

# **The School Board of St. Lucie County**

## **CODE OF STUDENT CONDUCT**

**July 2016**



## **JURISDICTION OF THE SCHOOL BOARD**

The Code of Student Conduct (“Code”) adopted by the School Board of St. Lucie County applies to students when the student is waiting for School District transportation at a designated stop, being transported to and from school on School District transportation, at school, or participating in a school-sponsored activity no matter where the activity is occurring. In addition, the student may be subject to the Code for off-campus activities, regardless of the time or place where the conduct occurs, if the student’s conduct is found to have a detrimental effect on the health, safety, and welfare of other students while at school.

## **MISSION STATEMENT AND PURPOSE**

The School District’s mission is to ensure all students graduate from safe and caring schools equipped with knowledge, skills and the desire to succeed. The Code describes for students, parents, teachers and administrators conduct that violates expected student behavior and lists the potential consequences for those offenses. It also sets out the procedures that will be followed for student discipline. Each student, parent, teacher, and administrator is expected to have a basic understanding of the Code.

In addition to this Code, each school is permitted and encouraged to develop expectations, rules, and procedures for student conduct, such as Positive Behavioral Interventions & Supports, so long as they are consistent with the Code. This is to provide each school with the latitude to address student conduct in a fashion that is most effective for the school.

## **WE BELIEVE:**

- Every Child can learn, and each child can learn more than he or she is now learning.
- The School District and its employees have mutual obligations for support and development toward continuous improvement.
- A healthy public school system is key to the maintenance of a healthy democracy.
- The core business of the St. Lucie County School District is creating challenging, engaging, and satisfying work for every student, every day.
- Quality schools are the responsibility of the entire community.
- The School District must promise continuous improvement in student achievement and in the success of each individual.



August 2016

Dear Student and Parents:

The mission of the St. Lucie Public Schools is to ensure all students graduate from safe and caring schools, equipped with the knowledge, skills, and desire to succeed. In order for students to be successful and to remain fully engaged in the learning process we must all work together to maintain appropriate student conduct at all times. In order to do this, it is essential that all students and parents fully understand the contents of the Code of Student Conduct.

The Code of Student Conduct applies to all students enrolled in St. Lucie Public Schools. The rules of expected behavior in the code apply uniformly to all students enrolled in our system beginning when the student is waiting for School District transportation, while being transported, during the time school is in session and the student is attending, and while participating in a school-sponsored activity no matter where the activity is occurring. In addition, the student may be subject to disciplinary action for violations to the Code of Student Conduct for off-campus activities regardless of the time or place where the conduct occurs.

It is my expectation that all schools will have an infrastructure to promote Positive Behavior Interventions and Supports, that all teachers will have an effective classroom management approach for dealing with student behavior, and that all schools will address the social and emotional learning and well-being of all students in order for maximum learning to occur. It is also my expectation that school staff will work collaboratively with parents and students to problem solve any issues and reduce any barriers that stand in the way of student engagement and achievement.

Our District has established high expectations for student achievement and we must all work together to achieve those goals.

My best wishes for a very productive school year.

Sincerely,

E. Wayne Gent  
Superintendent  
St. Lucie Public Schools



# CODE OF STUDENT CONDUCT

**July 2016**

St. Lucie County School Board  
4204 Okeechobee Road  
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**Superintendent**  
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# Contents

<b>OVERVIEW</b> .....	<b>1</b>
<b>STUDENT RIGHTS AND RESPONSIBILITIES</b> .....	<b>2</b>
<b>EXPECTATIONS, STUDENT CONDUCT AND BEHAVIOR</b> .....	<b>2</b>
<b>TEACHER AUTHORITY</b> .....	<b>3</b>
<b>POSITIVE BEHAVIORAL INTERVENTIONS &amp; SUPPORTS (PBIS)</b> .....	<b>3</b>
<b>TIERS OF INTERVENTION</b> .....	<b>4</b>
<b>POSSIBLE INTERVENTIONS FOR CLASSROOM MANAGED BEHAVIORS</b> .....	<b>5</b>
<b>LEVEL 1 – DISCIPLINE RESPONSE CODE</b> .....	<b>6</b>
A1. Cheating.....	6
B1. Disrespect for Others/Property .....	6
C1. Disruptive Conduct.....	6
D1. Dress Code.....	6
E1. Misconduct on School District Transportation.....	6
G1. Tardiness.....	6
H1. Unauthorized Absence (Skipping).....	6
I1. Unserved Detention .....	6
<b>LEVEL 1 - POSSIBLE INTERVENTIONS FOR CLASSROOM MANAGED BEHAVIORS</b> .....	<b>7</b>
<b>LEVEL 2 – DISCIPLINE RESPONSE CODE</b> .....	<b>8</b>
A2. Attempting to Fight.....	8
B2. False and/or Misleading Information.....	8
C2. Serious Misconduct on School District Transportation.....	8
D2. Open Defiance of Authority .....	8
E2. Theft (under \$300.00).....	8
F2. Vandalism (under \$100.00) .....	8
G2. Open Defiance of School Policy.....	8
H2. Unauthorized non- prescription medication .....	8
I2. Profane, Obscene, Abusive Language or Materials.....	9
J2. Inappropriate Dress.....	9
K2. Hazing.....	9
L2. Physical Altercation .....	9
<b>LEVEL 2 - POSSIBLE ADMINISTRATIVE INTERVENTIONS FOR OFFICE MANAGED BEHAVIORS</b> .....	<b>10</b>
<b>LEVEL 3 – DISCIPLINE RESPONSE CODE</b> .....	<b>11</b>
A3* Assault Intimidation/Threat of Student.....	11
C3* Fighting (Mutual Altercation).....	11
D3* Forgery/Lying .....	11

F3. Gross Insubordination.....	11
G3B* Bullying .....	11
G3H* Harassment.....	11
H3* Larceny/Theft (\$300.00 or more) .....	11
I3. Misuse of Telecommunication Services .....	11
J3. Serious Misconduct on School District Transportation.....	13
K3* Other Major Misconduct.....	13
L3. Possession of Contraband Material.....	13
M3* Sexual Harassment.....	13
N3. Tampering with School Safety and Security Equipment.....	13
O3. Tobacco (possession, use, and distribution) .....	14
P3* Trespassing .....	14
Q3. Vandalism (\$ 100.00 to \$ 999.99) .....	14
R3. Misuse of non- prescription medication .....	14
T3. Battery without Serious Bodily Harm .....	14
U3* Physical Attack .....	14
V3* Sexual Assault.....	14
W3 Felony Suspension .....	14

**LEVEL 3 - POSSIBLE ADMINISTRATIVE INTERVENTIONS FOR OFFICE MANAGED BEHAVIORS ..... 15**

**LEVEL 4 – DISCIPLINE RESPONSE CODE..... 16**

A4* Alcohol/Use/Possession.....	16
B4* Arson.....	16
C4* Assault/Intimidation/Threat of Employee or Other Adult; Threat of Deadly Force Against Student, Employee or Other Adult .....	16
D4* Battery of Employee or Other Adult.....	16
E4* Threat or False Report of Bomb or Other Destructive Device/Explosive.....	17
F4* Breaking And Entering/Burglary.....	17
G4* Disruption On Campus - Major .....	17
H4* Drugs/Use/Possession Excluding Alcohol.....	17
I4* Extortion .....	17
J4* False Fire Alarm .....	17
K4. False Accusation Against Employees.....	17
N4. Manipulating Computer Data .....	18
O4. Most Serious Misconduct on School District Transportation.....	18
P4* Robbery.....	18
Q4* Sexual Battery.....	18
R4* Sexual Offenses .....	18

