OFF CAMPUS FELONY CASES

General Information

The issue of extended suspension (greater than 10 days) for students who have been charged with an off-campus felony is addressed in Florida Statutes ss.1006.09 (2). It is imperative that you get official confirmation of the charge prior to initiating any action against the student.

The District Discipline Coordinator will inform you of any off-campus incident and verify whether or not a felony charge has been made. If a felony charge has been made, you must carefully consider whether or not that charge will have an adverse impact on your students and campus.

You may not, as a routine matter, simply suspend a student, hold an administrative hearing, and request that the superintendent extend the suspension until the felony case disposition. Some felony arrests may have no impact whatsoever on your campus nor would they be likely to interfere with the safe and orderly operation of your school. Our School Board attorney cautions that you need to be reasonable and careful in your determination of what constitutes an “adverse impact” and act accordingly. The Executive Directors and District Discipline Coordinator will assist you with these issues and will enlist the advice of the School Board attorney when necessary. Remember to call if you have any questions regarding the use and interpretation of this statute.

PROCEDURES FOR OFF-CAMPUS FELONY CASES

Overview

Section 1006.09 (2) of the Florida Statutes allows the District School Superintendent to suspend a student from school for a period longer than 10 days when a student has been formally charged with a felony committed on property other than public school property. In order for districts to utilize this section of the statues, a student must have been formally charged by a prosecuting attorney, and in an administrative hearing, the school/district must show that the incident will have an adverse impact on the educational program, discipline, or welfare of the school in which the student is enrolled. If the student is adjudicated guilty, the District School Board may expel the student.
Procedure

- **IMPORTANT!!** Confirm that the student has been formally charged with a felony by a prosecuting attorney. This confirmation must be made by contacting the District Discipline Coordinator. The Coordinator will investigate and report her findings to the principal. No parent notification or suspension can be made nor administrative hearing scheduled until the report is completed.

- Check to determine if the student is ESE. If so, contact the liaison. Manifestation Determination meetings ARE held for students committing off-campus felonies or suspension beyond 10 days (cumulative) if expulsion is being recommended.

- Call & send notice to the parent/guardian & student of an administrative hearing (suspension of up to 10 days may also be initiated if the nature of the felony warrants it). Use language in the attached sample letter. Note: The parent/guardian(s) and student must be made aware that the student may or may not be allowed to return after the 10 day suspension pending the outcome of the administrative hearing. Copies of the notification and/or suspension letters are to be sent to the District Discipline Coordinator.

- Plan an administrative hearing.

- Document the results of the hearing on the “School Hearing Summary Form,” and send a copy to the District Discipline Coordinator.

- If the decision is to recommend a suspension beyond 10 days, send a request to extend the suspension & a copy of the Hearing Summary Form to the District Discipline Coordinator.

**Schools will be notified of the superintendent’s decision to:**

Extend the suspension until disposition of the case (ESE students may be placed in an alternative setting as indicated on the IEP), or

Place the student in the Home Education Program with recommendation to complete program, or until disposition of case, or

Offer a Settlement Agreement for alternative school placement