

Policy 5006

Suspension and

Expulsion

Final Reading

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Recommended Changes

Recommendation: Addition (p. 1)

Rationale: Clarifying and Aligning Language to Florida Statutes

Proposed Language:

UNDER FLORIDA LAW, THE SUPERINTENDENT OF SCHOOLS/
DESIGNEE SHALL HAVE THE AUTHORITY TO REMOVE FROM THE
CLASSROOM, THE SCHOOL BUS AND THE SCHOOL CAMPUS
DISOBEDIENT, DISRESPECTFUL, VIOLENT, ABUSIVE,
UNCONTROLLABLE, OR DISRUPTIVE STUDENTS, IN SUPPORT OF
THE AUTHORITY OF TEACHERS, SCHOOL BUS DRIVERS AND
SCHOOL PRINCIPALS, AND TO PROVIDE FOR A PROPER
PLACEMENT OF SUCH STUDENTS, INCLUDING IN AN
ALTERNATIVE SETTING, WHEN APPROPRIATE (F.S. 1001.42,
1001.51(24), 1003.31, 1003.32 AND 1006.08).

Recommended Changes

Recommendation: Addition (p. 3)

Rationale: Clarifying Language

Proposed Language:

RULES, PROCEDURES AND DEFINITIONS RELATED TO DISCIPLINARY ACTION, SUSPENSION AND EXPULSION ARE ORGANIZED INTO THE FOLLOWING SECTIONS IN THE POLICY:

SECTION I Offenses Leading to and Procedures for Disciplinary Action and/ or Suspension and PROMISE (Preventing Recidivism through Opportunities, Mentoring, Interventions, Supports and Education)

Recommended Changes

Recommendation: Addition (p. 3)

Rationale: Alignment o Policy 2401

Proposed Language:

8. Use, possession, sale, attempted sale or transmittal of tobacco or tobacco related products on school property, school sponsored transportation, or during a school sponsored activity is prohibited

Recommended Changes

Recommendation: Addition (p. 3)

Rationale: Clarifying Language

Proposed Language:

B. PROCEDURES FOR DISCIPLINARY ACTION OTHER THAN OUT OF SCHOOL SUSPENSION

1. For the commission of any of the above behaviors, principal or designee may implement any of the following disciplinary actions including, but not limited to:
2. Conference with the student and parent/guardian.
3. Counseling
4. Detention
5. In-school suspension
6. Saturday school
7. Alternative to suspension, including PROMISE
8. Suspension from bus transportation but not from school
9. *Restorative Justice
10. *Civil Citation

~~* Only the identified schools as determined by the Superintendent participating in a pilot program, may use these disciplinary actions as alternatives to out of school suspension.~~

Recommended Changes

Recommendation: Addition (p. 4-5)

Rationale: Clarifying Language

Proposed Language:

PREVENTING RECIDIVISM through OPPORTUNITIES, MENTORING, INTERVENTIONS, SUPPORTS and EDUCATION (PROMISE)

The list of PROMISE eligible incidents are outlined below.

1. Disruption on Campus-Major*
2. Trespassing*
3. Alcohol–Use/Possession/Under the Influence*
4. Alcohol Sale/Attempted Sale/Transmittal*
5. Drug–Use/Possession/Under the Influence*
6. Drug Paraphernalia–Possession*
7. Bullying
8. Harassment
9. Fighting-Mutual Combat*
10. False Accusation Against School Staff*
11. Assault/Threat (no harm or injury)*
12. Theft-Petty <\$300*
13. Vandalism/Damage to Property <\$1,000*

Recommended Changes

Recommendation: Continued - Addition (p. 4-5)

Rationale: Alignment with the Collaborative Agreement
on School Discipline

Proposed Language:

Note: A student, who has accrued three cumulative incidents from the list above, in a school year, shall be referred to the Behavior Intervention Committee. *Upon the fourth cumulative incident within a school year of any incident denoted with an asterisk in the above list, the student shall be referred to law enforcement, unless the Discipline Matrix requires such a referral sooner.