T4* Weapons Possession .....	18
X4* Drug Sale/Distribution Excluding Alcohol (sale or distribution of prohibited drugs) .....	18
Z4* Vandalism (\$ 1000.00 or more).....	18
ZZ4* Battery of Student .....	18
<b>LEVEL 4 - POSSIBLE ADMINISTRATIVE INTERVENTIONS FOR OFFICE MANAGED BEHAVIORS .....</b>	<b>19</b>
<b>ALTERNATIVES TO SUSPENSION.....</b>	<b>21</b>
<b>REPORTS TO LAW ENFORCEMENT AGENCIES.....</b>	<b>24</b>
<b>SEARCH OF STUDENT BY SCHOOL STAFF .....</b>	<b>24</b>
<b>ADMINISTRATIVE SEARCHES.....</b>	<b>25</b>
<b>SEARCH OF STUDENT LOCKERS.....</b>	<b>25</b>
<b>METAL DETECTORS; CANINE SEARCHES; SURVEILLANCE DEVICES .....</b>	<b>25</b>
<b>STUDENT TRANSPORTATION RESPONSIBILITIES AND SAFETY RULES .....</b>	<b>25</b>
<b>STUDENT RESPONSIBLE COMPUTER, NETWORK AND INTERNET USE POLICY .....</b>	<b>26</b>
Overview .....	26
Digital Citizen.....	26
Expectations.....	27
Policy Violations .....	28
<b>PROCEDURES RELATING TO DISCIPLINARY ACTION .....</b>	<b>28</b>
<b>DUE PROCESS PROCEDURES FOR SUSPENSION FROM SCHOOL OR SCHOOL DISTRICT TRANSPORTATION .....</b>	<b>28</b>
<b>PROCEDURES FOR REMOVAL FROM PARTICIPATION IN EXTRACURRICULAR OR CO-CURRICULAR PROGRAMS .....</b>	<b>29</b>
<b>DUE PROCESS PROCEDURES FOR EXPULSION FROM SCHOOL.....</b>	<b>30</b>
Investigation and Informal Hearing with Principal .....	30
Principal Recommendation for Expulsion.....	30
District Review Committee Action .....	30
Superintendent’s Recommendation for Expulsion, Hearing and School Board Action.....	31
<b>SCHOOL DISTRICT DISCIPLINARY PROCEDURES FOR STUDENTS WITH DISABILITIES .....</b>	<b>33</b>
Discipline.....	33
Suspension.....	33
Expulsion.....	33
<b>SCHOOL DISTRICT DISCIPLINARY PROCEDURES FOR STUDENTS QUALIFIED UNDER SECTION 504.....</b>	<b>36</b>
Expulsion.....	36
<b>RE-ENROLLMENT OF EXPELLED STUDENTS .....</b>	<b>38</b>

<b>PROCEDURES FOR RE-ENROLLMENT OF EXPELLED STUDENTS (WHEN AUTHORIZED).....</b>	<b>38</b>
<b>PROCEDURES FOR SUSPENSION AND EXPULSION ON THE BASIS OF FELONY CHARGES.....</b>	<b>38</b>
<b>INTERSCHOLASTIC AND EXTRACURRICULAR ACTIVITIES.....</b>	<b>39</b>
<b>PATRIOTIC PROGRAMS .....</b>	<b>40</b>
<b>DEFINITIONS.....</b>	<b>40</b>
<b>APPENDIX A - CHAPTER 3.43 - BULLYING AND HARASSMENT .....</b>	<b>44</b>
<b>APPENDIX B - FELONY SUSPENSION PARENT NOTIFICATION LETTER.....</b>	<b>55</b>
<b>APPENDIX C - STAFF NOTIFICATION OF FELONY CHARGES.....</b>	<b>56</b>
<b>NOTICE OF NON-DISCRIMINATION AND SECTION 504 COMPLIANCE .....</b>	<b>57</b>



## OVERVIEW

The Code applies to all students enrolled in the School District. In order to establish reasonable consistency in the schools, all schools will implement with fidelity a School District approved Positive Behavioral Interventions & Supports (“PBIS”) plan. Notwithstanding any other provision of this Code, when a student with a disability is subject to discipline, the School District will comply with the procedural safeguards for students with disabilities as required by Section 504 of the Rehabilitation Act (Section 504) and the Individuals with Disabilities Education Act (IDEA).

There are four levels of offenses and each level represents progressively more serious offenses. Level 1 offenses are the least serious and Level 4 offenses are the most serious. Potential discipline for each offense becomes more severe the higher the offense level.

The Principal may impose the appropriate discipline for the offense taking into account all relevant facts and circumstances. **Please be advised that certain Level 3 and Level 4 offenses may result in the Principal recommending expulsion from public school.** All Level 4 Offenses must be heard by the Placement Review Committee which will determine the appropriate discipline for the offense taking into account the Principal’s recommendation and all relevant facts and circumstances. In addition, Florida law requires students who violate certain Level 4 offenses to be expelled, with or without continuing school services, from the student’s regular school for at least one full year. In those cases the School District does not have the discretion to lessen the discipline or to not expel the student. Finally, in certain cases a combination of disciplinary responses may be appropriate.

## STUDENT RIGHTS AND RESPONSIBILITIES

While it is important that students understand that they have rights and responsibilities, it is equally important that they understand that their individual rights are balanced against the rights of other students, teachers and administrators within the school. The Code outlines the student's rights and responsibilities and provides a guide for the Principal to balance those rights against the Principal's responsibility to provide a safe and caring school. In support of this effort, the School District promotes the following *Universal Guidelines and Behavioral Expectations*:

- **Be Safe**
- **Be Respectful**
- **Be Responsible**
- **Be Ready to Learn**

### EXPECTATIONS, STUDENT CONDUCT AND BEHAVIOR

1. Every student has the right to be educated in a safe, respectful and welcoming environment. Every educator has the right to teach in an atmosphere free from disruption and obstacles that impede learning. This will be achieved through the adoption and implementation of this Code and through the implementation of a PBIS Plan in all schools.
2. The PBIS Plan will include a review of the Code, a review of school rules, reinforcing appropriate student behavior, using effective classroom management and positive behavior support strategies by providing early intervention for misconduct and appropriate use of consequences.
3. The School District will take all necessary and reasonable steps to implement the Code and the administrative policies necessary to maintain appropriate student behavior.
4. The Code governs student conduct and discipline and is applicable to all students. The School Board shall adopt the Code in accordance with Florida law.
5. Students with disabilities will be disciplined consistent with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504).
6. Schools shall ensure ELL students and their parents are provided the opportunity to understand behavior expectations and consequences in a language that they understand. Furthermore, in applying the Code, teachers and administrators must be sensitive to cultural differences.
7. In addition, Section 1006.07, Florida Statutes, provides that:
  - a. Possession of a firearm or weapon as defined in Chapter 790, Florida Statutes, by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution.
  - b. Any student who is determined to have brought a firearm or weapon, as defined in Chapter 790, Florida Statutes, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to the criminal justice or juvenile justice system.
  - c. Illegal use, possession, or sale of controlled substances, as defined in Chapter 893, Florida Statutes, by any student, while the student is upon school property or in attendance at a school

function, is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

**d.** Violence against any School District personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

**e.** Violation of School District transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student, is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school district and may also result in criminal penalties being imposed.

**f.** Violation of the School District's sexual harassment policy by a student is grounds for in-school suspension, out- of-school suspension, expulsion, or imposition of other disciplinary action by the school, and may also result in criminal penalties being imposed.

**g.** Any student who is determined to have made a threat or false report, as defined by Sections 790.162 and 790.163, Florida Statutes, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution.

