



POLICY 5.18155-ER

4-A I recommend that the Board adopt the proposed emergency rule, Policy 5.18155-ER, entitled “Alternative to Out-of-School Suspension of Students”, and make the findings as to an emergency as set forth in the Board Report.

[Contact: Diane Curtis, PX 55945]

Emergency Adoption CONSENT ITEM

- This Policy/emergency rule will provide the framework for the successful implementation of the Alternative to Out-of-School Suspension (ATOSS) Program.
- The ATOSS program will allow eligible students who have received an out-of-school suspension to maintain academic momentum by providing an opportunity to reflect, adjust, and interact positively with their peers, educational environment, and community, in a temporary placement in another educational setting.
- The ATOSS program will allow eligible students who have received an out-of-school suspension to maintain academic momentum by providing an opportunity to reflect, adjust, and interact positively with their peers, educational environment, and community, in a temporary placement in another educational setting.
- The Policy needs to be adopted immediately as an emergency rule to ensure consistency and fairness in the application of the ATOSS program. Recent data has demonstrated significant increases in the failure of students who cannot recover academically after serving an out-of-school suspension. This rule would allow students to maintain academic momentum while simultaneously serving suspension days in an alternative setting.
- Upon approval by the Board, this emergency rule would take effect March 12, 2008, and remain in effect up to 90 days, or until superseded by adoption of the regular Policy before that date. (Substantially the same content will be developed through the regular rulemaking process, which should be completed within the 90 days). Regular development of this proposed new Policy is anticipated to begin on April 2, 2008.

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ALTERNATIVE TO OUT-OF-SCHOOL SUSPENSION OF STUDENTS

1. Purpose

- a. The Alternative to Out of School Suspension (“ATOSS”) program is a voluntary program that will start as a pilot program for certain specified schools and offers an option to eligible students who have received an out of school suspension for violating any policy relating to student conduct in Chapter 5 of the School Board Policies. The goal of ATOSS is to help students who have received an out-of-school-suspension maintain academic momentum by providing an opportunity to reflect, adjust, and interact positively with their peers, educational environment, and community, in a temporary placement in another educational setting.
- b. ATOSS is specifically intended to serve as an alternative to an out-of-school suspension and thereby eliminate or reduce a student’s suspension days. ATOSS is not a method to unilaterally remove “disruptive” students. Nor is ATOSS a replacement or substitute for assignment to an Alternative School.

2. Overview

- a. The Superintendent will determine which schools may participate in the ATOSS program based on school’s out-of-school suspension rates, availability of sites, success of pilot programs, ability to expand, size of site, student safety, and budgetary constraints.
- b. For specified pilot schools, principals and their identified designees may offer eligible students who have received an out-of-school suspension for violating any policy relating to student conduct in Chapter 5 of the School Board Policies an ATOSS placement for up to the number of days suspended. While participating in the ATOSS program, students will be provided with FCAT Prep and supplemental curriculum provided using a character education component with vocational and life skills. Upon completion, students will generally return to their home school. Specific ATOSS locations will be designated and staffed with appropriate personnel. Transportation to and from ATOSS locations is the responsibility of the student/parent.
- c. For each day a student fully participates in the ATOSS program at a designated ATOSS site, the School District’s official attendance record will reflect the student served one day of in-school suspension. Thus, the School District will not designate and/or record the participating student absent for any

36 ATOSS day. Following the student's completion of the assigned number of
37 ATOSS days, the student will have the opportunity to make up missed class
38 work at the student's home school within a reasonable period of time. In such
39 cases, the student will receive full academic credit for timely completion of
40 missed class work.

41 d. ATOSS days must comply with all federal and state laws governing
42 educational services, including those applicable to students in Exceptional
43 Student Education ("ESE"). For purposes of compliance with Florida Statutes
44 section 1003.23, ATOSS is hereby designated by the School Board of Palm
45 Beach County as an "educational activity which constitutes a part of the
46 school-approved instructional program" for students.

47 e. Because ATOSS is voluntary, a minor student's parent or legal guardian must
48 expressly consent to an ATOSS placement during the out-of-school
49 suspension. A surrogate will be appointed in the absence of a parent or
50 guardian. Form 1969 will be used for placement in the program. This form is
51 hereby incorporated by reference and can be found at:
52 www.palmbeach.k12.fl.us/Records/FormSearch.asp

53 3. **ATOSS Eligibility**

54 a. The principal/designee shall determine a student's eligibility for ATOSS
55 participation. The following factors are relevant to determining eligibility at the
56 designated schools:

57 i. the facts relating to the suspension incident;

58 ii. the student's prior disciplinary record and, in particular, whether the
59 student has a history of committing violent acts;

60 iii. the student's academic momentum, or in particular, the student's
61 willingness to perform academically (students who attend ATOSS receive
62 the opportunity to receive full credit for makeup work. Thus, a student
63 who has demonstrated an "unwillingness" to make an academic effort in
64 school would be unlikely to take advantage of the purpose of the ATOSS
65 program); and

66 iv. whether the student could be subject to expulsion for the incident.

67 b. Students who have committed a Level 4 incident under School Board Policies
68 5.1812 or 5.1813 and students subject to expulsion, are not eligible for an
69 ATOSS placement

70 4. **Communication with Parent**

71 a. If determined eligible for ATOSS, a student's home school must discuss, the
72 same day as the ATOSS eligibility determination, the ATOSS offer with his or
73 her parent. The discussion should be in person or by telephone.

74 b. The school must communicate the following information to the parent:

75 i. that the student received an out-of-school suspension;

76 ii. that the student is eligible to attend ATOSS during the suspension;

77 iii. the ATOSS program's purpose and how it operates;

78 iv. the school proposes to assign the student to an ATOSS placement for a
79 specified time period;

80 v. that the parent must acknowledge responsibility for providing daily
81 transportation to and from the ATOSS site;

82 vi. that the parent must accept or decline the ATOSS offer on behalf of the
83 student;

84 vii. that if the parent accepts the offer, both parent and student must attend a
85 15-minute orientation session at the designated ATOSS site the first day
86 the student attends; and

87 viii. that at ATOSS commencement, the parent must provide his or her written
88 consent for the student to attend ATOSS for each of the days the school
89 has designated.

90 5. **Challenge to Decision.**-- A student who is suspended and believes he or she
91 should have been offered the opportunity to be eligible for ATOSS may request
92 reconsideration of the decision directly to the student's home-school Principal. The
93 principal shall have final decision-making authority based on the same factors
94 listed above in section (3).

95 6. **Students Eligible for ESE**

96 a. Students eligible for ESE will receive services pursuant to their Individualized
97 Education Program, as determined by compliance with the Individuals with
98 Disabilities Education Act, the Act's implementing regulations, and state law.

99 b. ATOSS must not deprive children with disabilities of their right to a free
100 appropriate public education. The School Board will ensure that eligible ESE
101 students receive applicable services and procedural safeguards.

102 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41(2); 1001.42(6)(a);
103 1001.42(23)

104 LAWS IMPLEMENTED: Fla. Stat. §§ 1006.07(1)(a); 1006.07(2); 1006.08(1);
105 1006.09(1)(b); 1003.23(1)

106 HISTORY: ____ / ____ 2008

Legal Signoff:

The Legal Department has reviewed proposed emergency rule, Policy 5.18155-ER, and finds it legally sufficient for emergency adoption by the Board.

Attorney

Date