

Related Entries: (Not identified at this time)

Suspension and Expulsion

The rules and regulations below shall be enforced regarding the suspension and expulsion of students enrolled in the School District of Lee County.

(1) Definitions

(a) Suspension

1. Out-of-school or external suspension is the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal's designee, and the remanding of the student to the custody of the student's parent/guardian with specific homework assignments for the student to complete, for a period not to exceed 10 school days.
2. In-school or internal suspension is the temporary removal of a student from the school's regular program and placement in an alternative program, such as that provided in §1003.53, F.S., under the supervision of School District personnel for a period of time not to exceed 10 school days.

- (b) Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the School Board, and for a period of time not to exceed the remainder of the term or school year and one additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

(2) Administrative Procedures for School Suspension

- (a) The principal or designated representative shall limit the number of days of out-of-school suspension from school attendance to seven school days when the hearing and subsequent decision to suspend occur the same day as the student's misconduct. The principal's designated representative shall:
1. Provide oral and written notice to the student of the charges and an explanation of the evidence against him or her.
 2. Provide opportunity for a hearing in which the student may explain what occurred.

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3. Make a good faith effort to immediately inform the student's parent/guardian by telephone of the student's out-of-school suspension and the reasons for the suspension.
 4. Notify the parent/guardian of the out-of-school suspension and the reasons for the suspension in writing within 24 hours by U.S. mail.
 5. The Superintendent designates the Assistant Director of Student Services to receive suspension and expulsion correspondence, which would ordinarily be sent to the Superintendent.
 6. Provide opportunities for students to make up work missed during the period of suspension in a timely manner.
- (b) If it becomes necessary to consider a student for suspension from school attendance for a period of eight, nine or 10 school days, the principal or designated representative shall:
1. Notify the student and the student's parent/guardian of the consideration for suspension immediately and in writing. In such case, the hearing must occur on a date subsequent to receipt of the notice of hearing, prior to the effective date of the proposed suspension, unless the presence of the student in school prior to the effective date of the proposed suspension presents a clear and present danger to the safety and welfare of the students and employees of the school.
 2. The school principal or designated representative shall:
 - a. Provide an opportunity for the student to explain what occurred.
 - b. Make certain that each student being considered for suspension is given a hearing, affording both sides ample opportunity to present his/her case. The decision to suspend shall be subsequent to the hearing and only on the basis of substantive evidence supporting the charges against the student.
 - c. Make a good faith effort to immediately inform the student's parent/guardian by telephone of the student's out-of-school suspension and the reasons for the suspension
 - d. Immediately notify the student and the parent/guardian of the suspension in writing.
 - e. Notify the parent/guardian of the out-of-school suspension and the reasons for the suspension in writing within 24 hours by U.S. mail.