Recommended Changes

Recommendation: Addition (p. 11)

Rationale: Alignment to State Board Rule 6A-1.0956 F.A.C.

Proposed Language:

Note: Administrative reassignment may be imposed when a student is formally charged under 12a above, for an event that takes place off campus and is determined via an administrative hearing that the incident may have adverse impact on the educational program, discipline or welfare in the school in which the student is enrolled (F.S. 1006.09(2)). The procedures set forth in State Board Rule 6A-1.0956 F.A.C. shall be followed as applicable.

Recommended Changes

Recommendation: Change (p. 11)

Rationale: Clarifying language

Proposed Language:

PROCEDURES FOR DISCIPLINARY ACTION IN LIEU OF EXPULSION

Note: A recommendation for the Behavior Intervention Program assignment applies when the an elementary level student commits an offense, within this section for which a secondary level student would receive a mandatory expulsion under this policy. ~~Since the policy does not contemplate the expulsion of elementary students (except where noted), other disciplinary actions may be taken (i.e., administrative assignment to the Behavior Intervention Program).~~

Recommended Changes

Recommendation: Change (p. 12)

Rationale: Clarifying language

Proposed Language:

SECTION V: MANDATORY EXPULSION OFFENSES AND PROCEDURES

General Information:

Students ~~shall~~ may not be subject to mandatory suspension and expulsion proceedings when the principal determines ~~that the student used an instrument/object in was used solely for the purpose of self-defense against an aggressor.~~ Self-defense is an attempt to “prevent” an attack or a threatened injury or to stop the process of confrontation. It is not self-defense when the student uses an instrument/object to become an aggressor or to continue the confrontation after the original aggressor has retreated.

Note: Florida Statutes 776.012, 776.013 and 776.032, commonly known as the Florida Stand Your Ground law, are not applicable to charges of violations of the Code of Student Conduct and/or Board Policy 5006.

~~A student shall not be subject to mandatory expulsion proceedings if it is determined that the student immediately* returned a firearm to the person who gave it to him/her or if the student took a firearm to a staff member or was in the process of taking it to a staff member.~~

~~*The term "immediately" means without delay.~~

Recommended Changes

Recommendation: Addition (p. 12)

Rationale: Clarifying language

Proposed Language:

A. OFFENSES LEADING TO MANDATORY EXPULSION

Students found to have committed one of the following offenses will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year, and will be referred to the criminal justice or juvenile justice system:

1. Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing, displaying, using, selling or transmitting a firearm at school.

Note: A student may not be subject to mandatory expulsion proceedings if it is determined that the student immediately* reported or delivered the firearm or weapon to a staff member.

*The term "immediately" means without delay as determined by the principal after considering the totality of the circumstances and prior to being reported by another individual.

Recommended Changes

Recommendation: Addition (p. 13)

Rationale: Clarifying language

Proposed Language:

OFFENSES LEADING TO MANDATORY EXPULSION

Note: A recommendation for the Behavior Intervention Program assignment applies when an elementary level student commits an offense, within this section, for which a secondary level student would receive a mandatory expulsion under this policy. However, Class “A” Weapons, Bomb Threat (Placing) and Bomb Threat (False Reporting), shall be expellable offenses for all students, Grades K-12.

Recommended Changes

Recommendation: Change (p. 17)

Rationale: Clarifying language

Proposed Language:

M. Self-defense. An attempt to “~~ward off~~ prevent” an attack or a threatened injury or, not to accelerate or retaliate, but to stop the process of confrontation. It is not self-defense when the student uses an instrument/object to become an aggressor or to continue the confrontation after the original aggressor has retreated. ~~and not to become an aggressor in the process of the confrontation.~~

Note: Florida Statutes 776.012, 776.013 and 776.032, commonly known as the Florida Stand Your Ground law, are not applicable to charges of violations of the Code of Student Conduct and/or Board Policy 5006.

