

CHAPTER 5.00 - STUDENTS

5.11 - Expulsion of Students

POLICY:

- (1) The principal/designee may suspend a student from school for a period not to exceed ten (10) days with a recommendation that he/she be dismissed from school. Wherever possible, or if conditions permit, the principal/designee shall hear the student's defense or explanation of his/her conduct and shall explain to the student his/her reasons for suspension with a recommendation of expulsion. Wherever possible, a hearing shall be given the minor student and his/her parents or guardian, or to the adult student, prior to the effective date of the suspension.
- (2) Where the presence of a disruptive student interferes with the orderly discharge of normal school functions, such student shall be suspended forthwith, and the parents or guardian of the minor student, or the adult student, notified as provided herein with an offer of a conference subsequent to the effective date of the suspension. In any case, the principal/designee shall conduct an investigation into the charges and shall obtain written and signed statements from any witness immediately after the incident. The principal/designee may place a student in an alternate placement location on a temporary basis, in lieu of suspension, pending the final recommendation by a District Administrative Discipline Review Committee (DARDC). The DARDC meeting should be arranged within 24 hours of the offense, and held as soon as possible. This option should not be used for students who the principal/designee is recommending for expulsion.
- (3) Any student who is suspended, out of school, fifteen (15) days or more per semester or twenty (20) days or more per school year shall be recommended by the principal/designee to the District Administrative Discipline Review Committee (DADRC) for consideration of expulsion. Any student enrolling in a Levy County school from another school district, private school, or state, shall be held to the provisions of this policy. This shall include any days they may have been suspended, out of school, during that school year at any previous school. Alternative placement may be recommended by the DADRC Committee. The Board shall be notified of any recommendations for alternate placement or expulsion.
- (4) When a principal/designee has suspended a pupil, out of school, and/or recommended alternate placement or expulsion to the Superintendent/designee, the principal/designee shall follow all procedures set forth in 5.10 for a Pupil Suspension and shall notify the student and his/her parents or guardians in the suspension letter that the pupil is also being recommended to the Superintendent/designee for alternative placement or expulsion. If the Superintendent/designee, upon receiving the recommendation of the principal/designee, shall concur that a recommendation of alternative placement or expulsion is warranted, the Superintendent/designee shall notify the student and the student's parents or guardians in writing of the decision to recommend alternative placement

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or expulsion and shall further inform the student and the student's parents or guardians notice of an opportunity to appear at a DADRC hearing or a regular or special meeting of the Board for expulsion hearings, said notice to contain the following:

- (a) A narrative summary of the factual, legal, and policy grounds for the recommendation of expulsion, including specific reference to the appropriate section of the Code of Student Conduct;
- (b) An explanation of the right of the student or his/her representative to present to the School Board of Levy County written or oral evidence in opposition to the expulsion, or a written statement challenging the grounds upon which the Superintendent/designee has recommended expulsion;
- (c) The date and time that the School Board will consider the expulsion recommendation of the Superintendent/designee;
- (d) The right of the student or his/her representative to request a hearing before the School Board pursuant to Florida Statutes 120.57(2), including a form to request such a hearing;
- (e) The responsibility of this student or his/her representative to request a hearing in writing at least five (5) working days prior to the date that the School Board is scheduled to consider the recommendation for expulsion, and an explanation that failure to provide five (5) days written notice of the intention to seek a hearing may necessitate a continuance of the hearing and a continuation of the period of suspension for the student;
- (f) The right of the student or his/her representative to have counsel present at any hearing on the issue of expulsion;
- (g) The right of the student and his/her representative to seek and obtain a continuance to allow for reasonable time to prepare for a hearing, provided that such request for a continuance shall be made at least three (3) working days prior to the scheduled hearing, and shall require an extension of the suspension of the student until the next Board meeting;
- (h) The fact that, if necessary, the Superintendent/designee has extended the out-of-school suspension of the student beyond the normal ten (10) days, to allow for the expulsion hearing before the School Board, and the date that the suspension will terminate absent Board action or a continuance in the hearing;
- (i) The right of the student, parents, or guardians to waive consideration of all facts by the School Board and to stipulate the entry of an Order of the School Board imposing an expulsion for the remainder of the school year or, if appropriate, the remainder of the

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school year and up to but not exceeding the following school year, which recommended time of expulsion shall be specified in such Waiver and Stipulation, a copy of which will be included with the letter; and

- (j) The right to receive a written explanation of the action taken by the School Board of Levy County, including its reasons for taking such action, within seven (7) days consideration by the Board or a hearing, if one is requested and held.
- (k) Students may not come on any Levy County campus nor enter any activity, including extracurricular activities, during this expulsion or alternative placement.
 - 1. If a hearing is requested, the School Board of Levy County may provide for an independent and unbiased attorney to act as Master to conduct the hearing and make rulings on points of law and order, if the Board feels that such a Master is required or reasonable.
 - 2. The Superintendent/designee or his/her designee or counsel shall present his/her case, and the student, and his/her representatives shall present their case, having the right to question each witness of the Superintendent/designee. The Superintendent/designee shall then present any rebuttal evidence, if required, to be followed by the student or the student's representatives.
 - 3. The School Board will be advised during the hearing by the School Board Attorney. Individual Board members may present questions to any witness.
 - 4. The School Board shall provide a written notice to the student and his/her representatives of its decision within seven (7) days of consideration of the recommendation for expulsion, or of any hearing on expulsion requested by the student and his/her representatives, which written notice shall be signed by the Chairman or the Secretary of the Board or Designee of the Secretary.
 - 5. All expulsion hearings shall be held in Executive Session of the School Board unless privacy is specifically waived by the student and his/her parents or guardians.
 - 6. The School Board shall have the authority as the receiving school district to honor the final order of expulsion of a student by another school board in accordance with the following procedures:
 - a. A final order of expulsion shall be recorded in the

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records of the school district.

- b. The expelled student applying for admission to the school district shall be advised of the final order of expulsion.
 - c. The Superintendent/designee of schools may recommend to the School Board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the School Board, with or without the recommendation of the Superintendent/designee, the student may be placed in an appropriate educational program at the direction of the School Board. This may include placement in an alternative placement setting.
- (l) If a student withdraws from the district after a recommendation for expulsion has been made by the principal/designee, the Superintendent/designee may continue the process of expulsion.
- (m) A Manifestation Determination meeting must be held for an Exceptional Education Student who is suspended from school for more than ten (10) days to determine if the student's disability and a specific behavior is a manifestation of the student's disability that may result in disciplinary action. The disciplinary action shall not result in cessation of educational services. The District is responsible for providing educational services in accordance with the Individual Education Plan (IEP). A Manifestation Determination Meeting must be held for a student with a Section 504 Plan who is suspended for more than ten (10) days to determine if the student's disability and a specific behavior is a manifestation of the student's disability that may result in disciplinary action. A Section 504 disabled student are subject to the same disciplinary action as a non-disabled student if the student's behavior is not a manifestation of his or her qualifying disability.

STATUTORY AUTHORITY:

1001.41 (2), 1001.42 (17), F.S.

LAWS IMPLEMENTED:

120.57(1), 1003.31, 1006.07 (6),
1006.09, 1006.21 (8), 1001.54 (6)-(8),
1212.28 (2)-(5) (8), F.S.

STATE BOARD OF EDUCATION RULE:

6A-6.03312

HISTORY:

Adopted: 06/17/97
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12/03/02, 12/02/03,
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