

Office of School Board Attorney
Walter Harvey, School Board Attorney

**SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA,
v. M.G., In the School Board of Miami-Dade County, Florida, Case No.
11-181**

On December 14, 2011, following a due process hearing in front of an impartial panel, an out-of-state school District suspended M.G. and assigned him to alternative school for violations of its code of student conduct. On May 14, 2012, the student enrolled in a Miami Dade County public school. Since the out-of-state suspension is not over until December 14, 2012, the District administration assigned him to an alternative education program for the remainder of the suspension.

M.G.'s parent filed a request for a due process hearing to contest the assignment. The request was denied, however, because M.G. was provided a due process hearing and previously had an opportunity to contest the charges.

In Florida, any suspension over ten (10) days is considered an expulsion which is defined as removal from the school for one (1) year or more. Pursuant to Section 1006.07(b), F.S., the receiving school board has the authority to honor or waive the final order of expulsion or dismissal from any out-of-state school for acts that would have been grounds for expulsion according to the receiving school board's code of student conduct. Upon the Superintendent's recommendation, the School Board may enter a final order assigning the student to an alternative education program for the remainder of the expulsion or suspension.

It has determined that M.G.'s behavior in the out-of-state school would have violated Levels 3, 4 and 5 of the Miami-Dade *Code of Student Conduct-Secondary* ("Code") and is recommending that the School Board enter a final order assigning M.G. to an alternative education program through December 14, 2012.

Copies of background documents and the proposed Final Order are being provided to the Board under separate cover.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, enter a Final Order assigning M.G. to an alternative education program through December 14, 2012, based on disciplinary action taken by an out of state school district.