## **TEACHER AUTHORITY**

In accordance with Section 1003.32, Florida Statutes, and within the framework of this Code, teachers and other instructional personnel shall have the authority to undertake a variety of actions in managing student behavior and ensuring the safety of all students in their classes. This includes a teacher's authority, pursuant to Section 1003.32, Florida Statutes, and School Board Policy 5.33, to request removal of any student from class whose behavior interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

## **POSITIVE BEHAVIORAL INTERVENTIONS & SUPPORTS (PBIS)**

*Positive Behavioral Interventions & Supports (PBIS)* includes proactive strategies for defining, supporting, and teaching appropriate behaviors to create positive learning environments. Attention is focused on sustaining a three-tiered or level system of support to enhance student learning. Students often need encouragement and new skills to improve their behavior and assistance in learning to do so. School staff recognize that maintaining and changing student behaviors involves a continuum of acknowledgements, supports, and interventions.

*(Center for Positive Behavioral Interventions and Supports, University of Oregon)*

## TIERS OF INTERVENTION

### Tier 1—All Students

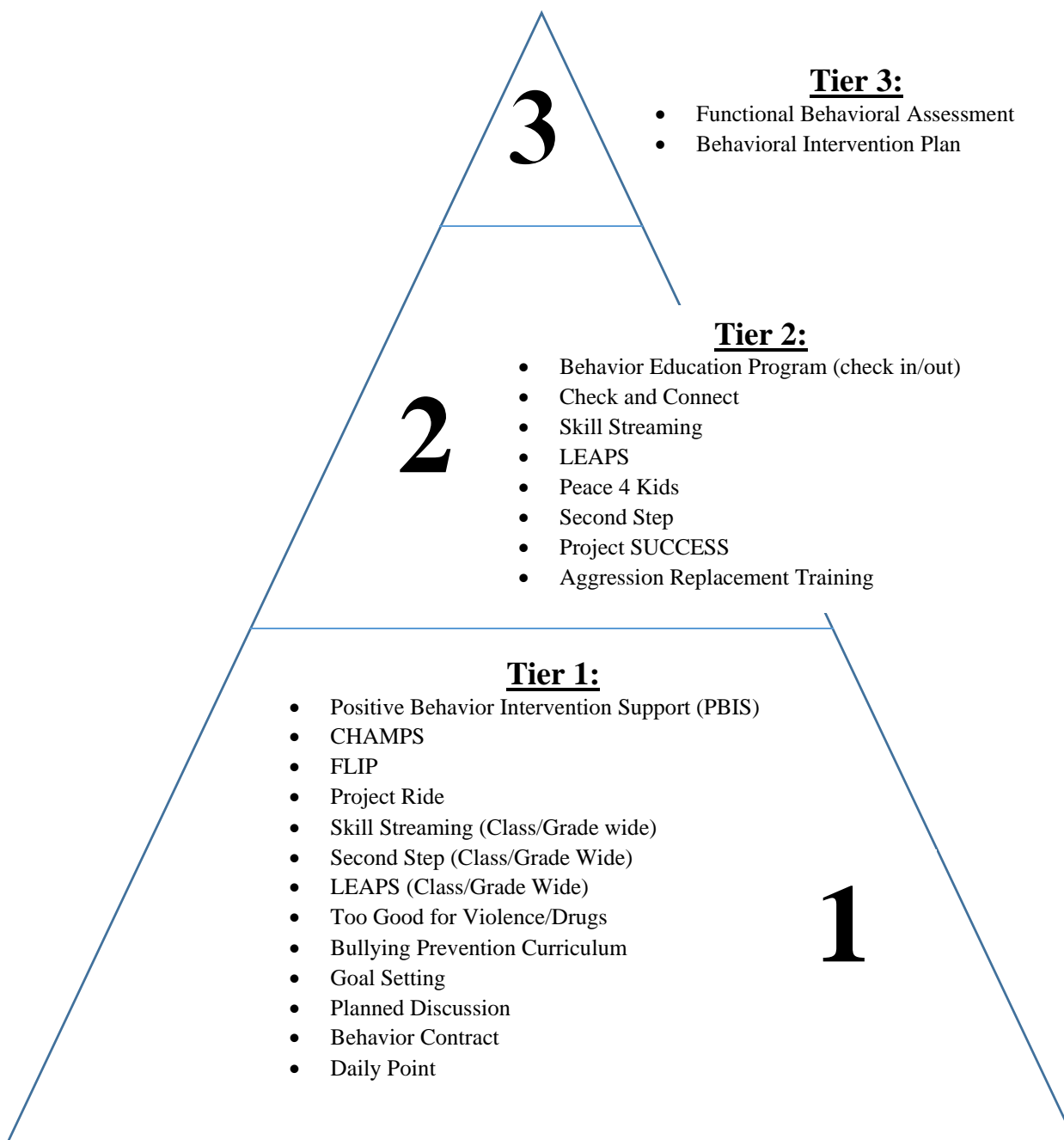
- Includes the general curriculum enhanced by acknowledgments of positive behaviors, and clearly stated expectations that are applied to all students.

### Tier 2—Targeted Interventions

- Focuses on targeted groups of students who do not respond to universal efforts and requires more support and specific intervention.

### Tier 3—Intensive Individualized Interventions

- Focuses on the needs of individual students who exhibit a pattern of problem behaviors. Intervention involves identifying the function of the misbehavior by conducting a Functional Behavioral Assessment to develop a Behavioral Intervention Plan that reinforces functionally equivalent replacement behaviors.



## POSSIBLE INTERVENTIONS FOR CLASSROOM MANAGED BEHAVIORS

(Think FUNCTION for Recurring behaviors)

MINOR BEHAVIOR OBSERVATIONS (Teacher Managed)  Low frequency, intensity, and/or duration	Re-teach Expectation	Model/Role Play Expected Behavior	Proximity Control	Change Seating Arrangement	Redirection	Provide Choices	Reinforce Appropriate Behavior	Adjust Assignments	Referral to Guidance	Loss of Privilege	Project Ride Procedures	Verbal and/or Written Apology	Removal from Reinforcement (time out)	Environmental Restoration
Out of Seat											X		X	
Talking Out of Turn											X	X		
Off Task	X	X	X	X	X	X	X	X	X					
Dress Code Violation	X	X												
Teasing											X	X	X	
Lying/Cheating											X	X		
Inappropriate Verbal Language	X	X	X		X	X	X		X					
Misuse of Property											X	X	X	X
Disrespect (not honoring someone's space, feelings, or belongings)	X	X	X	X	X	X	X		X	X				
Disruption	X	X	X	X	X	X	X	X	X	X				
Non-compliance/Defiance (failure to respond to adult requests)	X	X	X	X	X	X	X	X	X	X				
Inappropriate Physical Contact	X	X	X	X	X	X	X		X	X				
Tardiness	X	X					X		X	X				

\*When deciding disciplinary action, the Principal/Designee shall consider all relevant factors including the student's age, developmental level, possible exceptionality, previous conduct, and severity of the offense.

## LEVEL 1 – DISCIPLINE RESPONSE CODE

A Level 1 offense is misconduct which interferes with the orderly operation of the classroom, a school function, extracurricular or co-curricular programs or School District transportation. Initially, the misconduct should be handled by the staff member involved. When additional action becomes necessary because of continued violations or other serious concerns, the student will then be referred to a school administrator for disciplinary action.

