

CHAPTER 5.00 – STUDENTS

Expulsion of Students

5.12

1. Introduction. This rule adopts statutory requirements for the expulsion of students.
2. Zero Tolerance Offenses. Pursuant to Florida Statute 1006.13, expulsion is mandatory for any student who is found to have committed a Zero Tolerance Offense on school property, at a school-sponsored activity or off-campus if the offense substantially disrupts the orderly operation of a school. Zero Tolerance offenses are listed in Florida Statute 1006.13 and School Board Rule 5.13.
3. The Principal's Recommendation. A principal shall recommend to the Superintendent the expulsion of any student charged with a Zero Tolerance Offense. In cases that do not involve a Zero Tolerance Offense, the principal may recommend to the Superintendent the expulsion of a student who has committed a serious breach of conduct including, but not limited to:
 - a. willful disobedience;
 - b. open defiance of authority of a School Board employee;
 - c. violence against persons or property;
 - d. giving or selling intoxicating beverages, controlled substances, drugs, or Counterfeit Drugs as defined in the Student Code of Conduct to any person on school grounds or at any school-sponsored activity;
 - e. threatening or using a weapon against any person; and/or
 - f. any felonious act; conviction of a felony; or such other acts subject to expulsion as set out in the Student Code of Conduct.
4. Alternatives to Expulsion. Except for cases involving Zero Tolerance Offenses, any recommendation of expulsion shall include a detailed report by the school principal providing the basis for the recommendation and alternative measures to expulsion considered by the principal before making the recommendation. In Zero Tolerance Offense cases, it is sufficient for the report to note that because expulsion is mandatory, there are no alternative measures available.
5. Discipline Committee. The Superintendent shall appoint a District Discipline Committee ("Committee") to review all recommendations for expulsion and either accept, reject or modify the principal's recommendation. The Committee shall advise the Superintendent of its decision in writing.
6. Superintendent's Recommendation. The Superintendent shall consider the Committee's recommendation and may adopt, modify or reject it. If the Superintendent recommends expulsion, the recommendation shall be referred to the School Board for final action.

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7. Informal Hearing. If the student is recommended for expulsion and does not dispute the facts which lead to the disciplinary action, the student or parent/guardian may request an informal hearing with the School Board to dispute the recommendation for expulsion including any mitigating circumstances. The purpose of the informal hearing is to relieve both the student and Superintendent from presenting witnesses and other evidence to the School Board and to allow the Board to consider only the recommendation for expulsion, and any mitigating circumstances. Therefore, the Superintendent shall present the Board with a written narrative of the facts which the Superintendent considered when making the recommendation for expulsion. Both the student and the Superintendent may address the Board but no evidence will be presented at such a hearing. The School Board may adopt, reject, or modify the Superintendent's recommendation. The action of the School Board shall be final.
8. Formal Hearing. If the student is recommended for expulsion and the facts substantiating the grounds for expulsion are in dispute, the student or parent/guardian may request the School Board to review the Superintendent's recommendation in a formal public hearing before the School Board. The hearing shall be conducted as follows:
 - a. The hearing provisions of Chapter 120, Florida Statutes, shall apply.
 - b. The parent/guardian, or adult student, may be represented by legal counsel or other qualified representation.
 - c. The student has the right to call and cross examine witnesses, present evidence and defend the charges.
 - d. The School Board may adopt, reject, or modify the Superintendent's recommendation. The action of the School Board shall be final.
9. Rehearing. A student who is expelled from the District by School Board action shall not be afforded a rehearing before the School Board unless prior evidence is proven to be false or new evidence is substantiated that was not available at the original hearing.
10. Special Education Students. The following procedures for expulsion shall apply to exceptional education students:
 - a. The principal shall adhere to State Board of Education rules when recommending expulsion of exceptional education students and shall be responsible for convening a Disciplinary Review Committee, which shall include, but not be limited to, District administrator of exceptional student education, the school psychologist, the exceptional student education teacher, regular education teacher, the parent, and the principal or the principal's designee.

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- b. The committee shall review the student's IEP or the Section 504 plan, and determine whether the student's behavior bears a relationship to his/her exceptionality by conducting a manifestation determination hearing.
 - c. If the hearing determines the student's behavior is a manifestation of his/her exceptionality, the student may not be expelled and the IEP or Section 504 plan may be modified in accordance with the student's current needs.
 - d. If the behavior is not a manifestation of the student's disability, then the student shall be referred to the District Discipline Committee and the disciplinary process shall proceed in accordance with paragraphs 4 – 8 above.
 - e. The parent/guardian shall be provided a copy of the suspension and expulsion procedures for exceptional education students at the initial placement meeting or at the first IEP meeting held in the District.
11. Additional Requirements. Additional requirements for the expulsion of exceptional education students may be set forth in the Special Programs and Procedures for Exceptional Student Education Manual.
12. Out of District Expulsion Order. If a student seeking enrollment in the District is subject to a final order of expulsion or dismissal by any in-state or out-of-state public or private school board for an act which would have been grounds for expulsion according to the District Code of Student Conduct, the District shall comply with the following procedures:
 - a. A final order of expulsion shall be recorded in the records of the receiving school district.
 - b. The expelled student applying for admission to the School District shall be advised of the final order of expulsion.
 - c. The Superintendent may recommend to the School Board that the final order of expulsion be waived and the student be admitted to the District, or that the final order of expulsion be honored and the student not be admitted to the District.
13. Delegation of Authority. The Superintendent is authorized to adopt procedures and guidelines to interpret and implement this rule.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAWS IMPLEMENTED: 120.569; 120.57(1), 1001.43,
1002.20; 1006.07, 1006.08,
1006.09, 1006.13, F.S.

STATE BOARD OF EDUCATION RULE: 6A-6.0331

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