

100% Student Success



SECTION
IX

Policies 5500.11-5500.12

Frequently Asked Questions

Discipline for Students with Disabilities Q&A (Policy 5500.11)

Students with disabilities are expected to comply with the Code of Student Conduct and school rules just like any other student. If a student violates the Code of Student Conduct or school rules, they are generally subject to discipline just like any other student. However, there are some special rules dealing with suspensions and expulsions. Common questions regarding suspensions and expulsions of students with disabilities are answered below.

- Q. How are in-school suspensions handled?
- A. If a student with a disability receives an in-school suspension, the student's Individual Educational Plan (IEP) will continue to be in force. An in-school suspension is not considered a change in placement.
- Q. Can a student with a disability receive an out-of-school suspension (defined as a removal from all schools without IEP services)?
- A. Yes, however, a student with a disability who has been found eligible for an IEP or a student who is in the process via parental consent of being evaluated for consideration of ESE eligibility may not be suspended out of school without services for more than ten (10) cumulative days in a school year because students with disabilities are entitled to IEP services after the 10th day of removal without services. If the parent of a student with a disability is asked to remove the student from school before the end of the school day for disciplinary reasons, that removal must be counted and recorded as an out of school suspension.
- Q. Can a principal use other forms of in-school discipline on a student with a disability?
- A. A principal may use any other form of in-school discipline when dealing with a student with a disability who has violated the Code of Student Conduct or a school rule. These can include detentions, in-school suspension, tobacco education, or Saturday school. The student must be provided with their IEP services by certified personnel in those settings.
- Q. What happens when a student with a disability reaches three (3) days of out-of-school suspension, or displays a pattern of behavior that impedes their learning or the learning of others?
- A. School personnel who are familiar with the student and their IEP will meet with the parents as the IEP team and try to find out why the student is misbehaving. The team will also determine if the student's disability is causing the misconduct and whether there needs to be any changes to the IEP.
- Q. Can a student with a disability receive a disciplinary reassignment to an alternative school?
- A. A student with a disability may be reassigned to an alternative school because of the student's misconduct so long as the student's IEP can be implemented at the alternative school. Before reassignment to the alternative school, a team consisting of the parents and school personnel familiar with the student must meet and develop the Functional Behavioral Assessment/Positive Behavior Intervention and Supports (PBIS) and the plan on how to deal with the student's misconduct. A Manifestation Determination Review meeting must be scheduled within 10 school days of the student being advised of a possible change of placement to determine if the behavior is a manifestation of their disability, if the behavior constitutes a pattern of behaviors or if the behavior is the result of the school not implementing the IEP. Such a reassignment to an alternative program may or may not be a change in placement. If it is a change in placement, then all of the procedural safeguards for students with disabilities will be followed as required under the Individuals with Disabilities Education Act (IDEA), the Federal law providing for the education of students with disabilities.
- Q. May a student with a disability be expelled?
- A. Yes, so long as the IEP services are provided. Because students with disabilities are entitled to receive the educational services provided for in their IEP during any expulsion, they must receive a disciplinary reassignment to an alternative school or other placement where their IEP can be implemented, rather than receiving a true expulsion without any services.
- Q. May a student with a disability be suspended from the bus?
- A. Students with disabilities may be suspended from the bus according to the guidelines described in this document. During the suspension from the bus, it is the student's responsibility to obtain transportation to school. If the student is unable to obtain transportation during the suspension from the bus, the bus suspension days will be considered out-of-school suspension days. Principals may use other forms of discipline instead of suspension from the bus.
- Q. What happens when a student with a disability reaches five (5) bus suspension days during the year?
- A. The IEP team consisting of the parents and educators familiar with the student will meet and develop a plan to correct the misbehavior on the bus. That plan will be known as the Bus Intervention Plan. The IEP team may consider a reevaluation to review data including but not limited to a Functional Behavior Assessment to develop a Positive Behavior Intervention Plan and will also consider any changes to supports and services needed in the IEP.
- Q. What happens when a student with a disability reaches ten (10) bus suspension days during the year?
- A. The IEP team will meet to review the Bus Intervention Plan and develop or review the Functional Behavioral Assessment/Positive Behavior Intervention Plan. A Manifestation Determination Review meeting must also be convened if the bus suspensions are counted as out of school suspensions. The purpose of the Manifestation Determination Review is to determine if the behavior is related to the student's disability, a pattern of behavior or due to the school not implementing the IEP. The IEP team will also determine whether any changes are needed in the IEP.
- Q. What if transportation is a related service identified in the IEP?
- A. If transportation is a related service identified in the student's IEP, and expulsion from the bus is recommended, then transportation alternatives will be provided for the student.
- Q. What about misconduct involving drugs and weapons?
- A. School personnel can place a student with a disability in an interim alternative educational setting, such as an alternative school for forty-five (45) calendar days if the student violates certain school rules regarding drugs, weapons, or serious bodily injury regardless of whether the misconduct was caused by the student's disability. The student will continue to receive the IEP services during this time.