**The Principal will determine the appropriate discipline after review of the student’s conduct, explanation, consultation with staff members, and investigation of any other relevant factors.**

- |   |  |
|---|--|
| <b>A1. Cheating</b>                                     | Intentional unauthorized use of another person’s work for academic purposes. This includes, but is not limited to, the inappropriate use of notes or other material in the completion of an academic assignment or test. This also includes intentionally letting another student use the student’s work for academic purposes. In addition to disciplinary responses, the granting of credit for this assignment may be considered null and void. |
| <b>B1. Disrespect for Others/Property</b>               | Conduct or behavior which embarrasses a person or group of persons or minor infractions involving property.  |
| <b>C1. Disruptive Conduct</b>                           | Conduct or behavior which interferes with or disrupts the teaching and learning process, the orderly process of the school environment, a school function, or extracurricular or co-curricular activity including amorous physical contact and inappropriate displays of affection.  |
| <b>D1. Dress Code</b>                                   | Violating the school dress code.   |
| <b>E1. Misconduct on School District Transportation</b> | Conduct or behavior which interferes with the safe, orderly, and expeditious transportation of students or other authorized riders. This includes, but is not limited to, loud noises, unnecessary conversation with driver, out of assigned seat, eating, drinking, or gum chewing, body parts out of bus, improper boarding and departing, and intentional riding of wrong bus or getting off at wrong stop.                                     |
| <b>G1. Tardiness</b>                                    | Repeated late arrival to school or class.  |
| <b>H1. Unauthorized Absence (Skipping)</b>              | Violation of the School District attendance policies or non-attendance of school or class.   |
| <b>I1. Unserved Detention</b>                           | Failure to report for assigned discipline  |

**Suspension cannot be used for G1 or H1.**

## LEVEL 1 - POSSIBLE INTERVENTIONS FOR CLASSROOM MANAGED BEHAVIORS

(Think FUNCTION for Recurring Behaviors)

<b>MINOR BEHAVIOR OBSERVATIONS</b> (Teacher Managed)  Low frequency, intensity, and/or duration	Parent Contact	Student/Teacher Conference	Student/Administrator Conference	Change Seating Arrangement	Loss of Privileges (including riding bus)	Behavior Contract	Counseling through Mental Health Collaborative Guidance	Restitution	Social Skills Training	Special Work Assignment	Detention	Saturday School	Confiscation of Materials
<b>Cheating (A1)</b>	X	X	X	X	X	X	X		X	X	X	X	
<b>Disrespect for Others/Property (B1)</b>	X	X	X		X	X	X	X	X		X		
<b>Disruptive Conduct (C1)</b>	X	X	X		X	X	X	X	X		X		
<b>Dress Code (D1)</b>	X	X			X	X							
<b>Misconduct on School Bus or Other School Approved Transportation (E1)</b>	X	X	X	X	X	X							
<b>Tardiness (G1)</b>	X	X				X					X		
<b>Unauthorized Absence from School/Class (Skipping) (H1)</b>	X	X	X		X	X					X	X	
<b>Unserviced Detention (I1)</b>	X		X		X	X				X	X	X	

## LEVEL 2 – DISCIPLINE RESPONSE CODE

A Level 2 offense is misconduct which interferes with the orderly operation of the classroom, a school function, extracurricular or co-curricular programs or School District transportation and is more serious than a Level 1 offense. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others. This misconduct must be reported to the school administrator for disciplinary action.

**The Principal will determine the appropriate discipline, after review of the student’s conduct, explanation, consultation with staff members, and investigation of any other relevant factors.**

<b>A2. Attempting to Fight</b>	Threat by word or act to fight with one or more other students, or inciting others to fight, either of which may include minor physical contact.
<b>B2. False and/or Misleading Information</b>	The making of a false or misleading communication, whether orally, in writing, or by other medium, to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member, but without intending or causing any person to be deprived of property or possessions. (e.g., forging parent’s name).
<b>C2. Serious Misconduct on School District Transportation</b>	Serious misconduct which interferes with the safe and expeditious transportation of students or other authorized riders. This includes, but is not limited to, throwing objects from or on the bus not likely to cause bodily harm or property damage, intentional spitting on bus floor or out window, possession of reptiles, insects and animals (alive or dead), and any other behavior that unreasonably distracts the driver.
<b>D2. Open Defiance of Authority</b>	Refusal or failure by word or act to comply with school rules or directions from one or more School District employees.
<b>E2. Theft (under \$300.00)</b>	Taking a person’s property without the person’s permission.
<b>F2. Vandalism (under \$100.00)</b>	Intentional destruction, damage, or defacement of public or private property, real or personal, without the owner’s consent or the consent of the person having custody or control of the property. This includes graffiti if the cost to erase the graffiti is less than \$100.00.
<b>G2. Open Defiance of School Policy</b>	Failure to comply with state law, School Board policy, local school rule, behavior contract, or classroom rule.
<b>H2. Unauthorized non-prescription medication</b>	Possession or use of any non-prescription (over-the-counter) medication or supplement not specifically authorized by a current health plan or parent’s or physician’s note or order on file with the school.



- I2. Profane, Obscene, Abusive Language or Materials** The use of either oral or written language (including racial or ethnic slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable.
- J2. Inappropriate Dress** Each student is responsible for displaying respect for self and others through appropriate dress that maintains an orderly learning environment. Generally, each student is prohibited from, wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or in a manner that disrupts the orderly learning environment. Specifically, each student will comply with the school’s adopted dress code. A student who violates this policy will be subject to the following progressive disciplinary actions:
- (a) For a first offense, the student will receive a verbal warning and the Principal will call the student’s parent.
- (b) For a second offense, the student is ineligible to participate in any extracurricular activity for a period of up to 5 days, and the Principal will meet with the student’s parent.
- (c) For a third or subsequent offense, the student will receive an in-school suspension for a period not to exceed 3 days; is ineligible to participate in any extracurricular activity for a period not to exceed 30 days; and the Principal will call the student’s parent and send a letter to the parent regarding the student’s in-school suspension and ineligibility to participate in extracurricular activities.
- K2. Hazing** Any action or situation that endangers the mental health, physical health, or safety of a student in grades 6 through 12 that is part of an initiation or admission process for any School District sanctioned organization.
- Examples of “hazing” include, but are not limited to:
- (a) Pressuring, coercing, or forcing a student to:
1. Violate federal or state law or School Board policies;
  2. Consume any alcohol, drug, or other illegal substance;
  3. Consume any food or liquids in excess to the point where such consumption may cause physical harm;
  4. Participate in a physical activity that could adversely affect the health or safety of the student.
- (b) Any physical brutality, such as whipping, beating, branding, or unreasonable exposure to the elements.
- Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.
- L2. Physical Altercation** A physical altercation between two or more persons that does not require a physical restraint or cause injury. The Principal may use their discretion without regard as to who was the original aggressor.

**LEVEL 2 - POSSIBLE ADMINISTRATIVE INTERVENTIONS FOR OFFICE MANAGED  
BEHAVIORS**

<b>Office Managed For Administrative Use Only</b>	<b>Parental Contact/Conference</b>	<b>Student Conference</b>	<b>Loss of Privileges</b>	<b>Referral for Counseling (Guidance, Mental Health Collaborative, etc.)</b>	<b>Alternate Classroom Assignment</b>	<b>Functional Behavior Assessment</b>	<b>Behavior Intervention Plan</b>	<b>Social Skills Training</b>	<b>Restitution</b>	<b>Behavior Contract</b>	<b>Special Work Assignment</b>	<b>Detention</b>	<b>Saturday School</b>	<b>Removal from Participation in Extra -Curricular</b>	<b>In-School Suspension</b>	<b>Behavior Intervention Classroom</b>	<b>Confiscation of Materials</b>
<b>Attempting to Fight (A2)</b>	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	
<b>False and/or Misleading Information (B2)</b>	X	X	X							X	X	X	X	X	X	X	
<b>Serious Misconduct on School Bus or Other Approved Transportation (C2)</b>	X	X	X							X	X				X	X	
<b>Open Defiance of Authority (D2)</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<b>Theft under \$300.00 (E2)</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>Vandalism under \$100.00 (F2)</b>	X	X	X	X	X				X	X	X	X	X	X	X	X	X
<b>Open Defiance of School Policy (G2)</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<b>Unauthorized Non-Prescription Medication (H2)</b>	X	X		X						X							X
<b>Profane, Obscene, Abusive Language/Materials (I2)</b>	X	X	X	X	X			X	X		X		X	X			X
<b>Inappropriate Dress (J2)</b>	X	X	X	X						X							
<b>Hazing (K2)</b>	X	X	X	X				X		X				X		X	
<b>Physical Altercation (L2)</b>	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	

