

CHAPTER 5.00 – STUDENTS

EXPULSION OF STUDENTS

5.34

Expulsion is defined as the removal of the right and obligation of a student to attend a public school. An expulsion may not exceed a period of time including the remainder of the school year and one (1) additional year. The school principal or designee may recommend, to the Superintendent, the expulsion of any student who has committed a serious breach of conduct including, but not limited to, willful disobedience, open defiance of authority of a School Board employee, violence against persons or property or any other act which substantially disrupts orderly conduct of the school.

- I. The Sarasota County School Board has the sole right to expel a student from the public school system upon the recommendation of the Superintendent of Schools, if a student has committed any of the following:
 - A. Possessed, used, or sold an alcoholic beverage, any illegally controlled substance, or paraphernalia capable of modifying mood or behavior including any substance that is held out to be or represented to be any illegal or controlled substance.
 - B. Possessed, used, or transmitted a weapon or other dangerous article or material.
 - C. Used any nondangerous article as a weapon, or in a manner reasonably calculated to threaten harm to any person.
 - D. Committed a serious offense including, but not limited to, assault on school personnel or on another student, adult or child, a lewd or lascivious act, sexual battery, possession or sale of pornographic materials, arson, vandalism, or any other act which constitutes a crime under Florida Statutes.
 - E. Committed any act which disrupts the orderly, peaceful, moral, and efficient operation of the school or school activity.
 - F. Conveyed, symbolized, and/or depicted, either verbally, in writing, by drawing, or by electronic transmission an act of violence on a student or staff member.
 - G. Engaged in less serious but continuing misconduct including, but not limited to, the use of profane, obscene, or abusive language, or other acts which are detrimental to the educational function of the school.
 - H. Participated in a secret society in violation of Florida Law.
 - I. Committed a felony off campus per Florida Statute and Florida State Board of Education rule.
 - J. See also School Board Policy 5.32, Zero Tolerance for School Related Crimes.

CHAPTER 5.00 – STUDENTS

- II. Procedure for Expulsion - Whenever possible, the principal shall hear the student's defense or explanation of his/her conduct and shall explain to the student his/her reasons for the suspension with a recommendation of expulsion. In any case, the principal shall conduct an investigation into the charges and shall obtain written and signed statements from any witness immediately after the incident. A tape recorder may be used to record any proceedings with parent, as defined by Florida Statutes, or student that could lead to a recommendation of expulsion.
- A. Where a student is suspended with a recommendation of expulsion, the following procedures shall be observed:
1. The suspension letter shall state the reasons for the suspension and recommend expulsion of the student.
 2. The letter of notice shall be delivered to parent, as defined by Florida Statutes, by mail with a return receipt requested. A copy of the suspension notice shall be sent to the Superintendent's designee.
 3. Upon receipt of the notice of suspension and recommendation of expulsion, the Superintendent or designee, if he/she concurs in the recommendation for expulsion, shall notify the parent, as defined by Florida Statutes, by certified mail and a return receipt requested or hand delivered informing the parent, as defined by Florida Statutes, of the procedure to be followed, including their right to a hearing, as well as their right to be assisted by counsel at their own expense, to bring evidence and to question witnesses. The notice shall state the time and place of the hearing. The principal shall also be informed as to the time and place of the hearing.
 4. When designated by the School Board, a hearing officer shall conduct the hearing and shall prepare findings and recommendations for consideration by the School Board. The School Board shall review such findings and recommendations (the recommended order) and make a final decision.
 5. The hearing officer's recommended order shall be tendered to the parties within seven (7) days of the hearing notifying them of the right to file exceptions within three (3) days of the distribution of the recommended order. The recommended order and documentary evidence shall be placed on the School Board's agenda following the time for filing exceptions. The School Board may only reject the hearing officer's findings of fact if it is determined that there is no substantial competent evidence to support the findings of fact. The School Board may only reject the conclusions of law if it is determined that the policy was not applied correctly. The School Board may accept the recommended penalty in a recommended order but may not reduce or increase it without stating reasons in justifying the action.

