

# 2150-Policy on Dismissal of Students

As provided for under Florida Law, North County Charter School, Inc., (“NCCS”) reserves the right to disinvite and dismiss a student involuntarily for repeated minor, or non-minor conduct infractions.

## A. Withdrawal or Dismissal of Students for Conduct Violations

The Principal of the charter school shall have the authority to recommend a dismissal for a student from the program for any conduct violation(s) that are determined by the Principal to be disruptive repetitive minor, or non-minor in nature. Written notification shall be provided to the parent/guardian informing them that the student will be dismissed from the program, stating the reasons for the dismissal, stating actions taken by staff to assist the student prior to dismissal, and providing information about their due process rights and right to appeal the determination as set forth herein. The notification must also establish whether or not the student will be eligible to reapply for enrollment at the school at a future date. NCCS shall notify the Indian River County Public School District (the “School District”) through the charter liaison and Principal of the zoned public school, of any recommendation for dismissal under this policy.

Following a recommendation, a dismissal will not become final until (i) the expiration of the window to appeal as set forth below, if the parent/guardian does not appeal, or (ii) the conclusion of the appeal. Upon a dismissal becoming final, the administration will refer the student to the School District for appropriate placement.

## B. Offenses Qualifying for Dismissal

A student may be dismissed for offenses that are deemed to be disruptive repetitive minor, or non-minor offenses of the school’s conduct expectations in effect for the current school year, by the Principal. Said offenses may include, but are not limited to:

Level II behaviors as listed on the Indian River School District’s Discipline Plan for grades K-8 as well as repeated Level I incidents as listed on School District’s Discipline Plan for grades K-8.

## C. Effect of Dismissal

“Dismissal” for purposes of this policy means that a student is involuntarily disinvited and disenrolled from NCCS, and barred from re-enrolling either indefinitely or for a specified period of time.

## D. Appeal Process

The parent/guardian of a student who has been notified that their student will be recommended for dismissal from NCCS must be given a period of five (5) days to submit a written appeal to the Governing Board of NCCS, if they so desire. The appeal shall be forwarded to the President of the Governing Board of the Organization. Designated time for a hearing on the appeal shall be added to the agenda for the next meeting of the Governing Board, or the Chairperson may call a special meeting to consider the appeal. The Governing Board should attempt to hold a hearing within ten school (10) days following submission of the parent/guardian’s written appeal, if possible.

All members of the Governing Board must be provided a copy of the parent/guardian’s written appeal in advance of the meeting. At the meeting, a hearing will be conducted on the dismissal. The parent/guardian has the right to have an advocate, or attorney represent them at the hearing. The Principal recommending the dismissal, or his or her designee, shall be given up to ten (10) minutes to present pertinent facts and information about the decision. The parent/guardian,

or his or her designee, shall then be given up to fifteen (15) minutes to present additional facts and information for the Governing Board to consider. The Principal, or his or her designee, will then be given up to five (5) minutes for rebuttal.

Following the presentation by both parties, the members of the Governing Board may ask the parties questions, seek additional information, and discuss the issues amongst themselves. The President shall then call for a motion to either approve or deny the appeal. The appeal may be approved or denied by a majority vote of the Governing Board members present at the meeting. In the event of a tie, the President reserves the right to break the tie. The Governing Board also reserves the right to uphold but modify the terms of any dismissal by a majority vote, including whether the student will be eligible to reapply for enrollment at a future date. The decision of the Governing Board is final and may not be further appealed.

Within three (3) business days following the decision of the Governing Board, the Principal shall issue a written notification to the parent/guardian communicating the decision of the Governing Board. A copy of the notification will be provided to the Indian River School District through the Charter Liaison. If the Governing Board voted to grant the appeal and overturn the dismissal, the student should immediately resume participation in the program.

## **E. Suspensions and Placement Following Recommendation for Dismissal**

The administration may suspend a student who has been recommended for dismissal for up to ten (10) days. The suspension may be extended beyond ten (10) days if such suspension period will expire before the regular or special meeting of the Governing Board can be held, if the parent/guardian appeals. Whenever possible, the Governing Board should attempt to meet in a special meeting to avoid extension of the suspension period.

Notwithstanding the foregoing, a student with disabilities may not be suspended for more than ten (10) consecutive days, or more than ten (10) total days during the school year if such removal would constitute a change of placement. Thereafter, the student may be required to remain at home pending the outcome of the appeal, though the school must provide educational services to the student, including providing assignments so as to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment and (available) behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

## **F. Manifestation Determinations for Students with Disabilities**

A dismissal of a student with disabilities shall be handled only in accordance with Rule 6A-6.03312, Florida Administrative Code, the Individuals with Disabilities Act, Section 504 of the Rehabilitation Act, and other applicable laws. If the Governing Board approves a recommendation for dismissal for a student with disabilities, such approval shall be conditional upon the School conducting a manifestation determination meeting within ten (10) school days. The parent/guardian shall be notified of the decision in writing and shall be provided the notice of procedural safeguards.

The manifestation determination team shall be composed of the parent, and required members of the IEP team according to law (i.e. Resource Specialist, Administrator, Gen Ed. Teacher, ESE Teacher, School Psychologist). The manifestation determination team will follow all procedures and requirements set forth in Rule 6A-6.03312. A student may not be dismissed from the program if the manifestation determination team finds that the conduct in question was a manifestation of the student's disability. In such case, the school will implement all required measures in Rule 6A-6.03312.

If it is determined that the conduct was not a manifestation of the student's disability, the Principal shall notify the parent/guardian of the determination and the parent/guardian shall have five (5) days thereafter to make a written appeal to the Governing Board or ten (10) days from the date of the initial notification set forth above, whichever is later.

## **G. Confidentiality of Student Information During an Appeal**

At Present under Florida’s Sunshine Law, all hearings relating to a dismissal must be open to the public. The Governing Board may not go into executive session to consider an appeal under Florida law. However, the Governing Board and those persons presenting during the hearing should be sensitive to the confidential nature of the information. In the initial notification regarding the dismissal, the parent/guardian should be fully informed that any hearing before the Governing Board to consider an appeal will be open to the public. The parent/guardian should be notified that their request for a hearing before the Governing Board constitutes consent to the disclosure of confidential information about the student at the hearing relevant to the Governing Board’s consideration. Notwithstanding the foregoing, the Organization shall protect the confidentiality of all education records that are considered as part of the appeal and shall not release such records to any person who does not have a legitimate educational interest or legal right to review such education records in accordance with Florida law and the Family Educational Rights and Privacy Act.

## **H. Expulsions**

A “dismissal” under this policy is not an “expulsion” from the NCCS charter school (of choice), as that term is utilized in applicable School District conduct codes. If the behavior(s) leading to dismissal might constitute an expellable act under the Indian River School District’s Code of Conduct, the Principal, or the team assembled to conduct the Manifestation Determination for IEP students, shall inform the School District of the dismissal and specific non-minor offense(s) committed, and recommend that Alternative Placement be considered within the School District.

Adopted: February 13, 2023