How A Student May Be Suspended Or Expelled From School (Policy 5500.12)

In General

A student has a right to attend school and have an opportunity to learn. A student can lose that right to attend school if they violate the Code of Student Conduct or a school rule. A student loses the right to attend school by being suspended or expelled. During the period of suspension or expulsion, a student may not enter upon District property or attend any District or school sponsored activity or event without the permission of an administrator.

Suspension Q&A

Q. Who can suspend a student?

A. The principal or someone designated by the principal (such as an assistant principal) can suspend a student.

Q. How long can a student be suspended?

A. A student can be suspended from school for one (1) school day or up to three (3) school days per incident.

Q. What happens before a suspension?

A. The principal or assistant principal becomes aware that a student has broken a rule in the Code of Student Conduct or a school rule. They will investigate by talking to students, teachers, or others who may know something about what happened. Even if the student is one of the students who broke the rule, the principal or assistant principal may talk to the student as part of the investigation. After talking to people who were involved or witnesses, the principal or assistant principal will determine who they think broke a rule.

Q. What if the principal or assistant principal determines that a student broke a rule?

A. As soon as possible the principal or assistant principal will talk to the student. The administrator will tell the student that they have broken a rule in the Code of Student Conduct or a school rule. The student also will be given something in writing, like a discipline referral, that tells the student the same thing. A student will then be told why the administrator thinks that they have broken the rule. After this happens, the student should know what they are accused of doing and what evidence there is that supports the accusations.

Q. What happens next?

A. The student will now have an opportunity to tell the principal or assistant principal their side of the story. The student can ask that they talk to someone they think may know something about what happened. The student can give the principal or assistant principal a written statement to read. After listening to the student and reading anything that they have given them, the principal or assistant principal may talk to the people the student told them about and anybody else that they need to contact.

After that, the principal or assistant principal will decide if the student has broken a rule in the Code of Student Conduct or a school rule. If they decide that the student has broken a rule, they will then decide if the student should be suspended from school and how long the student will be suspended. The student will be told about this decision.

Q. Will the student's parents know?

A. The principal or assistant principal will try to telephone the student's parents and let them know about the suspension. If they cannot reach the student's parents by telephone, then they will write down how many times they tried and what happened. The student's parents will be mailed a letter titled Written Notice of Suspension within twenty-four (24) hours of the decision. The student will be given a copy of that letter. If the student or their parents claim that they did not receive the letter, it will not change the suspension. The student will be given another copy of the letter if they request one.

Q. How can a student appeal a suspension?

A. If the student's parents want to appeal the suspension, they should notify the principal in writing within five (5) school days of the out of school suspension. When the principal receives the notice from the student's parents that they wish to appeal, they will offer to arrange a conference with the student's parents. The student's parents may prefer to discuss their appeal with the principal by telephone. If the student's parents do not notify the principal in writing before the end of the student's suspension that they want to appeal, the suspension is final.

Q. What happens at the conference?

A. The student's parents (and the student if they are present) will discuss with the principal what has occurred. The principal will go over the incident that led to the suspension and review the evidence supporting the suspension. The principal also will review the process that was followed leading up to the decision to suspend the student. This will include a review of how the student was told about the accusations and the evidence against the student and how the student was allowed an opportunity to tell their side of the story.

If the student or their parents believe that the school did not follow all of the requirements for suspending the student, the student must tell the principal exactly what was not

done that the student believes should have been done. For example, if the assistant principal did not give the student something in writing that told the student what they were accused of doing, the student must tell the principal that at this conference or the student cannot later complain about not being advised in writing of the accusations against the student.

If the principal agrees with the student's parents that one (1) or more requirements for suspending the student were overlooked, the principal can then comply with those requirements at the conference or can start the suspension process from the beginning and go through it again.

If there are witnesses who had not been interviewed prior to the suspension, whom the student thinks may have information about the incident, then the student should inform the principal of the names of those witnesses at this conference. The principal may decide to interview those witnesses before making their final decision or the principal may believe that they have enough information already to make a final decision.

