



POLICY 5.1818

4-G I recommend the Board adopt the proposed new Policy 5.1818, to be entitled "Student Early Reinstatement."

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

Adoption

CONSENT ITEM

- The Board approved development of this Policy on April 19 and June 28, 2004. The adoption notice was duly advertised on April 26 and July 5, 2004.
- Pursuant to requests of the Board on April 19 and June 21, the following provisions have been amended:
 - Lines 18-20: specifies that reinstatement approvals will *take effect* two times per year.
 - Lines 48-50: clarifies that the requirement of having serving 75% of the expulsion term before applying for early reinstatement means the student has served at least 75% of the term *prescribed by the Board pursuant to Policy 5.1817(5)(d)(i)* (which provides: "The length of expulsion will be reduced to reflect time already spent at an alternative site, unless the Board votes otherwise. . . .") and Policy 5.1814, which provides the maximum expulsion period for battery on a Board member or District employee, and certain other violent acts, with *no opportunity for early reinstatement* (unless the Board finds that mitigating circumstances warrant early reinstatement). Policy 5.1814 is attached for reference.
 - Lines 67-72: clarifies that the student must provide "evidence of completing appropriate volunteer community service work consisting of fifteen (15) hours for elementary students and forty (40) hours for middle- and high-school students. The Superintendent/designee shall make available a list of examples of appropriate community service work opportunities." Consistent with the request at the April 19, 2004 Policy meeting, these hours have been increased from 10 and 25, respectively, and a mechanism for designating appropriate activities is provided.
- This new Policy will codify standards for the limited opportunity for early reinstatement of students that have been expelled, pursuant to Fla. Stat. § 1001.43(1)(e).

POLICY 5.1818

STUDENT EARLY REINSTATEMENT

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5 1. Purpose.-- It is the intent of the School Board that students serve the full term of
6 their expulsions, while recognizing the necessity for limited exceptions where early
7 reinstatement would be appropriate. It is not the intent that the following process be
8 utilized in such a way as to circumvent the expulsion process. This policy sets forth
9 standards for a limited opportunity for students that have been expelled to request
10 early reinstatement.

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12 2. General Provisions.--

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14 a. Any expelled student may apply for early reinstatement only one time during
15 the period of expulsion. If the application is rejected, the student must serve
16 the remainder of the expulsion period.

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18 b. Early reinstatement approvals will take effect only two times a year: at the
19 beginning of the school year in August and at the beginning of the second
20 semester in January. An exception from this schedule may be made for
21 students who were expelled either during the first month of school, or during
22 the first month of the second semester. For example, when a student is
23 expelled in September for an incident that occurred in August, and that
24 student's expulsion may generally continue until the following September,
25 consideration of early reinstatement before August would be appropriate so as
26 to allow the student to return to the regular program in August instead of
27 missing the first month of school by starting in September.

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29 c. All requests for early reinstatement must be submitted in writing, either typed
30 or printed from a computer, to the Chief Academic Officer for the School
31 District.

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33 d. It is the responsibility of the student to fulfill the criteria for early reinstatement,
34 and the student/parent must document the criteria and submit a completed
35 packet for review, with all documentation of completed reinstatement criteria
36 provided as required. Incomplete packets will not be eligible for review.

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38 e. Early reinstatement approval/rejection is within the complete and sole
39 discretion of the School Board. Approval for a recommendation of early
40 reinstatement to the School Board is within the sole discretion of the Chief
41 Academic Officer.

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43 3. Criteria.-- All requests for early reinstatement must meet the following criteria. The
44 Chief Academic Officer cannot advise the Superintendent to recommend that the
45 School Board consider a student's request for early reinstatement unless all of the
46 following criteria have been met:

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48 a. The student must have served at least three-fourths (75%) of the expulsion
49 term ordered by the Board pursuant to Policy 5.1817(5)(d)(i) and Policy
50 5.1814, "Most Severe Consequences for Violent Acts."

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52 b. The student has demonstrated successful rehabilitation, with all of the
53 following as evidence:

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55 i. Conduct.-- The student must not have had any disciplinary incidents since
56 the time of the incident leading to expulsion.

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58 ii. Restitution.-- The student must provide documented evidence that any
59 restitution owed to either the School Board or any victim(s) has been
60 made or waived by the party to whom it is owed.

61
62 iii. Treatment Program.-- If the student was expelled for violent conduct,
63 anger management must have been completed. If the student was
64 expelled for violations involving controlled substances, a rehabilitative
65 program shall have been completed.

66
67 iv. Community Service.-- The student must have provided evidence of
68 completing appropriate volunteer community service work consisting of
69 fifteen (15) hours for elementary students and forty (40) hours for middle-
70 and high-school students. The Superintendent/designee shall make
71 available a list of examples of appropriate community service work
72 opportunities.

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74 v. Exemplary Attendance.-- If the student chose to continue receiving
75 educational services through an alternative education contractor of the
76 School District during expulsion, the student must have accrued an
77 exemplary attendance record (i.e. no more than three (3) absences in a
78 semester). If the student attended private school, then the private school
79 attendance records must reflect exemplary attendance.

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81 vi. Good Grades.-- The student shall have achieved and maintained a
82 minimum of a 2.5 grade point average during the period of expulsion.

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84 vii. Personal Statement.-- The student must have submitted a personal
85 statement regarding the violation leading to the expulsion and the
86 reasons why the student believes early reinstatement should be granted.

87 An apology to any victim(s) must be included in the statement. For
88 middle and high-school students, the length of the statement shall be
89 equivalent to at least two (2) double-spaced typewritten pages and should
90 preferably be typewritten or computer-printed. For elementary school
91 students, the length of the statement shall be equivalent to at least one
92 (1) double-spaced typewritten page and should preferably be typewritten
93 or computer-printed.

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95 4. School Board Action

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97 a. It is within the sole discretion of the Chief Academic Officer to advise that the
98 Superintendent recommend early reinstatement. It is within the sole discretion
99 of the Superintendent to recommendation early reinstatement to the Board
100 upon the advice of the Chief Academic Officer. Upon the Superintendent's
101 approval, the recommendation will be placed on the agenda for the next
102 available School Board meeting.

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104 b. Upon written request, the student or parent/guardian/student/representative
105 may attend a special meeting with the Board on the day of the general Board
106 meeting to explain why he/she believes early reinstatement should be granted.
107 The presentation will be limited to three minutes and shall only focus on early
108 reinstatement. There will be no discussion involving the merits of the
109 expulsion case itself. Such presentations must be requested through the
110 Department of Legal Services.

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112 c. At the general meeting, the Board will vote on whether to approve the
113 recommendation. Final approval or rejection of the early-reinstatement
114 request is within the sole discretion of the School Board.

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116 STATUTORY AUTHORITY: §§ 1001.41(2); 1001.43(1)(e), Fla. Stat.

117 LAWS IMPLEMENTED: §§ 1001.41(1), (3); 1001.43(1)(e), Fla. Stat.

118 HISTORY: NEW: ___ / ___ /04

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.1818 and finds it legally sufficient for development by the Board.

Attorney

Date