- 95 (c) A student with a 504 Accommodation Plan will be suspended only in
96 accordance with Section 504 of the Rehabilitation Act of 1973.
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- 98 (d) No student shall be suspended for unexcused tardiness, lateness, absence
99 or truancy.
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- 101 (3) Administrative Procedures for a Bus Suspension
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- 103 The principal or designated representative may suspend any student from being
104 transported to and from school at public expense. Students may be suspended from
105 the school bus for conduct on the bus that would endanger the safety of self or
106 others. The principal or designated representative shall:
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- 108 (a) Make a good faith effort to immediately inform the student's parent/guardian
109 by telephone of the student's bus suspension and the reasons for the
110 suspension.
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- 112 (b) Notify the parent/guardian of each bus suspension and the reason(s) for the
113 suspension in writing within 24 hours by U.S. mail.
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- 115 (c) Immediately notify the Director of Transportation of each student suspension
116 by a copy of the letter to the parent/guardian.
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- 118 (4) Administrative Procedures for In-School Suspension
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- 120 In the event it is necessary to suspend a student internally for a period of up to 10
121 school days, the principal or designated representative shall notify the
122 parent/guardian of each in-school suspension and the reason(s) for the suspension.
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- 124 (5) Procedures for Expulsion of a Student from School Attendance:
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- 126 (a) Only the School Board has the authority to expel a student. An expulsion
127 recommendation must come from the Superintendent of Schools.
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- 129 (b) Any request for expulsion shall come from the principal or designated
130 representative to the Assistant Director of Student Services who shall review
131 the matter and make a recommendation to the Superintendent.
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- 133 (c) The request, accompanied by the suspension letter, must be received in the
134 Student Services Department within 48 hours following the beginning date of
135 the 10-day suspension. In making the request to the Superintendent, the
136 principal or designated representative shall:
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- 138 1. Include a detailed report on the alternative measures taken prior to the
139 recommendation for expulsion.
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- 141 2. Fully state the serious breach of conduct committed which led to the
142 request for expulsion.
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- 144 3. Include witness and/or incident statements.
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- 146 (d) The Superintendent shall determine if sufficient reason exists for making a
147 recommendation to the School Board for expulsion of a student. If the
148 Superintendent decides to recommend expulsion to the School Board, the
149 Superintendent shall notify the student and the parent/guardian of the
150 recommendation according to the rules for such notice found in Board
151 Policy 1.15.
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- 153 (e) The parent/guardian shall be notified in writing by the Superintendent or
154 designee of the action of the School Board to expel a student from school
155 attendance.
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- 157 (6) Suspension or Expulsion for an Off-Campus Felony
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- 159 (a) A student may be suspended in accordance with section 1006.09, F.S. if they
160 have been charged with the commission of a felony, or with a delinquent act
161 which would be a felony if committed by an adult, that occurred on property
162 other than public school property. The suspension may exceed 10 days;
163 however, during the period of the suspension, the student shall be assigned
164 to a daytime or evening alternative education program.
165
- 166 (b) Before suspending a student for an off campus felony charge, the principal
167 must determine in a hearing, with written notice to the parents/guardians, that
168 the incident has an adverse impact on the educational program, discipline or
169 welfare of the school. The hearing must be held no less than two (2) nor
170 more than five (5) school days from the date of the notice.
171
- 172 (c) A student may thereafter be expelled if a court determines that the student
173 did commit the felony or delinquent act. An expulsion under these
174 circumstances may be waived in accordance with section 1006.09, F.S. if the
175 original charge involved the unlawful possession or use of any substance
176 controlled under Chapter 893, Florida Statutes.
177
- 178 (7) Administrative Procedures for the Suspension and Expulsion of a Student with a
179 Disability
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- 181 In the event it is necessary to suspend or expel a student with a disability, the same
182 guidelines for suspension or expulsion of general education students shall be
183 followed with the following additions:
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- 185 (a) A student with a disability shall be suspended only in accordance with the
186 Discipline Guidelines for Students With Disabilities as adopted by the School
187 Board.
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- 189 (b) Should the exceptional education student be suspended on the basis of an
- 190 off-campus felony, an alternative educational program meeting the
- 191 requirements of the student’s Individualized Educational Program (IEP) must
- 192 be provided while the student awaits adjudication through the court system.
- 193
- 194 (c) Any recommendation for the expulsion of an exceptional education student
- 195 shall be made in accordance with the rules promulgated by the State Board
- 196 of Education. A manifestation review will be conducted when a student with a
- 197 disability is recommended for expulsion or disciplinary reassignment that
- 198 would constitute a change in educational placement.
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- 200 (d) Exceptional education students who have been expelled from a system
- 201 outside of the School District of Lee County must be provided an alternative
- 202 educational program.
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204 (8) Expulsion Orders from Other School Districts

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 206 The School Board shall have the authority to honor the final order of expulsion of a
 207 student by another school board in accordance with the following procedures:

- 208
- 209 (a) The Superintendent may recommend to the School Board that either the final
- 210 order of expulsion from another school district be waived and the student be
- 211 admitted to the School District or that the final order of expulsion be honored
- 212 and the student not be admitted to the School District.
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- 214 (b) If the student is admitted by the School Board, the student may be placed in
- 215 an appropriate educational program at the direction of the School Board.
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- 217 (c) The final order of expulsion from the other school board shall be recorded in
- 218 the records of the School District of Lee County.
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- 220 (d) The School District of Lee County shall be advised of the final order of
- 221 expulsion for an expelled student applying for admission.
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223 (9) Readmission of Expelled Students

