

SUSPENSION OF STUDENTS

5.342

- (1) The principal or designee may suspend a student from school when the following occur on School Board property or at school-sponsored activity: willful disobedience, open defiance of the principal or staff member's authority. Interference with the orderly discharge of normal school functions, use of profane or obscene language, other serious misconduct, repeated misconduct of a less serious nature, and other offenses as defined in the Codes of Student Conduct. If the suspension involves a minor student, the parent(s), legal guardian or custodian shall be notified in writing of the reasons for suspension and shall be provided an opportunity for a conference within twenty-four (24) hours of the effective date of suspension. If an adult student is involved, he/she shall be notified as to a conference date within twenty-four (24) hours of the effective date of suspension. The Superintendent shall receive a copy of any correspondence sent to the parent(s), legal guardian or adult student within twenty-four (24) hours. A suspension by the school principal shall not exceed ten (10) days. A suspension may result in expulsion based on the School Board's action.
 - (A) The school principal shall attempt to employ parental assistance or other alternative measures prior to suspending a student except in a case of emergency, disruptive conditions, or a serious breach of conduct as defined in the Codes of Student Conduct.
 - (B) A student who is transported to and from school at public expense may be suspended from riding a school bus by a principal for a period not to exceed ten (10) school days. Written notice shall be given to the parent(s) or legal guardian and to the Superintendent within twenty-four (24) hours. A student who is eighteen (18) years of age shall be given written notice directly and a copy thereof sent to the Superintendent within twenty-four (24) hours.
 - (C) The school principal shall include the following information in the written notice of suspension to the parent(s) or legal guardian of the minor student or the adult student and the Superintendent.
 - (i) Nature of the offense.
 - (ii) The date of the offense, the beginning date of the suspension, and the date on which the student may return to school.

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- (iii) Any conditions involving the suspension, such as a possible reduction of the suspension following a conference and assurance from the student of a change of attitude. Any recommendation for a student's expulsion by the school principal to the Superintendent shall include a detailed report on the alternative measures taken prior to the recommendation of expulsion.
 - (D) Any suspension notice to the adult student or the parent(s) or legal guardian of a minor student shall be hand-delivered by the principal or an administrative staff member or sent by certified mail with a return receipt within twenty-four (24) hours.
 - (E) A hearing shall be given to the adult student or a minor student and his/her parent(s) or legal guardian prior to the effective date of the suspension, whenever possible. Where conditions do not judiciously allow a delay in the suspension, the adult student or the parent(s) or legal guardian of the minor student shall be offered a hearing within twenty-four (24) hours following the effective date of the suspension. Whenever possible, after hearing a student's defense or explanation of his/her conduct, the principal shall explain to the student the reasons for the suspension and the conditions thereof.
 - (F) Any recommendation for a student's expulsion by the school principal to the Superintendent shall include a detailed report on the alternative measures taken prior to the recommendation of expulsion.
- (2) Exceptional education students may be suspended in accordance with School Board rules for a total of ten (10) days. Additional procedures for the suspension of exceptional education students shall be as follows:
- (A) The principal shall be responsible for convening a staffing committee when an exceptional education student is to be suspended for more than three (3) days or has accumulated a total of more a total of more than ten (10) days of suspension for the school year. The staffing committee in compliance with State Board of Education rules shall include, but not be limited to, the District administrator of exceptional students, the school psychologist, the exceptional student education teacher, and the principal or designee.
 - (B) The staffing committee shall review the student's individual education plan (IEP) and shall determine whether the student's behavior bears a relationship to his/her exceptionality.

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- (i) A staffing committee that determines the student's behavior is in relation to his/her exceptionality may modify the student's IEP in accordance with current needs and the suspension may not be applied.
 - (ii) The committee shall make a recommendation for or against suspension when the student's conduct does not bear a relationship to his/her exceptionality, but the principal shall review all evidence and recommendations and make the final decision regarding suspension. If suspension is applied, there shall not be a complete cessation of educational services.
 - (iii) The continuation of educational services may be implemented under a revised IEP developed in accordance with the student's current needs.
- (C) An IEP meeting shall be scheduled and conducted in compliance with State Board of Education rule 6A-6.0331(3) in conjunction with the staffing committee meeting. The decision of the staffing committee shall be recorded on the Exceptional Student Education Disciplinary Action Report and shall be used in determining the adequacy of the current special program and related services. If the current special program and related services are determined to be inadequate, the IEP shall be revised to meet the student's current educational needs.
- (D) The parent(s) or legal guardian of the exceptional education student shall be provided a copy of the rules and procedures regarding discipline of exceptional education students immediately following their adoption. Additional requirements for suspension of exceptional education students may be set forth in the Codes of Conduct and the Special Programs and Procedures for Exceptional Student Education Manual.
- (3) A student may be suspended from all classes when he/she is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on other than school property, but which is shown to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Following an administrative hearing conducted pursuant to State Board of Education rules and after due notice to the parent(s) or legal guardian, the student may be suspended from School Board property during regular classroom hours for a period of time as determined by the Superintendent.
- (A) Any student who is suspended as the result of such proceedings may be suspended from all classes of instruction on School Board property during

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regular classroom hours for a period of time, which may exceed ten (10) days, as determined by the Superintendent. Such suspension shall not affect the delivery of educational services to the student, who shall be immediately enrolled in a daytime or an evening alternative education program, where appropriate.

- (B) The suspension shall be terminated immediately when the student is not subsequently adjudicated delinquent or found guilty.
 - (C) The Superintendent shall have the authority to determine if a recommendation for expulsion shall be made to the School Board when the student is found guilty; provided, however, such suspension or expulsion shall not affect the delivery of educational services to the student in any residential or nonresidential program outside the District.
- (4) Suspension of an exceptional education student for violation of the Gun Free Schools Act shall be in accordance with State Board of Education rules and federal regulations.

STATUTORY AUTHORITY:

1001.41, F.S.

LAWS IMPLEMENTED:

1001.54, 1003.31, 1003.53, 1006.07, 1006.08, F.S.
1006.09, 1012.28

HISTORY:

ADOPTED: 01/08/2004
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FORMERLY: JKD