## LEVEL 3 – DISCIPLINE RESPONSE CODE

A Level 3 offense is misconduct which interferes with the orderly operation of the classroom, a school function, extracurricular or co-curricular programs or School District transportation and is more serious than a Level 2 offense. It may include repeated acts of misconduct; serious disruptions of school operations; threats to the health, safety and property of the student or others; and other acts of serious misconduct. Level 3 offenses must be reported immediately to the school administrator and may result in immediate removal of the student from the school or extracurricular or co-curricular activity. Certain offenses may be referred to Law Enforcement or School District security.

**The Principal will determine the appropriate discipline after a review of the student’s conduct, explanation, consultation with staff members, and investigation of any other relevant factors.**

### \* Reports as a SESIR

<b>A3*</b>	<b>Assault Intimidation/Threat of Student</b>	Intentional threat by word or act to do physical harm to another student, coupled with an immediate apparent ability to do so.
<b>C3*</b>	<b>Fighting (Mutual Altercation)</b>	Participation in a fight involving physical contact between two or more students. This does not include verbal confrontations, tussles, or other minor confrontations that do not escalate into a fight.
<b>D3*</b>	<b>Forgery/Lying</b>	Making a false document or altering a real document to be used as if genuine in order to mislead or deceive school staff. Document includes, but is not limited to, any paper or electronic medium used to convey a message. Making a false verbal statement in order to mislead or deceive school staff. (NOTE: Reported to SESIR as Other Major Misconduct)
<b>F3.</b>	<b>Gross Insubordination</b>	Willful refusal to submit to or comply with authority; exhibiting open contempt or open resistance to direct order.
<b>G3B*</b>	<b>Bullying</b>	Bullying is defined in School Board Policy 3.43, Bullying and Harassment, set forth in Appendix A to this Code.
<b>G3H*</b>	<b>Harassment</b>	Harassment is defined in School Board Policy 3.43, Bullying and Harassment, set forth in Appendix A to this Code.
<b>H3*</b>	<b>Larceny/Theft (\$300.00 or more)</b>	The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm. (The item or items collectively must be worth \$300 or more).
<b>I3.</b>	<b>Misuse of Telecommunication Services</b>	Use of telecommunication devices or the School District’s computers or computer network services for illegal, inappropriate, or obscene purposes or in support of such activities is prohibited and a violation of this Code. Illegal activities shall include all acts defined as illegal under local, state, or federal laws. Inappropriate use includes, but is not limited to, any act that violates or is inconsistent with the School District’s mission, goals, policies, procedures, or curriculum. This also includes, but is not limited to, use for bullying or harassment or use that violates the Student Responsible Computer, Network, and Internet Use Policy set forth in this Code. Obscene activities include all acts that violate generally accepted social standards for use of a publicly

owned and operated communication device. In cases of substantial disruption, such misconduct may be the basis for expulsion.

**WARNING:** The taking, possessing, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.), is a violation of School Board policy and may also constitute a crime under state and federal law. A wireless communications device containing obscene, pornographic, lewd, or other otherwise illegal images or photographs shall be confiscated until an investigation is concluded and may be permanently confiscated if found to be an instrument of or contain evidence of criminal misconduct. Any person possessing, taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal images or photographs will be reported to law enforcement and other appropriate state or federal agencies, which may result in arrest and prosecution. In serious cases, an offense involving obscene, pornographic, lewd, or otherwise illegal images or photographs may constitute a Level 4 offense.

#### Wireless Communications Devices:

A student may possess a wireless communications device while on school property or attending a school function, subject to the following limitations:

(a) The device must not be used while on a school bus and during the school day (from the beginning of classes through final dismissal), unless approval is granted by the Principal to allow use for educational purposes.

(b) During prohibited times, the device may not be displayed, held, used, activated, or manipulated in any way and must be stored in a pocket, pocketbook, backpack, device carrier, or other closed container.

(c) Any disruptive, harassing, or other inappropriate use of a wireless communications device while under the School Board's jurisdiction, shall be cause for disciplinary action under this Code, including confiscation of the device as contraband and, in the event of repeated or serious misuse, loss of the privilege to possess such a device on school property or while attending a school function. Inappropriate use includes, but is not limited to: (1) activation, display, manipulation, or inappropriate storage during prohibited times; (2) texting, phoning, or web browsing during prohibited times; (3) taping conversations, music, or other audio at any time; (4) photography or videography of any kind; and (5) any activity that could in any manner infringe upon the rights of other individuals, including but not limited to students, teachers, and staff members. The use of a wireless communications device shall be cause for disciplinary action and may result in criminal penalties if the device is used in a criminal act.

**WARNING:** School staff members are not responsible for damage, theft, or other loss of any confiscated personal property, including but not limited to confiscated wireless communications devices. Any confiscated personal property not reclaimed by the parent by the end of the school year will be considered abandoned and will be disposed of by the Principal.

- J3. Serious Misconduct on School District Transportation** Serious misconduct which interferes with safe, orderly and expeditious student transportation. This includes, but is not limited to, deliberate loud noise, unauthorized exiting or attempting to exit out emergency exits, windows or entry door, throwing items out the bus window, throwing items on the bus likely to cause bodily harm or property damage, and failing to be silent at a railroad crossing while the bus is stopped.
- K3\* Other Major Misconduct** Any serious harmful incident resulting in the need for law enforcement intervention not previously classified. Other major includes, but is not limited to, significantly obstructing staff members from performing their duties, producing or knowingly using counterfeit money, participating in gambling activities, possessing child pornography, or possessing drug paraphernalia.
- L3. Possession of Contraband Material** Possession, use, or distribution of materials or items which are forbidden at school. For example, this includes, but is not limited to, matches, lighters, ammunition, Class C common fireworks, toy weapons, or laser beam devices. Contraband shall be confiscated and the return of such items shall be at the Principal's discretion.
- Certain Items as Contraband:
- Possession of a common pocketknife, a plastic knife, a blunt-bladed table knife, or other item that is not designed or typically used as a weapon may be considered under this incident code if (1) there has been no threatening or intimidating display of the item; and (2) the item does not constitute a "concealed weapon" as defined in Section 790.001(3) Florida Statutes; and (3) the item is not a firearm as defined in Section 790.001, Florida Statutes. A common pocketknife that qualifies as contraband is a knife, such as a Swiss Army Knife, or is a folding style knife with multiple blades and utility tools. A folding knife with a single blade is generally not considered contraband but would be classified as a weapon.
- NOTE: If a student realizes that the student is in possession of a contraband item and voluntarily surrenders the item to a staff member before the start of any investigation or before the search of the student that might have uncovered such item, then the student may be eligible for mitigation of the disciplinary response.
- M3\* Sexual Harassment** Unwanted verbal or physical behavior with sexual connotations that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation, or unreasonably interferes with a student's school performance or participation. This includes, but is not limited to, an incident when one student demands a sexual favor from another student under the threat of physical harm or adverse consequence.
- N3. Tampering with School Safety and Security Equipment** Intentionally tampering with school safety or security equipment.

