

POLICY ON DISMISSAL OF STUDENTS

This policy shall apply to Innovation Montessori Ocoee (the “Organization”). This policy is intended to supplement the Code of Student Conduct for the Organization.

Recommendations for Dismissal

The principal shall have the authority to recommend a student for dismissal from the program for qualifying violations of the Code of Student Conduct. Any recommendation for dismissal shall be submitted to and must be approved by the Organization’s Executive Director. Upon approval by the Executive Director, a 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. The notification must also establish whether or not the student will be eligible to reapply for enrollment at the school at a future date. A copy of the notice will be provided to the School District.

The dismissal will not become final until (i) the expiration of the window to appeal 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.

Offenses Qualifying for Dismissal

The following types of offenses constitute grounds for dismissal (offenses are as described in the Code of Student Conduct): Specific Level III and all Level IV offenses. The specific level III offenses that qualify for dismissal are as follows:

1. Level III offenses: 3A, 3E, 3F, 3G, 3H, 3I, 3J, 3T, 3U, 3V
2. Any offense where student is arrested and/or referred to alternative placement, will lead to dismissal from Innovation Montessori Ocoee.

Effect of Dismissal

“Dismissal” for purposes of this policy means that a student is involuntarily disenrolled from the Organization 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 ten (10) days to submit a written appeal to the Organization’s Executive Director. 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 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 Organization's Executive Director, or his or her designee, shall be given ten (10) minutes to present pertinent facts and information about the decision. The parent/guardian, or his or her designee, shall then be given fifteen (15) minutes to present additional facts and information for the Governing Board to consider. The Organization's Executive Director, 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 Organization's Executive Director 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 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 shall 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 ten (10) consecutive days or 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 behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

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 Organization's Executive Director approves a recommendation for dismissal for a student with disabilities, such approval shall be conditional upon the Organization 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, the parent, and relevant members of the IEP team (as determined by the parent and the school district). 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 Organization's Executive Director 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.

Confidentiality of Student Information During an Appeal

Due to 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.

Expulsions

A "dismissal" under this policy is not an "expulsion." As set forth in the Orange County School Board's Code of Student Conduct, "expulsion" means "the removal of the right and obligation of a student to attend a public school under conditions set by the district school board, and for a period of time not to exceed the remainder of the term or school year and one (1) additional year of attendance." A student that is expelled cannot enroll at any public school in the School District. Contrarily, a "dismissal" for purposes of this policy does not preclude the student from enrolling in other public schools in the School District. The Organization's Executive Director may recommend to the School Board that a student be expelled from school, but the School Board has the sole authority to expel students.

This Policy on Dismissal of Students was approved by a majority of a quorum of the Governing Board of the Organization at duly noticed meeting held on _____.

Board Secretary Signature

Print Name

Date