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- 225 (a) If a student has been expelled for the use, possession or sale of alcohol,
- 226 controlled substances, counterfeit controlled substances, drug paraphernalia
- 227 or over-the-counter medication, the student may be readmitted to the Lee
- 228 County Public Schools prior to the end of the expulsion period, if the student
- 229 and/or their parent/guardian submit a written request for readmission and:
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- 231 1. The request is accompanied by three letters of reference and proof of
- 232 successful completion of a licensed drug abuse program; and
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2. The student agrees to submit to random drug testing at least once per month throughout the remainder of the period of expulsion. The cost of the drug testing shall be borne by the student. If the student fails to submit to testing when directed to submit to same by the Principal or their designee or the test shows a positive result, the expulsion shall be reinstated without further proceedings.
- 241 (b) If a student has been expelled for any reason other than those set forth in
242 paragraph (a) above, the student may be readmitted to the Lee County public
243 schools prior to the end of the expulsion period if the student and/or their
244 parent/guardian submits a written request for readmission and:
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- 246 1. The request is accompanied by three letters of reference; and
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248 2. The student provides proof of successful completion of a counseling
249 program with a licensed therapist.
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- 251 (c) All requests for readmission and accompanying documentation must be
252 submitted to the Assistant Director of Student Services. A request for
253 readmission shall not be considered unless and until all documentation
254 required by this rule is provided. The request must be submitted at least 30
255 school days prior to the beginning of the semester for which the student is
256 seeking readmission.
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- 258 (d) The Assistant Director of Student Services shall convene a readmission
259 committee upon the receipt of a request and all the required documentation.
260 The Assistant Director of Student Services shall appoint the members of the
261 committee.
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- 263 (e) The committee shall hold a hearing to consider the request for readmission.
264 The student's Principal shall attend the hearing along with the readmission
265 committee. The Assistant Director shall send written notice of the hearing to
266 the student and the parent/guardian via U.S. mail. The notice shall advise the
267 student that they have the right to bring a representative with them to the
268 hearing.
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- 270 (f) If the readmission committee recommends readmission, the recommendation
271 shall be forwarded to the Superintendent who, upon approval, shall forward
272 the recommendation to the School Board. The School Board shall consider
273 the recommendation for readmission at a student hearing. If the School
274 Board approves the recommendation, it shall enter a Final Order readmitting
275 the student.
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- 277 (g) With the exception of the expulsion diversion program, an expelled student
- 278 must be out of school for at least 180 calendar days, starting from the first
- 279 day of their suspension related to the offense for which the student was
- 280 expelled, before the School Board will consider a recommendation for
- 281 readmission.
- 282
- 283 (h) Students may only be readmitted to the regular or alternative schools at the
- 284 beginning of a school year or at the beginning of a semester.
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- 286 (i) An expelled student may be admitted, by the Superintendent, to the
- 287 expulsion diversion program through the following procedures:
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- 289 1. The student and parent/guardian agree to enter into the expulsion
- 290 diversion program. Once the written request is received by the
- 291 Assistant Director of Student Services, a meeting will be scheduled
- 292 with the District Alternative Reassignment Committee. The
- 293 parent/guardian and student will be required to attend in person. At
- 294 the end of the meeting, the committee will vote in private to allow or
- 295 disallow the student to participate in the expulsion diversion program.
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- 297 2. A decision will be made within five days and will be mailed to the
- 298 parent/guardian by the Assistant Director of Student Services. The
- 299 decision of this committee will be final. If approved by the Committee,
- 300 the student will be required to participate in the expulsion diversion
- 301 program for a minimum of 90 school days.
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- 303 3. The Superintendent has the authority to admit any student
- 304 recommended for expulsion into the expulsion diversion program
- 305 when agreed to by the student and his/her parent/guardian.
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- 307 (10) Students shall not be treated differently with regard to suspensions or expulsions on
- 308 the basis of their race, color, disability, age, sexual orientation, gender, religion,
- 309 national or ethnic origin or marital status.
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- 311 (11) Students who have been expelled from the School District of Lee County by action
- 312 of the School Board may enroll at a charter school that has been approved by the
- 313 School Board to admit those students. Admission to the charter school is at the
- 314 charter school's discretion.
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316 **STATUTORY AUTHORITY:** 1001.42, 1001.43, 1003.01(5), (6), 1003.57, 1006.07, and

317 1006.09, F.S.

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