

RESOURCES

- * Palm Beach County Schools' Code of Student Conduct can be found at:
www.palmbeach.k12.fl.us/policies at Chapter 5
- * Rules of the School Board of Palm Beach County, Florida regarding student expulsion are at the same website address, www.palmbeach.k12.fl.us/policies, Policy 5.1817.
- * Discipline information for students with disabilities is at Policy 5.189 (ESE) and Policy 5.1891 (Section 504).



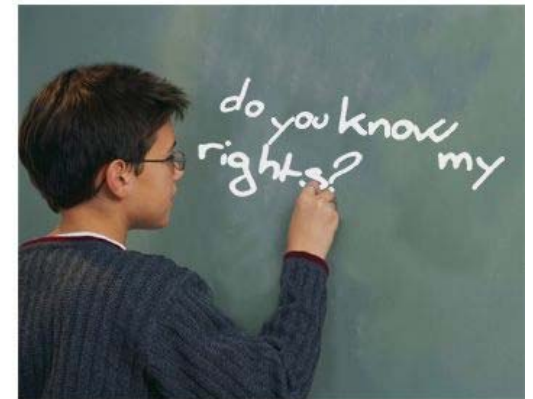
Provided by:
Legal Aid Society of
Palm Beach County
423 Fern Street, Suite 200
West Palm Beach, FL 33401

To see if you qualify for free legal services to advise you on your expulsion, call (561) 655-8944 Ext. 285 or Ext. 272.

* Eligibility for services is determined by family size and based on the federal government's annual poverty guidelines. For example, in 2009, 200% of the poverty level for a family of 4 is \$44,100.00.

They're Kicking Me OUT!

A Guide for Students Facing Expulsion and an explanation of the Legal Aid Society of Palm Beach County's Expulsion Project



“[C]hildren do not shed their Constitutional rights at the school house door.”

—U.S. Supreme Court

General Information

The Expulsion Project is a special program provided by Legal Aid Society of Palm Beach County with the support of the School Board of Palm Beach County. This program provides free legal services to families who meet the income requirement* and are faced with the expulsion of their child.

Expulsion means the removal of the right of a student to attend any public school in Palm Beach County for a period of time not to exceed the remainder of the term or school year and 1 additional year.

- Other school districts may honor expulsion if it was for an action which would be grounds for expulsion in that district.
- Palm Beach County Schools provides education to expelled students at an alternative education site.
- If you think your child might need special education, and has never been evaluated, you might want to consider asking the School Board to evaluate your child before they hold an expulsion hearing.

Students who get special education services are not expelled, by School Board policy.

Documents to Request

It is important to request copies of all school documents, which may include:

- Witness statements
- Investigative/incident report by school
- Student's school records, including disciplinary records
- Notice of Specific Charges

The Hearing Process

Students cannot be expelled without getting notice of the reasons the School Board wants to expel them and are entitled to have a hearing so that all the facts are considered.

Even if student does not dispute the charges, he/she may want to have a hearing present evidence on the appropriateness of the sanction (expulsion).

BEFORE

Once the parent receives the Recommendation of Expulsion from the Superintendent, there are 3 choices:

1. Request a hearing (with 15 days of getting notice);
2. Do nothing and the School Board will likely vote to expel the student (everyone who is facing expulsion can meet with the School Board members for 3 minutes on the day of the vote to request not be expelled);
3. If you think your child might need special education, and has never been evaluated, you might want to consider asking the School Board to evaluate your child before they hold an expulsion hearing.

Now is the time to contact Legal Aid to meet with an attorney to help you with the choices.

DURING

Who is Present?

- Hearing Officer—neutral third-party who presides over hearing
- Parents and Student
- Attorneys—for School Board and student

- Court Reporter—records the hearing (may be present if parent pays; otherwise hearing will be recorded on tape or CD)
- Witnesses—may include students, school administrators, Student Resource Officers, etc.

What Happens?

Both parties can:

- Present written or oral evidence
- Call and cross-examine witnesses
- Be represented by counsel

AFTER

- Hearing Officer issues report and recommendation to School Board within 15 calendar days of the hearing
- Student has 15 calendar days to file exceptions (object) to the hearing officer's recommendation
- **If Object:** Each party can present oral arguments to the School Board before Board issues final decision
- **Appeal:** Students who disagree with the School Board's expulsion decision may appeal to the appropriate district court of appeal.

Students with Disabilities

Students with an individualized education plan (IEP) will not be expelled, but they may end up at a different school. Students with a 504 Plan are entitled to a manifestation determination review BEFORE a removal from school and BEFORE a recommendation of expulsion. Generally, if a student's behavior is due to his disability, he cannot be expelled.