



POLICY 5.1819

5-E I recommend that the Board approve development of the proposed revised Policy 4.114, entitled "Designation of Expulsion Hearing Officers," which will be renumbered as Policy 5.1819.

[Contact: Gerald A. Williams, Esq., and Bruce A. Harris, Esq., PX 48500.]

Development

CONSENT ITEM

- This Policy, currently in Chapter Four, is being transferred to Chapter Five, as most Policies in Chapter Four will be repealed.
- The substance of the Policy remains the same.

POLICY 4.114 5.1819

DESIGNATION OF EXPULSION HEARING OFFICERS

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3 1. When the superintendent makes a recommendation to the school board for
4 expulsion of a student, the student and the student's custodial parent/guardian
5 shall be notified of the recommendation, stating the charges against the student
6 and advising of the student's right to due process as prescribed by Fla. Stat. §§
7 120.569 and 120.57, ~~Fla. Stat.~~
- 8 2. ~~Notwithstanding the provisions of Policy 4.102 and 4.150(3),~~ if If the student or
9 custodial parent/guardian timely requests a hearing, the Superintendent shall
10 have the authority to assign either an outside attorney who is a member in good
11 standing of The Florida Bar, a qualified former educational administrator, or other
12 qualified individual to conduct the expulsion hearing, regardless of whether the
13 hearing will be conducted under Fla. Stat. § 120.57(1) or § 120.57(2), ~~F.S.~~
- 14 3. Definitions
 - 15 a. "Qualified former educational administrator" shall mean any former school
16 principal or assistant principal who has successfully completed the training
17 program provided in section 5 4 below, if that individual was employed in
18 good standing by this district or any other school district. This provision
19 shall not include a person currently employed by this school district.
 - 20 b. "Other qualified individual" shall mean any law student, law school
21 graduate, or person holding a master's degree or doctorate in educational
22 leadership or educational administration (other than current employees of
23 the school district), who has successfully completed the training program
24 specified in section 5 4, below.
- 25 4. Any former educational administrator or other individual, as set forth in § 3 ~~or § 4~~
26 above, desiring to become qualified to conduct expulsion hearings shall complete
27 six (6) hours of training to include, at a minimum:
 - 28 a. Instruction on the proper interpretation of the Florida Statutes and school
29 board policies relating to the basis for expulsion of students.
 - 30 b. Observation of an expulsion hearing conducted by an attorney, which may
31 be accomplished in person or by viewing a video-taped hearing.
 - 32 c. Instruction on resolving legal issues and procedural questions which may
33 arise, including but not limited to:
 - 34 i. Detecting disputes over material issues of fact;
 - 35 ii. Assessing the weight of admitted evidence;
 - 36 iii. Excluding irrelevant, immaterial, or unduly repetitious evidence;
 - 37 iv. Excluding improper hearsay or "similar-fact" evidence (in formal
38 hearings under § 120.57(1) ~~F.S.~~)

- 39 v. Providing a written explanation if objections of the parties are
40 overruled.
41 vi. Maintaining the record of the hearing.
42 vii. Preparing a recommended order with findings of fact and
43 conclusions of law.
44 d. Successful completion of the training shall be confirmed through a
45 satisfactory score on a test of the knowledge and skills necessary for
46 successfully presiding over an expulsion hearing. This test may be written,
47 oral, or in the form of a demonstration.

48 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42(23) 230.22(2);
49 230.23(22)


50 LAWS IMPLEMENTED: Fla. Stat. §§ 120.57; 120.81(f)&(h); 1006.08(1); 1006.09(1)(c)
51 230.23(6)(c)(1); 230.33(8), 232.26(2)

52 RELATED POLICIES OR PROCEDURES: ~~Policies 4.150-4.152, 4.120-4.135. See also~~
53 Uniform Rules of Procedure 28-106.102, 28-106.301-.307,
54 F.A.C.; and 28-106.201-.214, F.A.C.


55 HISTORY: ~~New:~~ 02/05/01 (as 4.114); / /2007 (as 5.1819)

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.1819 and finds it legally sufficient for development by the Board.



Attorney



Date