall make a good faith effort to immediately inform a
49 student's parent by telephone of the suspension and the reasons for the
50 suspension.
- 51 b. Prior to the suspension the principal/designee shall provide oral and written
52 notice to the student of the charges and an explanation of the evidence
53 against him or her; and the student shall be given an opportunity to present
54 his or her side of the story to the principal/ designee.
- 55
- 56 c. The suspension and the reasons for the suspension shall be reported in
57 writing within 24 hours to the student's parent by United States mail. A copy of
58 the suspension letter should also be given to the student.
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- 60 d. As required by Fla. Stat. § 1006.09(1)(b), "Each suspension and the reasons
61 for the suspension shall also be reported in writing within 24 hours to the
62 district school superintendent." This reporting can be facilitated through
63 TERMS.
- 64

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

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

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

88 accommodation plans will be disciplined in accordance with that Act and Policy
89 5.1891.

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91 **10. Homework, Projects, and Other Assignments.**-- In relation to out-of-school
92 suspension, credit for homework and other assignments shall be given as follows
93 [similar to the provisions the 2003-2004 Student Progression Plan incorporated in
94 Policy 8.01 (see Appendix at p. 7, below)]:

95 a. As Fla. Stat. § 1003.01(5)(a) requires that students complete homework
96 during out-of-school suspension, a student who receives out-of-school
97 suspension must be assigned homework that will cover content and skills
98 taught during the duration of suspension. However, because Fla. Stat. §
99 1003.26(1)(a) allows students to make up assigned work without academic
100 penalty when an absence is excused but suspension is an "unexcused
101 absence" under Policy 5.09, the amount of credit given for this homework
102 shall be limited to a maximum of fifty-nine percent (59%).

103 b. Similarly, students who were out on suspension on a day when a quiz, test, or
104 nine-week or semester exam was given shall be permitted to make up such
105 assignments, with credit being limited to a maximum of fifty-nine percent
106 (59%). Credit shall also be limited to a maximum of fifty-nine percent (59%)
107 when a project, term paper, or other assignment which represents work for a
108 nine-week or semester period (or other period of time greater than the
109 suspension period) is submitted late because the student was out on
110 suspension when the assignment was due.

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112 **11. Felony Suspension**

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

120 b. The principal shall follow the felony suspension procedures set forth in Policy
121 5.80(5).

122 c. If the student is not subsequently found guilty of the felony charge or
123 adjudicated delinquent, the suspension shall be terminated immediately. If
124 the student is found guilty or adjudicated delinquent, the principal may
125 recommend expulsion.

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

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

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136 HISTORY: NEW: / /04

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Legal Signoff:

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

Attorney

Date

APPENDIX

Note: The District's 2003-2004 Student Progression Plan, cited in Section (10), is part of Board Policy 8.01 and provides as follows regarding homework on suspension:

- *Elementary*-- Students receiving out-of-school suspension must be assigned schoolwork that will cover content and skills taught during the duration of the suspension.
- *Middle School*-- Students receiving out-of-school suspension must be assigned schoolwork that will cover content and skills taught during the duration of suspension. Students on suspension will be permitted to make up nine-week and semester examinations if applicable. Projects, term papers, etc., which represent work for a nine-week or semester period will be submitted with penalty for the purpose of determining a student's grade.
- *High School*-- Students receiving out-of-school suspension must be assigned schoolwork to keep up with content and skills covered during the duration of the suspension. Students on suspension will be permitted to make up nine-week and semester examinations. Projects, term papers, etc., which represent work for a period of time greater than the suspension period will be submitted for the purpose of determining a student's grade in accordance with each school's grading practices.