

REMOVAL, SUSPENSION, AND EXPULSION OF STUDENTS

The Board recognizes that exclusion from the educational program of the schools, whether by emergency removal, suspension, or expulsion, is the most severe sanction that can be imposed on a student in this District, and one that cannot be imposed without due process.

No student is to be removed, suspended, expelled, or excluded from an activity, program, or a school unless his/her behavior represents misconduct as specified in the student/parent handbook approved by the Board. The handbook shall also specify the procedures to be followed by school officials. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, the procedures set forth in Policy 2465 shall apply to students identified as disabled under the IDEA and/or Section 504 of the Rehabilitation Act of 1973.

For purposes of this policy and the Superintendent's administrative procedures, the following shall apply:

- A. "Emergency removal" shall be the exclusion of a student who poses a continuing danger to District property or persons in the District or whose behavior presents an on-going threat of disrupting the educational process provided by the District.
- B. "Suspension" shall be the temporary exclusion of a student from the District's program for a period not to exceed ten (10) school days.
- C. "Expulsion" shall be the exclusion of a student from the schools of this District for the number of school days remaining in a semester or term in which the incident that gives rise to the expulsion takes place and one (1) additional school year.

SUSPENSION FROM SCHOOL OR FROM RIDING SCHOOL BUS

- A. When a student's actions are disruptive to himself/herself or to the school as to violate law, Board policies, or school rules, the student may be suspended by the principal or designated representative. Suspension dictates that the student shall not be allowed to attend his/her regular classes or school-sponsored activities for a prescribed number of days not to exceed ten (10). The principal or designated representative may refer the student during the period of the suspension to in-school suspension, a center for special counseling or shall remand the student to the custody of his/her parent or guardian. Prior to suspending a student, except in emergencies, the principal or designee shall make an effort to employ parental assistance or alternative methods of dealing with the student and shall document such efforts.
- B. In no case shall a teacher suspend a student from school or class, nor shall a bus driver suspend a student from riding a school bus.
- C. Prompt notice of a suspension shall be given by telephone to the student's parent or guardian, if possible. Formal written notification to the student's parent or guardian and the Superintendent shall be initiated within twenty-four (24) hours of the time the student is informed of the suspension.
- D. Except in the event of emergencies or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct that is defined as willful disobedience, open defiance of authority of a member of the school staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school, all out-of-school suspensions shall not begin prior to the beginning of the next school day following the infraction unless the parents or guardians have been notified.

- E. Prior to the suspension, the student shall be given an informal and impartial hearing before the principal or designee and shall be informed of the charge(s) against him/her which may result in suspension. If the student denies the charge(s), s/he shall be given an explanation of the evidence, and an opportunity to present his/her version of the case, and notification of the action taken by the principal or designee. In cases of extremely disruptive or dangerous behavior persons or groups involved may be immediately suspended and ejected from the school campus without the necessity of a prior hearing. In such instances, each student shall be afforded an informal hearing before the principal or designee prior to the expiration of the third day of suspension.
- F. The principal, or designated representative, may suspend a student from school and/or from riding the school bus for a period not to exceed three (3) school days. With advance approval from the Superintendent or designee, the student may be suspended for more than three (3) days but not to exceed ten (10) days. The principal shall determine, in consultation with teachers, when appropriate, whether the student should be given the opportunity to make up school work and course requirements missed while absent due to out-of-school suspension. If this privilege is given, the student shall have a reasonable amount of time up to five (5) school days following suspension to complete the school work missed and shall do so on his/her own initiative.
- G. When Board action on a recommendation for the expulsion of a student is pending, the Superintendent may extend the suspension assigned by the principal beyond ten (10) school days if such suspension expires before the next regular or special meeting of the Board.
- H. In the case of students in exceptional education classes, please refer to the Brevard County Plan for Exceptional Student Education.
- I. The Board authorizes the superintendent to delay the admission of a student who has been suspended by another public or private school for an act that would have been grounds for suspension according to the Board-adopted *Code of Student Conduct* for a period equal to that of the suspension.

WAIVER OF SUSPENSION

The Superintendent may grant to a principal the approval to waive mandatory suspension policies if the principal has submitted a request for the waiver and has an existing educational alternative program. Students at schools without alternative

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programs may attend alternative programs at another school with the approval of both principals and the Area Superintendent.

EXPULSION

- A. A principal may recommend to the Superintendent the expulsion of a student. The principal shall provide the Superintendent an adequate history of the student's actions and alternative measures taken relevant to the recommendation. When the Superintendent makes a recommendation for expulsion to the Board, written notice shall be given to the student and his/her parent or guardian of the recommendation setting forth the charges against the student and advising the student and his/her parent or guardian of their right of due process.
- B. Expulsion is the removal of the right and obligation of a student to attend a public school for a period of time and under conditions set by the Board not to exceed the remainder of the term or school year and one (1) additional year of attendance.
- C. For students in exceptional student education, please refer to the Brevard County Plan for Exceptional Student Education.
- D. All students who are candidates for expulsion shall undergo screening to determine if they qualify for exceptional education programs.
- E. Application Requirements for Earned Return of Expelled and/or Students Whose Expulsion is Held in Abeyance.

Any student who has been expelled for possession of weapons, or the sale or transfer of alcoholic beverages, narcotics, illegal drugs and/or prohibited substances as defined in Board Policy 5500 shall not be considered eligible for an earned return under this rule. Any student whose offense prohibits attendance at the District's (off-site) alternative education program may not participate in earned return.