Recommended Changes

Recommendation: Change (p. 18)

Rationale: Alignment to Chapter 790, Florida Statute

Proposed Language:

Use/Possession/Transmittal of Class “A” weapons include, all ~~w~~Weapons and Firearms defined in Chapter 790, Florida Statute, ~~and:~~

This category includes, but is not limited to:

- a. Firearms –including, but not limited to, hand gun, zip gun, pistol, rifle, shotgun, and starter gun (operable or inoperable, loaded or unloaded).
- b. Projectile Devices-including, but not limited to: BB guns, pellet (hard or soft) guns, and paint ball guns
- c. Explosive propellants or destructive devices (operable or inoperable).
- d. Dirks
- e. Metallic/Brass knuckles
- f. Billie clubs
- g. Tear gas
- h. Electric weapon or device (stun/Taser gun)
- i. Slungshot - A slungshot is a striking weapon consisting of weight or other hard object affixed on a flexible handle or strap
- j. Chemical weapon or device with the capacity to hold more than 2 ounces of the chemical
- k. Flare gun

Recommended Changes

Recommendation: Continued - Change (p. 18)

Rationale: Addition of Ice Pick to Class A Weapons & Clarification of the term Knife

Proposed Language:

l. Ice pick

m. Knives – All knives, including razor blades, box cutters but excluding blunt-bladed table knives and common pocketknives. A common pocketknife is defined as a folding knife with a blade measuring not greater than three (3) inches. Any knife that may inflict harm on another person, or could be used to intimidate/threaten another person, including but not limited to, fixed blade knives, regardless of size, switch blade knives, razor blades, or box cutters, but excluding blunt-bladed table knives and common pocket knives (see Class B Weapons for exclusions).

Recommended Changes

Recommendation: Continued - Change (p. 18)

Rationale: Clarification of Class B Weapons

Proposed Language:

Use/Possession/Transmittal of Class “B” weapons includes ÷, but is not limited to:

- a. Toy gun ~~possession~~
- ~~b.~~ Toys which resemble weapons, when used in a threatening manner
- ~~c.~~ Knives — Blunt-bladed table knives and common pocketknives. A common pocketknife is defined as a folding knife with a blade measuring not greater than three (3) inches.
- ~~d.~~ b. Chains — any chain not being used for the purpose for which it was normally intended (i.e., household, industrial)
- ~~e.~~ c. Pipe — any length of metal or other hard substance not being used for the purpose for which it was normally intended a hollow cylinder or tube made of metal, wood, plastic, or similar material
- ~~f.~~ Razor blades of any kind or similar instruments with a sharp cutting edge
- ~~g.~~ d. ~~Ice picks and o~~Other pointed instruments or sharp objects, other than school supplies (i.e., pencil, compass)
- ~~h.~~ e. Nunchakus, Chinese stars

Recommended Changes

Recommendation: Continued - Change (p. 18)

Rationale: Clarification of Class B Weapons

Proposed Language:

- ~~i.-f.~~ Chemical weapon or device such as Ppepper spray, or Mmace –device with the capacity to hold two ounces or less of the chemical
- ~~j.-g.~~ Any tool or instrument when used in a threatening manner including, but not limited to bullets, Ammunition and any component thereof, including but not limited to, bullets shotgun shells, bullet shell casings, magazines or clips
- ~~k.-h.~~ Slingshots – A slingshot is a hand-held and hand-powered device consisting of a frame with attached rubber strap/straps, used for shooting objects
- ~~i.~~ Flammable liquids or combustible materials
- ~~j.~~ Blunt bladed-table knives and common pocket knives. A common pocket knife is a knife that folds into its handle, with a blade measuring three (3) inches or less.
- ~~k.~~ Any instrument, tool, object or substance used in a threatening manner toward another person

Next Steps

- Final Reading

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