<b>O3.</b>	<b>Tobacco (possession, use, and distribution)</b>	The possession, use, or distribution of tobacco products or electronic cigarettes.
<b>P3*</b>	<b>Trespassing</b>	To enter or remain on School District property, a school sponsored event off campus, or school transportation without authorization or invitation and with no lawful purpose for entry. This applies to a student who is subject to a suspension or expulsion from school.
<b>Q3.</b>	<b>Vandalism (\$ 100.00 to \$ 999.99)</b>	Intentional destruction, damage or defacement of public or private property, real or personal, without the owner’s consent or the consent of the person having custody or control of the property. This includes graffiti if the cost to erase the graffiti is \$100 or more but less than \$1,000.00.
<b>R3.</b>	<b>Misuse of non-prescription medication</b>	Misuse of any non-prescription (“over-the-counter”) medication or supplement, including but not limited to (1) any use inconsistent with the manufacturer’s directions or generally accepted guidelines or (2) any distribution or use with the intended or actual effect of inducing physical, emotional, or behavioral change that either (a) is contrary to the will of the actual user, or (b) exceeds the change that such medication or supplement was designed to induce.
<b>T3.</b>	<b>Battery without Serious Bodily Harm</b>	Any intentional act by a student that results in any person being touched against their will by a person or object. It is not necessary that there be an intent to touch another person; it is only necessary to find that there was an intent to act in such a way that another person was touched against their will by such action. The touching is more than mere incidental contact but it does not result in serious bodily harm.
<b>U3*</b>	<b>Physical Attack</b>	Intentional striking or causing bodily harm of another person against the person’s will.
<b>V3*</b>	<b>Sexual Assault</b>	An incident that includes a threat of rape, fondling, indecent liberties, child molestation, or sodomy. Both males and females can be victims of sexual assault. The threat must include all of the following elements: 1) intent; 2) fear; and 3) capability.
<b>W3</b>	<b>Felony Suspension</b>	A Principal may suspend a student who is formally charged with a felony, or a delinquent act which would be a felony if committed by an adult, for an incident which occurred off school property and which has an adverse impact on the educational program, discipline, or welfare of the students and staff in the school. (See Felony Suspension Procedures in this Code).

**LEVEL 3 - POSSIBLE ADMINISTRATIVE INTERVENTIONS FOR OFFICE MANAGED BEHAVIORS**

	Office Managed For Administrative Use Only	Student/Teacher Conference	Apology/Restitution	Parent Contact	Behavioral Contract	Behavior intervention Class	Confiscation of Materials	Detention/Special Work Assignment	Temporary or Permanent Loss of Privileges	Functional Behavior Assessment	Behavior Intervention Plan	Social Skills Training	Refer to SRO/SRD	Refer to Counseling (i.e. guidance, Mental Health Collaborative)	Removal from program or activity	Follow Risk Assessment Protocol	Out of School Suspension	Recommendation for Expulsion
Assault/Intimidation/Threat of Student	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Bullying (G3B)*	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Fighting (Mutual Altercation) (C3)*	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Forgery (D3)*	X		X	X	X	X	X	X	X				X		X		X	X
Gross Insubordination (F3)	X	X	X	X	X	X	X	X	X	X	X	X		X	X		X	X
Harassment (G3H)*	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Misuse of Telecommunication Services (I3)	X	X	X	X	X	X	X	X					X				X	X
Possession of Contraband Material (L3)	X		X	X	X	X	X	X					X	X			X	X
More Serious Misconduct on the School Bus or Other School Approved Transportation (J3)	X	X	X	X	X	X	X	X	X	X	X	X			X		X	X
Other Misconduct (K3)*	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Tampering with School Safety and Security Equipment (N3)	X	X	X	X	X	X	X	X	X				X				X	X
Sexual Harassment (M3)*	X	X	X	X	X			X					X	X	X		X	X
Larceny/Theft (H3)*	X	X	X	X	X	X	X	X	X	X			X	X	X		X	X
Tobacco (possession, use) (O3)	X		X	X		X	X							X			X	
Trespassing (P3)*	X	X	X	X	X	X	X						X				X	
Misuse of Nonprescription Medication (R3)	X		X	X		X	X						X	X		X	X	X
Vandalism (\$100 to \$999.99) (Q3)	X	X	X	X	X	X	X			X	X		X				X	
Battery Without Serious Bodily Harm (T3)	X	X	X	X	X	X	X			X	X		X				X	
Physical Attack (U3)*	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X	X
Sexual Battery (V3)*	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X	X

\* Reports as a SESIR

## LEVEL 4 – DISCIPLINE RESPONSE CODE

A Level 4 offense is misconduct which seriously interferes with the orderly operation of the classroom, a school function, extracurricular or co-curricular programs or School District transportation and is the most serious level of offense. Any of these offenses may result in a suspension, not to exceed ten days, from school with a recommendation for expulsion. The majority of Level IV offenses are reported to SESIR and the accuracy in reporting is essential, as the District must validate that this data is correct. The Principal should use their discretion in determining whether or not these offenses should be brought forward to the Placement Review Committee.

Level 4 offenses must be reported immediately to a school administrator and may result in immediate removal of the student from the school and referral to appropriate law enforcement agency.

Level 4 offenses which involve School District transportation may result in the student losing bus riding privileges for a period to be determined based on the severity of the conduct. A parent conference with transportation staff and a school administrator is mandatory before bus privileges will be reinstated. A loss of bus riding privileges for more than 10 days must be authorized by the Superintendent.

**The Principal will determine the appropriate discipline, after a review of the student’s conduct, explanation, consultation with staff, and investigation of any other relevant factors**

### \* Reports as a SESIR

<b>A4*</b>	<b>Alcohol/Use/Possession</b>	Use or possession of alcoholic beverages. Use or possession means the student is caught in the act of using or possessing, admits to use or possession or is discovered to have used or possessed in the course of an investigation. The term alcoholic beverage means distilled spirits and all beverages containing 0.5 percent or more alcohol by volume including, but not limited to, wine, spirituous liquors, beer, and other malt beverages.
<b>B4*</b>	<b>Arson</b>	Intentionally setting a fire on School District property. To damage or attempt to damage by fire or explosion any School District property, anything on School District property, or the personal property of others. This includes, but is not limited to, using firecrackers or fireworks if such use is a contributing factor to a damaging fire.
<b>C4*</b>	<b>Assault/Intimidation/Threat of Employee or Other Adult; Threat of Deadly Force Against Student, Employee or Other Adult</b>	Intentional threat by word or act to do physical harm to a school employee or other adult, coupled with an immediate apparent ability to do so. Intentional threat by word or act to use deadly force against a student, school employee or other adult. In deadly force cases, there is no requirement that the student have the immediate or any apparent ability to use deadly force.
<b>D4*</b>	<b>Battery of Employee or Other Adult</b>	Intentional or unintentional physical use of force or violence by a student against a school employee or other adult. The use of force must result in serious bodily harm. (To distinguish from fighting, report an incident as battery only when the person battered does not fight back.)



