



POLICY 5.1815

5-C I recommend the Board approve the proposed new Policy 5.1815, to be entitled "Student Suspension."

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

Development

CONSENT ITEM

- 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 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.
- 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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6 1. **Purpose.--** The purpose of this Policy is to provide uniform guidelines for school administrators regarding criteria and procedures for imposing out-of-school suspensions.
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- 10 2. **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."
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- 18 3. **Authority to Suspend.--** Pursuant to Fla. Stat. §§ 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.
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- 22 4. **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, and consistent with the requirements of Fla. Stat. § 1003.32(3). Moreover, no student shall be suspended for unexcused tardiness, lateness, absence, or truancy.
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- 29 5. **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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- 36 6. **Due Process Required by Fla. Stat. § 1006.09**
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38 a. When a student commits an offense punishable by out-of-school suspension, the principal/designee shall make a good faith effort to immediately inform a student's parent by telephone of the suspension and the reasons for the suspension.
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43 b. Prior to the suspension the principal/designee shall provide oral and written

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

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

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52 d. As required by Fla. Stat. § 1006.09(1)(b), "Each suspension and the reasons
53 for the suspension shall also be reported in writing within 24 hours to the
54 district school superintendent." This reporting can be facilitated through
55 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
67 principal must give the student a rudimentary hearing, and may also hold an
68 informal meeting with the student and/or parent or representative prior to the
69 suspension to consider any explanations or defenses the student may have.
70 However, Fla. Stat. § 1006.07(1)(a) exempts suspensions from the Administrative
71 Procedure Act; and once the principal makes the decision to suspend a student,
72 that decision is final; 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
75 Individuals with Disabilities Education Act ("IDEA") and Section 504 of the
76 Rehabilitation Act ("Section 504"). Students eligible for services under the IDEA
77 shall be disciplined in accordance with State Board of Education Rule 6A-
78 6.0331(6) and Policy 5.189; and students with an active Section 504
79 accommodation plans will be disciplined in accordance with that Act and Policy
80 5.1891.

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82 10. **Homework, Projects, and Other Assignments.--** In relation to out-of-school
83 suspension, credit for homework and other assignments shall be given as follows,
84 consistent with Attorney General Opinion 2004-56 [similar to, but superseding, the
85 provisions the 2003-2004 Student Progression Plan incorporated in Policy 8.01
86 (see Appendix at p. 6, below)]:

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

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

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

126 ATTORNEY GENERAL OPINION CITED: AGO 2004-56

127 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

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.