Students who are expelled or recommended for expulsion for the following offenses may be eligible to participate in an earned return program:

- 1. possession or use of alcoholic beverages, narcotics, illegal drugs, and/or prohibited substances
- 2. misconduct
- 3. violent behavior (moderate)

4. fighting (moderate)
5. inciting others, disruption

Students expelled from school and eligible for earned return may apply for re-admission in accordance with this rule. Applicants must provide documentation of the following:

1. The student has made successful progress in a State-approved rehabilitation and/or counseling treatment program or the District's project success earned return program.
2. During the expulsion period the student has demonstrated continued academic progress in the District-approved off-site abeyance alternative program or other Board-approved program.
3. A controlled urine screen immediately prior to application to verify s/he is medically clean of drugs, if requested.

The parent(s)/guardian of a student eligible for earned return may complete one or more parenting classes. The classes and the parent/guardian's involvement in the process are to be considered by the principal in making a recommendation.

A student and parent(s) or guardian may apply for return to the regular school program commencing the semester following completion of the requirements for earned return of expelled students. If attending and successfully completing the District's project success earned return program, the student may return to the regular school program during the same semester. The student not attending the District's project success earned return program shall return to school at the beginning of the semester or summer session following final approval of the application. Application can be made in the same semester or term that the expulsion occurs. The application for earned return shall be submitted to the principal of the school where the student was last enrolled and expelled. It shall be accompanied by a written conduct agreement between the principal/designee, the student and the parent(s)/guardian delineating responsibilities if the student is re-admitted to the regular school program. Such agreement shall outline conditions of the earned return and may include provisions such as, use of periodic controlled urine screening, student responsibility for attendance, school performance, discipline procedures, special services, or other provisions. It shall include a provision stating that if a student does not meet the requirements of this contract, the original expulsion order remains effective. If an expulsion order has not been entered by the Board, the student will return to the off-site abeyance program.

The principal and the Area Superintendent shall review the application and approve or disapprove.

If a student is expelled for more than twenty (20) school days or for any period of time that extends into the next school year, the Superintendent shall provide the student and his/her parents with the names, addresses, and telephone numbers of those public or private agencies in the community which offer programs or services that help to rectify the student's behaviors and attitudes that contributed to the incident(s) that caused the expulsion.

The Superintendent is authorized to establish a training program for parents of students who have been suspended or expelled for violations of the Code of Conduct. Notification of the time, date, and location of the training program is to be provided with the notice of intent to suspend or expel. If a parent fails to attend or complete the training program, the Superintendent shall report the parent to law enforcement authorities for parent education neglect, a fourth degree misdemeanor if found guilty.

The Board also authorizes the Superintendent to suspend a student from any or all co-curricular or extra-curricular activities for violations of the Code of Conduct. The length of suspension shall be in accordance with the discipline code.

If the Superintendent determines that a student's behavior on a school vehicle violates school rules, s/he may suspend the student from school bus-riding privileges for the length of time deemed appropriate for the violation and remediation of the behavior. Any such suspension must comply with due process and the Superintendent's procedures for suspension and expulsion.

The Board authorizes the Superintendent to provide for options to suspension/expulsion of a student from school which may include alternative educational options and which shall include a program whereby a student performs community service either in lieu of or as part of a suspension or an expulsion. The Superintendent shall develop procedures that describe the conditions under which a student may participate in community service and define the types of services considered "service to the community."

~~A student who has been suspended or expelled by another district temporarily may be denied admission to the District's schools during the period of suspension or expulsion even if that student would otherwise be entitled to attend school with the District. Prior to denying admission, however, the Superintendent shall offer the student an opportunity for a hearing to review the circumstances of the suspension or expulsion and any other factors the Superintendent determines to be relevant. A student seeking to enroll in a District school who has been expelled for an act that would have been grounds for expulsion according to the Board-adopted *Code of Student Conduct* by an in-state or out-of-state public district school board or private school, or lab school may be denied admission to the District's school for a period equal to that of the expulsion.~~

Prior to making a recommendation regarding admission or denial thereof, the Superintendent shall offer the student an opportunity for a hearing to review the circumstances of the expulsion and any factors the Superintendent determines to be relevant.

The Superintendent may recommend that the Board honor the final order of expulsion from the student's previous district of attendance and deny admission to the student, or that the Board waive the final order of expulsion and admit the student.

Acting upon the recommendation of the Superintendent, the Board may deny the admission of a student who has been expelled by any in-state or out-of-state public district school board or private school for a period equal to that of the expulsion for an act that would have been grounds for expulsion according to the Board-adopted *Code of Student Conduct*. A final order of expulsion shall be recorded

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in the records of the District, and the student and his/her parents shall be advised of the final order of expulsion.

However, the Board may, with or without the Superintendent's recommendation, waive the expulsion, admit the student, and direct that s/he be placed in an appropriate educational program.

The Board designates the Superintendent as its representative at all hearings regarding the appeal of a suspension. The Board will hear the appeal of an expulsion.

The Superintendent shall develop administrative procedures which provide appropriate procedures for implementing this policy and ensure compliance with applicable statutes.

A copy of this policy is to be posted in a central location in each school and made available to students and parents upon request. Key provisions of the policy should also be included in the parent-student handbook.

F.S. 1002.20, 1003.02, 1006.07, 1006.09
F.A.C. 6A-6.03312
18 U.S.C. Section 921
20 U.S.C. 8921

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