<b>E4*</b>	<b>Threat or False Report of Bomb or Other Destructive Device/Explosive</b>	Any threat, false report, or other communication which has the effect of threatening or falsely reporting an explosion on School District property, at the site of extracurricular or co-curricular activity, or on School District transportation. Preparing, possessing, or igniting explosives on School District property, at the site of extracurricular or co-curricular activity, or on School District transportation. (NOTE: Reported to SESIR as Disruption on Campus – Major)
<b>F4*</b>	<b>Breaking And Entering/Burglary</b>	Unlawful entry or attempted entry by force, or unauthorized presence in a School District building, structure or vehicle with the intent to damage or remove property or to harm a person.
<b>G4*</b>	<b>Disruption On Campus - Major</b>	Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others. Disruptive behavior includes, but is not limited to, a major disruption of all or a significant portion of campus activities, school sponsored events, or School District transportation. Disruptive behavior does not typically include students defying authority, disobeying or showing disrespect for others, using inappropriate language or gestures, causing a classroom disruption, or a typical fight between two students. The inappropriate activity does not rise to the level of a major disruption simply because students are temporarily delayed in transitioning, gather to watch a fight or other disruptive activity, or multiple administrators respond to the incident.
<b>H4*</b>	<b>Drugs/Use/Possession Excluding Alcohol</b>	The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. Use or possession means the student is caught in the act of using or possessing, admits to use or possession or is discovered to have used or possessed in the course of an investigation.  NOTE: if a student realizes that the student is in possession of drugs and voluntarily surrenders the drugs to a staff member before the start of any investigation or search of the student that might have uncovered the drugs, then the student may be eligible for mitigation of the disciplinary response.
<b>I4*</b>	<b>Extortion</b>	Intentional threat of harm, injury, or violence against a person or the person’s property or reputation with the intent to obtain money, information, services or items of material worth. (NOTE: Reported to SESIR as Larceny/Theft)
<b>J4*</b>	<b>False Fire Alarm</b>	Intentional activation of a fire alarm system or the intentional false reporting of a fire. (NOTE: Reported to SESIR as Disruption on Campus – Major)
<b>K4.</b>	<b>False Accusation Against Employees</b>	Intentional false accusation against a person that jeopardizes the person’s professional reputation, employment, or professional certification.

<b>N4.</b>	<b>Manipulating Computer Data</b>	Changing, altering, erasing, removing, or otherwise manipulating computer data or software code without authorization.
<b>O4.</b>	<b>Most Serious Misconduct on School District Transportation</b>	Serious misconduct which substantially interferes with the safe and orderly operation of School District transportation. This includes, but is not limited to, throwing objects from the bus window or on the bus that causes bodily harm or property damage.
<b>P4*</b>	<b>Robbery</b>	Taking or attempting to take anything of value that is owned by another by force or the threat of force or by putting the victim in fear.
<b>Q4*</b>	<b>Sexual Battery</b>	Forced actual or attempted sexual contact. Forced means against the person's will or where the victim is incapable of giving consent because of the victim's age or because of the victim's temporary or permanent mental incapacity.
<b>R4*</b>	<b>Sexual Offenses</b>	Consensual sexual contact or sexual contact without force or threat of force. This also includes subjecting a person to lewd sexual gestures, sexual activity, exposing private body parts in a lewd manner, or any other activity found to be obscene.
<b>T4*</b>	<b>Weapons Possession</b>	Use or possession of any object that could be used to cause harm, injury, death, or to incapacitate another person. It does not matter that such object is not intended to be used as a weapon or is designed, used or intended for offensive or defensive purposes. Use or possession means the student is caught in the act of using or possessing, admits to use or possession or is discovered to have used or possessed in the course of an investigation. A weapon includes any weapon defined in Section 790.001, Florida Statutes, and also includes, but is not limited to, clubs, explosives, pepper spray, air or gas operated guns and electrical weapons or devices. Weapons shall be confiscated and will not be returned to the student but will be turned over to Law Enforcement.
<b>X4*</b>	<b>Drug Sale/Distribution Excluding Alcohol (sale or distribution of prohibited drugs)</b>	The manufacture, cultivation, sale, or distribution of any drug, narcotic, controlled substance or substance represented to be a drug, narcotic or controlled substance.
<b>Z4*</b>	<b>Vandalism (\$ 1000.00 or more)</b>	Intentional destruction, damage or defacement of public or private property, real or personal, without the owner's consent or the consent of the person having custody or control of the property. This includes graffiti if the cost to erase the graffiti is more than \$1,000.00.
<b>ZZ4*</b>	<b>Battery of Student</b>	The physical use of force or violence by a student against another student which results in serious bodily harm to the victim. (To distinguish from fighting, report an incident as battery only when the force or violence is carried out against a person who is not fighting back.)

**LEVEL 4 - POSSIBLE ADMINISTRATIVE INTERVENTIONS FOR OFFICE MANAGED BEHAVIORS**

Office Managed For Administrative Use Only	Functional Behavior Assessment	Behavior Intervention Plan	Restitution	Parent Contact/ Conference	Behavior Contract	Behavior Intervention Class	Confiscation of Materials or electronic devices	Saturday School	Temporary or Permanent Loss of Privilege to use computers /internet	Temporary or Permanent removal from extracurricular activities	Follow Risk Assessment Protocol if appropriate	Attendance at Project ROCK	Notify Law Enforcement in accordance with SESIR	Refer to Guidance, Peer Mediation, Mental Health Collaborative	Social Skills Training	Loss of Magnet School/ Attractor program assignment	Out of School Suspension	Recommendation for Expulsion
Alcohol (A4)*	X			X		X	X		X	X		X	X	X		X	X	X
Arson (B4)*	X	X	X	X	X	X	X		X	X	X		X	X		X	X	X
Assault/Intimidation/Threat of Employee/Other Adult (C4)*	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
Battery of Employee or Other Adult (D4)*	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
Threat or False Report of Bomb or Other Destructive Device/Explosive (E4)*	X	X	X	X	X	X		X	X	X	X	X	X	X	X		X	X
Breaking and Entering/Burglary (F4)*	X	X	X	X	X	X	X	X	X	X		X	X	X			X	X
Disruption on Campus – Major G4)*	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
Drug/Use/Possession Excluding Alcohol (H4)*				X		X	X		X	X		X	X	X				X
Extortion (I4)*	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
False Fire Alarm (J4)*	X	X	X	X	X	X	X		X	X	X		X	X			X	X
False Accusation Against Employees (K4)	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
Manipulating Computer Data (N4)	X	X	X	X	X	X	X	X	X	X		X	X	X		X	X	X

<b>Most Serious Misconduct on School Bus or Other School Approved Transportation (O4)</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
<b>Robbery (P4)*</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	
<b>Sexual Battery (Q4)*</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	
<b>Sexual Offenses (R4)*</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	
<b>Weapons Possession (T4)*</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	
<b>Drug Sale/Distribution Excluding Alcohol (X4)*</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	
<b>Vandalism (\$1,000.00 or more) (Z4)*</b>	X	X	X	X	X	X	X		X	X	X		X	X		X	X	X	
<b>Battery of Student (ZZ4)*</b>	X	X <sup>+</sup>	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	

\* *Reports as a SESIR*

## ALTERNATIVES TO SUSPENSION

**Appropriate In-School Suspension:** ISS should not only continue academic or other instruction, but also focus on solving the problem that resulted in the student being sent there.

**Assignment to an Adult Mentor:** Linking the student with an adult who will monitor the student's academic and behavioral progress throughout the school year and provide support as needed.

**Behavior Monitoring (Student):** The student self-monitors their own behavior and must get the teacher's agreement on the ratings given in the monitoring. The student must meet with a designated adult at least weekly to review, and this could also be linked to a counseling component, if needed.

**Behavior Monitoring (Teacher Assisted):** A process established to individually monitor the student's behavior using communication logs to provide feedback between teacher, student, and parent.

**Behavior Plan or Behavior Improvement Plan:** Behavior doesn't warrant an immediate Tier III intervention, but is concerning enough to warrant actions designated to bring about improvement.

**BIC/Behavior Intervention Classroom:** This is a form of in-school suspension where students are provided an opportunity to reflect on the behavior that resulted in their removal from class and to participate in a social skills activity related to the behavior in question. The student is also afforded an opportunity to complete the classwork missed while serving in-school suspension.

