

POLICY 5.1818

5-D I recommend the Board approve the proposed new Policy 5.1818, to be entitled "Student Early Reinstatement."

[Contact: Corey Smith, Esq., 434-8500.]

Development

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).

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 requests will only be considered two times a year, one at
19 the beginning of the school year in August and one at the beginning of the
20 second semester in January. An exception from this schedule may be made
21 for students who were expelled either during the first month of school, or
22 during the first month of the second semester. For example, when a student is
23 expelled in September for an incident that occurred in August, that student's
24 expulsion may generally continue until the following September.
25 Consideration of early reinstatement before August would be appropriate so
26 as to allow the student to return to the regular program in August instead
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 complete the criteria for early
34 reinstatement, and the student/parent must document the criteria and submit a
35 completed packet for review, with all documentation of completed
36 reinstatement criteria provided as required. Incomplete packets will not be
37 eligible for review.

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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.

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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:

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49 a. The student must have served at least three-fourths (75%) of the expulsion
50 term designated in the final order.

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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.

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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.

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67 iv. *Community Service.*-- The student must have met a community service
68 requirement, consisting of 10 hours for elementary students and 25 hours
69 for middle- and high-school students.

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

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

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81 vii. *Personal Statement.*-- The student must have submitted a personal
82 statement regarding the violation leading to the expulsion and the
83 reasons why the student believes early reinstatement should be granted.
84 An apology to any victim(s) must be included in the statement. For
85 middle and high-school students, the statement shall be at least two
86 double-spaced typewritten pages. For elementary school students, the
87 statement shall be at least one double-spaced typewritten page.

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4. School Board Action

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

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

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

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

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

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