



### **POLICY 5.1818**

**4-B** 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**

- 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).
- 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. The Board requested an amendment on August 2, to the effect that students expelled under Policy 5.1814 for violence cannot be reinstated early. Another Adoption Notice was advertised on August 16.
- Pursuant to requests of the Board on April 19, June 21, and August 2, the following provisions have been amended:
  - Lines 14-15: A student cannot be reinstated early if the expulsion was based on a violent act specified in Policy 5.1814 ("Most Severe Consequences for Violent Acts"), 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 specifically finds mitigating circumstances). Policy 5.1814 is attached for reference.
  - Lines 19-20: specifies that reinstatement approvals will *take effect* two times per year.
  - Lines 49-50: 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. . . .").
  - 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.

POLICY 5.1818

STUDENT EARLY REINSTATEMENT

1  
2  
3  
4  
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.

11  
12 2. General Provisions

13  
14 a. An expelled student, other than one expelled under Policy 5.1814 ("Most  
15 Severe Consequences for Violent Acts"), may apply for early reinstatement  
16 only one time during the period of expulsion. If the application is rejected, the  
17 student must serve the remainder of the expulsion period.

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

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

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

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

43

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

48  
49 a. The student must have served at least three-fourths (75%) of the expulsion  
50 term ordered by the Board pursuant to Policy 5.1817(5)(d)(i).

51  
52 b. The student has demonstrated successful rehabilitation, with all of the  
53 following as evidence:

54  
55 i. Conduct.-- The student must not have had any disciplinary incidents since  
56 the time of the incident leading to expulsion.

57  
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.

73  
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.

80  
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.

83  
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.

#### 94 95 4. School Board Action

96  
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.

103  
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.

111  
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.

115  
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

School Board **Policy 6Gx50-5.1814**  
**MOST SEVERE CONSEQUENCES FOR VIOLENT ACTS**

1. Definition-- As used herein, the term "most severe consequences" may refer to expulsion of a student for the remainder of the current school year and the entire next school year as allowed by Fla. Stat. § 228.041(26), with no early reinstatement, and with referral for criminal prosecution.
2. Discretion-- Pursuant to SBER 6A-1.0404(3), the following sections shall not be construed to remove the discretion of the principal/designee, District administration, or the School Board in cases where mitigating circumstances may affect decisions on disciplinary action.
3. Consequences-- As required by State Board of Education Rule 6A-1.0404(2), it is the Policy of the School Board that students shall receive the most severe consequences if found to have committed the following offenses on school property, on school sponsored transportation, or during a school sponsored activity:
  - a. homicide (murder, manslaughter) of a student, District employee, School Board member, or person;
  - b. sexual battery upon a student, District employee, School Board member, or other person;
  - c. armed robbery of a student, District employee, School Board member, or other person;
  - d. aggravated battery on a student or other person not listed in paragraph (e);
  - e. battery or aggravated battery on a teacher, other school personnel, or School Board member;
  - f. kidnapping or abduction of a student, District employee, School Board member, or other person;
  - g. arson;
  - h. possession, use, or sale of any firearm; or
  - i. possession, use or sale of any explosive device.
4. Further, the most severe consequences may be imposed if a student is found to have made a written or oral threat of intention to inflict serious bodily harm or death upon any student of the District, any District employee, or any School Board member (regardless of where the threat was made).
5. Under Fla. Stat. § 230.23(6)(d)11, the most severe consequences may also be imposed for committing the following offenses involving the school or school personnel's property, school transportation, or a school-sponsored activity:
  - a. making a threat to throw, project, place, or discharge any destructive device as defined in Fla. Stat. § 790.001(4), with the intent to do bodily harm to any person or with the intent to do damage to any property of any person; or
  - b. making a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction.

STATUTORY AUTHORITY: §§ 230.22(2); 230.23(6); 230.23(22); 230.23005(1), Fla. Stat.  
LAWS IMPLEMENTED: §§ 228.041(26); 230.23(6); 230.23005(1); 230.23015; 232.25(3); 232.26;  
232.27(3); 784.081; 790.162; 790.163, Fla. Stat.  
STATE BOARD RULE  
SUPPLEMENTED: F.A.C. r. 6A-1.0404  
HISTORY: 12/2/02