- Q. When will the principal decide the appeal?
- A. The principal will provide the student and their parents a written decision within five (5) school days of the conference.
- Q. Is the student suspended during the appeal?
- A. The student will continue to serve the suspension until a final decision is made after all appeals.

Expulsion Q&A (Policy 5500.12)

- Q. Who can expel a student?
- A. Only the Board can expel a student based upon a recommendation by the Superintendent. The Superintendent will make a recommendation for expulsion only after receiving a recommendation from the principal. The principal will make such a recommendation for expulsion only after having suspended the student for no more than three (3) school days. The principal's recommendation will contain a detailed explanation of the incident and the student's record of attendance, academics, and discipline.
- Q. Will a student's parents be notified?
- A. The student and their parents will be notified in writing if the Superintendent recommends that the Board expel a student. The allegations against the student will be explained. The student will also be told that they can request a hearing.
- Q. What if the student's parents want to request a hearing?
- A. The parents should submit a written request for a hearing to the School Board Attorney's office. After the parents request a hearing, the Superintendent will assign the student to an appropriate school program other than their regular school.

- Q. What if the suspension was not appropriate?
- A. Any record of the suspension will be taken out of the student's records and the student will be given the opportunity to make up all schoolwork that they missed, without penalty.
- Q. Can the student appeal the principal's decision?
- A. The student may appeal the principal's decision to the Area Superintendent/Chief or a person designated by the Area Superintendent/Chief. To appeal to the Area Superintendent/Chief, the student must notify them in writing within five (5) school days of the date of the principal's final decision.
- Q. What will be reviewed on this appeal?
- A. This appeal only concerns whether or not the proper procedures were followed in making the final decision to suspend the student. There will be no further investigation or interviews with witnesses about the incident, although the facts of the case will be reviewed.

If the proper procedures were not followed, then the suspension will be sent back to the principal to follow the proper procedures and decide on whether or not to suspend the student. If, after following the proper procedures, the principal decides that the student should not be suspended, any record of the suspension will be taken out of the student's records and they will be given the opportunity to make up all schoolwork that they missed, without penalty

- Q. What if the student's parents do not request a hearing?
- A. If the parents do not ask for a hearing, the charges are considered to be true. The student and their parents may come to the Board meeting to talk about the length of the expulsion.
- Q. Who conducts the hearing?
- A. A local attorney who is a volunteer will preside over the hearing. The attorney is an impartial hearing officer who is not an employee of the School District.
- Q. When will the hearing take place?
- A. The Superintendent's attorney will schedule the hearing and notify the student and their parents in writing of the date, time, and place of the hearing. The student will receive this notification at least two (2) weeks before the hearing takes place.
- Q. Can a student have an attorney at the hearing?
- A. The student is entitled to have an attorney or other representative provide them with legal representation. Any fees for such representation will be the student's parents' responsibility.

- Q. What happens at the hearing?
- A. The Superintendent's attorney will present witnesses and documents to support the allegations to the impartial hearing officer. The parents or attorney will have an opportunity to cross-examine the witnesses and to present witnesses and evidence on the student's behalf.
- Q. Will there be a record of the hearing?
- A. The Board will provide a certified court reporter for the hearing. The court reporter will take down everything that is said at the hearing. If the student's parent wants a full or partial transcript of the hearing, they can pay the court reporter to provide one for them. The court reporter may require payment in advance.
- Q. What happens after the hearing?
- A. The impartial hearing officer will make a decision based upon the evidence presented at the hearing. They will decide what the facts are and make a recommendation in writing to the Board. A copy of that recommendation will be provided to the student, their parents, and the Superintendent's attorney.
- Q. Who makes the final decision?
- A. The Board will make the final decision on whether or not the student should be expelled and if so, for how long. The student, their parents, and their attorney will have an opportunity to appear before the Board in private to discuss the recommendation of the impartial hearing officer. The parents may request to meet in public to discuss the recommendation with the Board.
- Q. How long can the Board expel a student?
- A. A student can be expelled for the remainder of the current school year and one (1) additional school year. Usually the length of the expulsion is specified in the number of semesters. If there are fewer than thirty (30) school days left in the current semester when the student's suspension begins, the student's will stay out the rest of that semester plus the designated semesters of expulsion. A student who is serving an expulsion during last semester of their senior year may not participate in the graduation ceremony.
- Q. Can a student appeal the Board's decision to expel?
- A. A student can appeal the Board's decision to the District Court of Appeal in Tampa. The student must do so within thirty (30) days of the date of the Board's order expelling the student.