



POLICY 5.1815

4-B I recommend the Board adopt the proposed new Policy 5.1815, to be entitled "Student Suspension."

[Contact: Ann Killets, 649-6888.]

Adoption

CONSENT ITEM

- This new Policy provides uniform guidelines for school administrators regarding criteria and procedures for out-of-school suspensions and homework consequences.
- Information on homework requirements and credit for homework and projects during suspension is included in Section (10), similar to direction provided at an A&S forum and discussed at the Board's special Policy meetings on May 24 and June 28, 2004. The recommendation is further clarified here to reflect: up to a maximum of 59% credit for homework completed during suspension; but up to full 100% credit for semester and nine-weeks exams and major class projects timely made up after a suspension.
- This final version includes some minor amendments mentioned at the February Policy meeting: the word "consequence" is used instead of "penalty" at line 89; and lines 14-15 were added to reflect the Superintendent's authority under Fla. Stat. §1006.08(1) to extend a suspension beyond 10 days when "school board action on a recommendation for the expulsion of [the] student is pending . . . if [the] suspension period expires before the next regular or special meeting of the district school board."
- As requested by the Board on June 28, the Florida Attorney General rendered an advisory legal opinion, AGO 2004-56, on November 23, 2004 on the issues of:
 - 1) whether imposing an academic penalty upon make-up work completed during, or after, a suspension would be inconsistent with the requirement of grading behavior and academics separately? [*Attorney General's answer: no, it would not be inconsistent: "as long as the school district clearly depicts and grades for [academics and behavior], there is nothing to preclude the school board from adopting a policy to impose academic penalties for make-up work during an unexcused absence. . . ."*];
 - 2) how much academic penalty is required by FLA. STAT. § 1003.26(1)(a) for work that is allowed to be made up during, or after, an unexcused absence? [*Attorney General's answer: the statute does not actually require any penalty, but it allows the Board to set a penalty; the degree of penalty is a decision for the Board, upon recommendation of the Superintendent, under its home-rule powers.*]; and
 - 3) when may full credit be given under FLA. STAT. § 1003.26(1)(a) for work made up after a suspension or for homework that is assigned to be completed during a suspension pursuant to section 1003.01(5)(a)? [*Attorney General's answer: the statute does not set these boundaries; the Board can determine it (upon recommendation of the Superintendent) by Policy under its home-rule powers.*]

POLICY 5.1815

STUDENT SUSPENSION

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5 1. **Purpose.--** The purpose of this Policy is to provide uniform guidelines for school
6 administrators regarding criteria and procedures for imposing out-of-school
7 suspensions and consequences associated with the suspension.
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- 9 2. **Definition.--** Pursuant to Fla. Stat. § 1003.01(5)(a), suspension, "also referred to as
10 out-of-school suspension, means the temporary removal of a student from all classes
11 of instruction on public school grounds and all other school-sponsored activities,
12 except as authorized by the principal or the principal's designee, for a period not to
13 exceed 10 school days and remanding of the student to the custody of the student's
14 parent with specific homework assignments for the student to complete," although the
15 Superintendent may extend the time of the suspension pursuant to Fla. Stat. §
16 1006.08(1) in certain cases when Board action on a recommendation for the
17 expulsion of the student is pending.
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- 19 3. **Authority to Suspend.--** Pursuant to Fla. Stat. §§ 1006.09 and 1012.28(5), only the
20 school principal or the principal's designee have the authority to suspend a student for
21 violation of the Code of Student Conduct.
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- 23 4. **Parameters of the Matrix.--** Any suspension imposed upon a student in this District
24 shall be in conformity with the Matrix of Incidents and Actions for Elementary Students
25 and the Matrix of Incidents and Actions for Secondary Students, found in School
26 Board Policies 5.1812 and 5.1813, and consistent with the requirements of Fla. Stat.
27 § 1003.32(3). Moreover, no student shall be suspended for unexcused tardiness,
28 lateness, absence, or truancy.
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- 30 5. **Alternative Measures.--** As required by Fla. Stat. § 1006.09(1)(b), the
31 principal/designee must make a good faith effort to employ parental assistance or
32 other alternative measures prior to suspension, except in the case of emergency or
33 disruptive conditions which require immediate suspension or in the case of a serious
34 breach of conduct as defined by the discipline-related Policies in Chapter 5 of this
35 Policy manual.
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- 37 6. **Due Process Required by Fla. Stat. § 1006.09**
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39 a. When a student commits an offense punishable by out-of-school suspension, the
40 principal/designee shall make a good faith effort to immediately inform a
41 student's parent by telephone of the suspension and the reasons for the

42 suspension.