CHAPTER 5.00 – STUDENTS

6. Any student being considered for expulsion shall be accorded due process of law prior to expulsion in the manner provided by Florida Statutes.
 7. When the principal suspends a pupil and recommends his/her expulsion, the Superintendent may extend the suspension assigned by the principal beyond ten (10) days if such period expires before the next regular or special meeting of the School Board.
 - a. Where such an extension of a suspension is made by the Superintendent, he/she shall notify the parent or guardian in writing prior to the expiration of the suspension assigned by the principal. Such notice shall state the period of time for which the additional suspension is made.
 - b. A copy of the notice of the additional suspension shall be sent to the principals.
 8. To assure that the conduct leading to expulsion does not reoccur, a written reentry plan for each student shall be developed by the school prior to the return of an expelled student to the school program. Each plan is to be developed in cooperation with all parties involved, including the student and parent, as defined by Florida Statutes.
- III. The following provisions apply for the expulsion of exceptional education students.
- A. The expulsion of an exceptional education student shall not result in a complete cessation of educational services; the school is responsible for providing the expelled student's education during the expulsion in accordance with a revised Individual Education Plan (IEP).
 - B. The following procedures shall be followed for the expulsion of exceptional education students:
 1. The principal shall be responsible for convening an IEP committee. The IEP committee membership shall comply with State Board of Education rules and shall include, but not be limited to, the District administrator of exceptional students or designee, Pupil Support Services staff, exceptional student education teacher, a regular education teacher, a parent, and the principal or designee. The IEP committee shall review the student's IEP and shall determine whether the student's behavior is a manifestation of his/her exceptionality. The committee may modify the student's IEP in accordance with current needs and an expulsion may not be applied. If the student's conduct is not a manifestation of his/her exceptionality, the special programs and procedures for exceptional students as well as procedural safeguards for students with disabilities shall apply.

CHAPTER 5.00 – STUDENTS

2. The decision of the IEP committee shall be recorded on the IEP and shall be used in determining the adequacy of the current special program and related services. The student's IEP may be revised to reflect:
 - a. A modification of the current special program or an alternative placement;
 - b. The need for using expulsion as a disciplinary tool or management strategy; or,
 - c. An indication that the exceptionality is not a precipitating factor and the student is expected to behave in accordance with the rules established in the District's *Code of Student Conduct*.
 3. If the revised IEP includes the need for the use of expulsion of the student, the principal is responsible for taking appropriate action consistent with School Board rules and the special program procedures for exceptional students.
 4. The parent(s), legal guardian, or custodian of an exceptional education student shall be provided a copy of the policies and procedures regarding discipline of exceptional education students immediately following their adoption and thereafter at the annual IEP meeting. Additional requirements for expulsion of exceptional education students may be set forth in special program procedures for exceptional students.
 5. Students who currently are in the process of being evaluated for exceptional student education services or students who are identified as section 504 eligible need to have a manifestation determination completed by the student study team.
- IV. Abeyance of Expulsions - An expulsion may be held in abeyance under the following procedures:
- A. If the student is enrolled in an alternative program recognized by the School Board;
 - B. If, in the opinion of the alternative school staff, the activities of the expelled student while enrolled in an alternative program and the merits of the reentry plan warrant consideration by the School Board for allowing the student to return to a regular school, the Superintendent shall submit a recommendation to the School Board for transfer of the student to a regular school during such abeyance;
 - C. If the student fails to complete an alternative program or fails to comply with all elements of the reentry plan, the abeyance shall automatically terminate and the expulsion shall be implemented immediately for the remaining term of the expulsion.

CHAPTER 5.00 – STUDENTS

- V. The Sarasota County School Board has the authority 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 from the former School District shall be recorded in the records of the Sarasota County School District.
 - B. The expelled student applying for admission to a Sarasota County school or program shall be advised of the final order of expulsion from the former School District.
 - C. The Superintendent may recommend to the School Board that the final order of expulsion from the former School District be waived and the student be admitted to the Sarasota County School District, or that the final order of expulsion from the former School District be honored and the student not be admitted to the Sarasota County School District. If the student is admitted by the School Board with or without the recommendation of the Superintendent, the student may be placed in an appropriate educational program at the direction of the School Board.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 120.57(1), 1001.43, 1001.54, 1003.31, 1006.07, 1006.08, 1006.09, 1012.28, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-6.0331

HISTORY: ADOPTED: 08/21/01
REVISION DATE(S): 05/17/05, 05/07/19
FORMERLY: 7.306

NOTES:
Refer to: District Disciplinary Procedures Manual