

POLICY ON DISMISSAL OF STUDENTS

As provided for under Florida Law, BURNS SCIENCE AND TECHNOLOGY CHARTER SCHOOL, INC. (“Burns” or “the School”) reserves the right to withdraw a student involuntarily for non-minor infractions of the School’s Code of Conduct.

Withdraw/Dismissal of Students for Violations of Code of Conduct

A Principal at Burns shall have the authority to recommend dismissal for a student from the program for any violation(s) of the Code of Student Conduct that is determined by the Principal to be 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. Burns shall notify the Volusia County Public Schools District (the “School District”) of any recommendation for dismissal under this policy.

Any recommendation for dismissal, as well as any documentation supporting said recommendation, shall be submitted to a due process coordinator for review of compliance with this policy. Said coordinator shall be the Human Resources Staff Member of Burns.

Process for Dismissal

Should a Principal at Burns recommend a student for dismissal, a hearing will be scheduled with the School’s Disciplinary Review Committee (the “Committee”). This Committee will be made up of the School’s Board Chair or Board Designee, and members of the School’s Administrative Staff, including an ESE staff member when necessary. A School counselor (for informational purposes only), and possibly the School’s attorney, whose role will be to advise the Committee on the dismissal process, may also attend the hearing. The hearing will begin with the administrative staff stating the behavioral offenses committed by the student. The student, with their parent/guardian and/or representative, will be given an opportunity to address the allegations against the student. The Committee can ask follow-up questions to clarify items about the case. Once the discussions have concluded, the Committee will deliberate and decide whether to issue a dismissal of the Burns Program. The student along with their parents or representative will be notified of the decision at the conclusion of the deliberation.

Following the hearing, 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 of the School will refer the student to the School District for appropriate placement.

Offenses Qualifying For Dismissal

A student may be dismissed for offenses that are deemed to be non-minor offenses of the School’s Student Code of Conduct in effect for the current school year, by the Committee. Said offenses may include, but are not limited to: Level 3 or 4 behaviors as well as repeated Level 2 incidents listed on the School’s Discipline Code of Conduct.

Effect of Dismissal

“Dismissal” for purposes of this policy means that a student is involuntarily disenrolled from all schools operated by Burns and barred from re-enrolling either indefinitely or for a specified period of time.

Appeal Process

The parent/guardian of a student who has been notified that their student will be dismissed from the program must be given a period of five (5) days to submit a written appeal to the Governing Board of Burns if they so desire. The appeal shall be forwarded to the Chairperson 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 (10) days following the submission of the parent/guardian’s written appeal.

All members of the Governing Board must be provided with 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 25 minutes to present pertinent facts and information about the decision. The parent/guardian, or his or her designee, shall then be given thirty (30) minutes to present additional facts and information for the Governing Board to consider. The Principal, or his or her designee, will then be given 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 Chairperson 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 Chairperson 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 School District. If the Governing Board voted to grant the appeal and overturn the dismissal, the student should immediately resume participation in the program.

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 expires before the regular or special meeting of the Governing Board can be held if the parent/guardian appeals. Whenever possible, the Governing Board shall attempt to meet in a special meeting to avoid an extension of the suspension period.

Notwithstanding the foregoing, a student with disabilities may not be suspended for ten (10) consecutive days or ten (10) total days during the school year if such removal would constitute a change of placement without having a Manifestation Determination Hearing, as set forth below. 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 behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

Manifestation Determinations for Students with Disabilities

The 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 School's Disciplinary Review Committee and Governing Board through the appeals process 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 a representative from the School District or an ESE School Administrator to lead the meeting, the parent, and relevant members of the IEP team (as determined by the parent and the School). 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 a 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 Disciplinary Review Hearing that will take place within the 10 suspension days. If the Disciplinary Review Committee determines a dismissal the parent/guardian shall have five (5) days thereafter to make a written appeal to the Governing Board

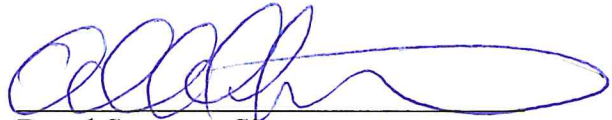
Confidentiality of Student Information During an Appeal

At present under Florida's Sunshine Law, all appeal hearings relating to a dismissal must be open to the public if the parent chooses to have the meeting be public. The Governing Board may not go into executive session to consider an appeal under Florida law. However, the Governing Board and those people 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.

Expulsions

A "dismissal" under this policy is not an "expulsion" as that term is utilized in the applicable Code of Student Conduct.

This Policy on Dismissal of Students was approved by a majority of a quorum of the Governing Board of Burns Science and Technology Charter School, Inc. at a duly noticed meeting held on 11-28-2023.



Board Secretary Signature

Albert Amalfitano

Print Name

11-28-2023

Date