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44 b. Prior to the suspension the principal/designee shall provide oral and written
45 notice to the student of the charges and an explanation of the evidence against
46 him or her; and the student shall be given an opportunity to present his or her side
47 of the story to the principal/ designee.

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

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

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

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64 8. **Principal as Final Decision Maker.--** The school principal is the final decision
65 maker regarding suspensions and "shall not be held legally responsible for
66 suspensions of students made in good faith." Fla. Stat. § 1006.09(1)(b). A principal
67 must give the student a rudimentary hearing, and may also hold an informal meeting
68 with the student and/or parent or representative prior to the suspension to consider
69 any explanations or defenses the student may have. However, Fla. Stat. §
70 1006.07(1)(a) exempts suspensions from the Administrative Procedure Act; and
71 once the principal makes the decision to suspend a student, that decision is final;
72 there is no appeal process within the School District.

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74 9. **IDEA & Section 504.--** This Policy must be construed consistent with the Individuals
75 with Disabilities Education Act ("IDEA") and Section 504 of the Rehabilitation Act
76 ("Section 504"). Students eligible for services under the IDEA shall be disciplined in
77 accordance with State Board of Education Rule 6A-6.0331(6) and Policy 5.189; and
78 students with an active Section 504 accommodation plans will be disciplined in
79 accordance with that Act and Policy 5.1891.

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81 10. **Homework, Projects, and Other Assignments.--** In relation to out-of-school
82 suspension, credit for homework and other assignments shall be given as follows,
83 consistent with Attorney General Opinion 2004-56:

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- 85 a. As Fla. Stat. § 1003.01(5)(a) requires that students complete homework during
- 86 out-of-school suspension, a student who receives out-of-school suspension must
- 87 be assigned homework that will cover content and skills taught during the
- 88 duration of suspension. However, because Fla. Stat. § 1003.26(1)(a) allows
- 89 consequences upon make-up work for unexcused absences (and suspension is
- 90 treated as an unexcused absence under Policy 5.09), the amount of credit given
- 91 for this homework shall be limited to a maximum of fifty-nine percent (59%).
- 92
- 93 b. However, students who were out on suspension on a day when a quiz, test, or
- 94 nine-week or semester exam was given shall be permitted to timely make up
- 95 such assignments without academic penalty. Full credit shall also be available
- 96 when a student timely makes up a project, term paper, or other major assignment
- 97 (representing work for a nine-week or semester period or other period of time
- 98 greater than the suspension period) that was due on a day during the
- 99 suspension.

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101 **11. Felony Suspension**

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- 103 a. Pursuant to Fla. Stat. § 1006.09(2), when a student is formally charged by the
- 104 State Attorney's Office with a felony or a delinquent act that would be a felony if
- 105 committed by an adult, for an incident that allegedly occurred off of District
- 106 property, the student may be suspended if that incident is shown, in an
- 107 administrative hearing conducted by the principal with prior notice to the parents,
- 108 to have an adverse impact on the educational program, discipline, or welfare in
- 109 the school in which the student is enrolled.
- 110
- 111 b. The principal shall follow the felony suspension procedures set forth in Policy
- 112 5.80(5).
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- 114 c. If the student is not subsequently found guilty of the felony charge or adjudicated
- 115 delinquent, the suspension shall be terminated immediately. If the student is
- 116 found guilty or adjudicated delinquent, the principal may recommend expulsion.
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119 STATUTORY AUTHORITY: §§ 1001.41(2); 1001.43(1); 1006.07; 1006.09, Fla. Stat.

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

121 ATTORNEY GENERAL OPINION CITED: AGO 2004-56

122 HISTORY: NEW: ___ / ___ /05

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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