

## **POLICY ON DISMISSAL OF STUDENTS**

Adopted by the LP Board of Directors on 1/26/23; revised & approved on 6/27/24 & 9/18/25

As provided for under Florida Law, Lutz Preparatory School, Inc. (“Lutz” or the “School”) reserves the right to withdraw a student involuntarily for significant infractions of the School’s Code of Conduct.

### **Withdraw/Dismissal of Students for Violations of Code of Conduct**

A Lutz administrator has the authority to recommend the dismissal of a student from the program for any significant violations of the Code of Student Conduct to the Dismissal Committee. (the “Committee”) The recommendation must be in writing and include all written materials (the “Dismissal Packet”) the Committee should consider in deciding whether to follow the dismissal recommendation. The Committee consists of the Director or their designee and at least one other staff member not directly associated with the student. The Director or their designee may appoint additional staff, administrators from Lutz or other schools, or other persons if necessary. Included should be at least one school counselor, social worker, mental health professional who is appointed by Lutz’s Director or Designee who is available for consultation with the Committee but is not a voting member of the Committee.

Parents/guardians (the “parents”) will receive written notification (the “Notice”) detailing the reasons for the recommendation for dismissal, the Dismissal Packet, the School’s actions previously taken to support the student (if any), the student’s due process rights, and the right to appeal the final decision of the Committee. The Notice will include a time for the Committee’s meeting. The Notice will also specify whether the recommendation is for permanent dismissal or whether the student may reapply for enrollment in the future. The Notice must be submitted to the District on the same day it is delivered to the student’s parents.

Prior to the Committee meeting, the parents are allowed to submit written materials. At the Committee meeting, the parents are allowed to be involved in the review of dismissal package to provide additional input or evidence. If age appropriate, the student may be allowed to participate in that process as well. If parents or student fail to show up to the Committee meeting, the Committee may meet and deliberate. The Committee deliberations will determine whether the recommendation for dismissal will be followed, modified, or denied. The decision of the Committee will be announced to the parents at the end of the meeting. Within one business day of the Committee’s decision, written notification shall be sent to the parents and the Governing Board regarding the Committee’s decision.

### **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. Said offenses may include but are not limited to: Level 1 or 2 behaviors as well as repeated Level 3 incidents listed on the School’s Discipline Code of Conduct. Additionally, students may be dismissed for non-minor repeated violations such as the Attendance Policy of the School.

### **Effect of Dismissal**

“Dismissal” for purposes of this policy means that a student is involuntarily disenrolled from the School and barred from re-enrolling either indefinitely or for a specified period to the

School. A dismissal recommendation will not be finalized until one of the following occurs: (i) the appeal period expires without an appeal being filed, or (ii) the appeal process concludes. Once finalized, the School will coordinate with the School District to ensure appropriate placement for the student.

#### Suspensions and Placement Following Recommendation for Dismissal

The administration may suspend a student who has been recommended for dismissal for up to ten (10) school days. The suspension may be extended beyond ten (10) days if such suspension period expires before the Appeal Committee can meet. Whenever possible, the Appeal Committee shall attempt to meet in a meeting to avoid an extension of the suspension period.

Notwithstanding the foregoing, a student with disabilities may not be suspended for more than ten (10) consecutive days or more than 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 if required by law the School will 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 accordance with the student's IEP or 504 plan 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 Committee and Appeal Committee 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 procedural safeguards.

The manifestation determination team shall be composed of a representative from the School District (if the School District accepts an invitation to attend), the parent(s), 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 the Committee will meet to review the recommendation for dismissal.

#### Appeal Process

The parents/guardians of a student who have been notified that their student will be dismissed from the program must be given a period of three (3) calendar days to submit a written appeal to the Governing Board. If the third day falls on a weekend, the appeal is due on the next Monday, regardless of whether school is in session or not. The appeal shall be forwarded to the Chairperson of the Lutz Governing Board. The Governing Board will designate its authority to hear the appeal to one board member to head the Appeal Committee. The board member must

sign a declaration that they believe they can impartially decide the matter of the Appeal. The Appeal Committee shall have an odd number of members. The Appeal Committee's final composition may include other staff members from Lutz who were not previously involved in any way with the discipline leading up to the Appeal Committee.

The Appeal Committee cannot contain any of the Dismissal Committee members. 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 three (3) calendar days to submit a written appeal if they desire. Upon receiving the written appeal, the Director or Designee shall convene an Appeal Committee consisting of: (1) The Director of Lutz, (if they did not serve on the Dismissal Committee, or a designee of the Director of LUTZ, (2) a Designated Board Member who is not the Board Member for the school recommending dismissal, and (3) a Principal from a LUTZ school other than the one where the student is being dismissed. An attorney from the General Counsel of Lutz shall attend to advise on legal issues and prepare the Final Order of the Appeal Committee. Included must also be at least one school counselor, social worker, or psychologist and is appointed by Lutz's Director or Designee who is available for consultation with the Committee but is not a voting member of the Committee. The Appeal Committee shall attempt to hold the hearing within ten (10) days of the submission of the appeal. The parent/guardian shall be notified of the date and time of the hearing and informed of their right to have an advocate or attorney represent them at the hearing.

All members of the Appeal Committee must be provided with a copy of the parents' written appeal and the Dismissal Packet in advance of the meeting. At the meeting, a hearing will be conducted on the dismissal. The parents have 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 twenty-five (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 Appeal Committee to consider. The Principal, or his or her designee, will then be given five (5) minutes for rebuttal. The Director or Designee may extend time limits at their discretion.

Following the presentation by both parties, the members of the Appeal Committee may ask the parties questions, seek additional information, and discuss the issues amongst themselves. The Director or Designee 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 Appeal Committee members present at the meeting. In the event of a tie, the Director or Designee reserves the right to break the tie. The Appeal Committee 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 Appeal Committee is final and may not be further appealed.

Within three (3) business days following the decision of the Appeal Committee, the Director shall issue a written notification to the parent/guardian communicating the decision of the Appeal Committee. A copy of the notification will be provided to the School District. If the Appeal Committee voted to grant the appeal and overturn the dismissal, the student should immediately resume participation in the program.

#### Confidentiality of Student Information During an Appeal

At present under Florida's Sunshine Law, all appeal hearings relating to a dismissal must  
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be open to the public if the parent chooses to have the meeting be public. The Appeal Committee may not go into executive session to consider an appeal under Florida law without the parents' consent. At all times, the Appeal Committee 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 Appeal Committee to consider an appeal will be open to the public. The parents should be notified that their request for a hearing before the Appeal Committee constitutes consent to the disclosure of confidential information about the student at the hearing relevant to the Appeal Committee's consideration. Notwithstanding the foregoing, Lutz 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. The School shall recommend for expulsion any offense constituting an expellable offense according to School District policy or Florida law.

This Policy on Dismissal of Students was approved by a majority of a quorum of the Governing Board of Lutz at a duly noticed meeting held on September 18, 2025.



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Board Secretary Signature

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Vinita Gaudi  
Printed Name

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September 18, 2025  
Date