**Check and Connect:** A comprehensive intervention designed to enhance student engagement at school for students who may be disengaged from the learning process. Check and Connect concentrates on relationship building and problem solving.

**Check In / Check Out (BEP):** This allows the student to make contact with an available adult upon entry to school and prior to exit from school for the purpose of monitoring academic and behavioral progress.

**Community Service/Service Learning:** Establish a set time frame, but not during school hours. This alternative helps to build ties to the community and maybe another positive adult role model. The student can link their service to one of the school's expectations and present on the outcomes. Examples include: Environmental clean-up, tutoring younger students, or assisting community service agencies.

**Community Service:** Tasks involving community activities with appropriate adult supervision outside of school hours.

**Counseling:** Student is assigned to a professional on campus to problem solve, identify skills for targeted intervention, or to work through problems or issues the student may have in the school setting.

**Detention:** After school, lunch detention, and Saturday School are all forms of alternatives to out-of-school or in-school suspension. Detention should incorporate a component of social skills instruction.

**Diversion Programs:** Available to first time offenders for drugs, tobacco, alcohol, etc. Must complete the program and have continued follow-up.

**FBA/BIP:** Functional Behavior Assessment/Behavioral Intervention Plan is a tiered intervention, most often completed at Tier III as a highly intensive intervention. The FBA is a process that seeks to determine the underlying cause or function of the student's behavior that impedes the learning of the student or others. The BIP is a plan that utilizes the behavioral interventions and supports to reduce the behaviors that interfere with the student's academic or behavioral progress and also teaches the student more appropriate replacement behavior.

**Loss of Privileges:** Privileges granted to all students are removed or restricted for a period of time based on specific behaviors. Examples include: Parking privileges, full participation in sports activities, loss of senior or grade level privileges, etc.

**Mini-Courses or Skill Modules:** Short courses or self-study modules designed as a disciplinary consequence. These modules should be on topics related to the student's inappropriate behavior and should be designed to teach the student to have increased awareness or knowledge about the topic, thus facilitating change. They could focus on topics from inappropriate language, sexual harassment, to alcohol/drug use, conflict resolution, social skill development, and many more. Once created, students could be assigned to complete the appropriate modules based on their offense.

**Peer Jury:** Associated with restorative practices, peer juries are programs in which youth work together to repair harm, build competencies, and help create safer schools and/or communities. Peer Jury is sometimes referred to as teen court, youth court or peer court, and is overseen by an adult coordinator.

**Peer Mediation:** Training for students on how to mediate peer issues through conflict resolution and applying problem solving strategies. Peers are trained to hear both sides of the situation; they decide the outcomes; and both parties must agree to abide by the outcomes.

**Programming Alternatives:** For some students, especially at the secondary level, it may be possible to change the student's schedule, classes, or program which would avoid problem environments or situations, yet permit continued access to the curriculum and school.

**Positive Contingency Contracts/Behavior Contracts:** Focus on one behavior; develop the contract specifically with the student; set a realistic time frame and outline the requirements; identify the reward if the student meets the contract; and identify the negative consequences if the contract is broken.

**Project Rock/North and South:** These are alternatives to suspension at off campus locations. St. Lucie Public Schools has a cooperative agreement which allows students to participate in these programs in lieu of out-of-school suspension. Full participation will result in the out-of-school suspension assignment coded as in-school suspension.

**Referral to Community Mental Health:** Referral to the Mental Health Collaborative to obtain assistance for the student in dealing with emotions or behaviors that may interfere with academic or behavioral success.

**Restitution:** This alternative allows students to make amends for what they did wrong. It permits the student to help to restore or improve the school environment either by directly addressing the problems caused by the student's behavior (e.g., in cases of vandalism, students can work to repair things they damage), or by having the student improve the school environment more broadly by completing a specific job as determined by the school officials.

**Restorative Practices:** Practices designed to reduce crime, violence and bullying, repair relationships, repair harm, and improve human behavior. This concept uses informal and formal processes that focus on problem solving and repairing harm.

**Substance Abuse Prevention and Intervention:** Prevention programs delivered prior to the onset of the problem, these interventions are intended to prevent or reduce the risk of developing a behavioral health problem, such as underage alcohol use, prescription drug misuse and abuse or illicit drug use.

**Time Out:** A form of behavioral modification that involves temporarily separating a child from an environment where unacceptable behavior occurred. The goal is to remove the reinforcement for the behavior and therefore lead to the extinction of the inappropriate behavior.

**Written Apology:** A letter of apology specifically addressed to the individual who was harmed by the behavior exhibited by the student. The apology should include an expression of regret for the behavior, remorse, or sorrow for having insulted, failed, injured, or wronged another person.

**School-Wide Teams should identify creative strategies as alternatives for suspension based on the culture of their school.**

## **REPORTS TO LAW ENFORCEMENT AGENCIES**

The School Board views criminal acts committed by students to be extremely serious. In addition to School District disciplinary action, criminal acts will be reported to the appropriate law enforcement agency in accordance with SESIR (School Environmental Safety Incident Report) guidelines. These include:

1. Alcohol (possession, use or sale)
2. Arson
3. Battery
4. Breaking and Entering/Burglary
5. Disruption On Campus - Major
  - a. Threat or False Report of Bomb or Other Destructive Device/Explosive
  - b. False Fire Alarm
6. Drugs – Excluding Alcohol
  - a. Use/Possession
  - b. Sale/Distribution
7. Fighting
8. Harassment/Bullying
9. Homicide
10. Kidnapping
11. Larceny/Theft
  - a. Extortion
  - b. Motor Vehicle Theft
12. Other Major
  - a. Forgery
  - b. Gambling
13. Robbery
14. Sexual Battery
15. Sexual Harassment
16. Sexual Offenses (Other)
17. Threat/Intimidation
18. Trespassing
19. Vandalism (\$ 1000.00 or more)
20. Weapons Possession

Incidents which must be reported to SESIR, but may not need to be reported to law enforcement are:

1. Tobacco (Possession, Use, Distribution or Sale)

## **SEARCH OF STUDENT BY SCHOOL STAFF**

Any instructional or administrative staff member shall be authorized to detain, question, and search a student under circumstances which reasonably indicate that such student has committed, is committing, or is about to commit a violation of Florida law or this Code. If an administrator has reasonable suspicion to believe that a student is in possession of (i) contraband, (ii) an instrument or evidence of a crime or of a Code violation, or (iii) a weapon or any other item that might endanger the health or safety of the student or other students or staff in the school, the administrator shall request the student to submit to a search. The search may include not only the student's person, but also items that are or have been within the student's possession, or on or about the student's person, such as book bags, back packs, notebooks, purses, coats, jackets, telecommunications devices (mobile phones, etc.), computers, and other electronic devices capable of storing or communicating information.

The measures used by school staff will be reasonably related to the objectives of the search. The scope or extent of the search, including the search of any telecommunications or other electronic device, will not exceed the



original reason for undertaking it, and the search will not be excessively intrusive in light of the age and sex of the student and the nature of the infraction. Strip searches of students by school staff are prohibited.

**This Code does not define, govern, or restrict the search of a student by a law enforcement official acting within the scope of such official's authority.**

### **ADMINISTRATIVE SEARCHES**

Alternative schools may engage in neutral administrative searches for the purpose of maintaining order and safety without reasonable suspicion. Such routine administrative searches must be conducted in an even-handed, neutral manner and may consist of all or a portion of the student population by pat-down or by item searches including book bags, back packs, purses, coats, and jackets.

### **SEARCH OF STUDENT LOCKERS**

Student lockers and other storage areas are subject to search similar to any other authorized search.

### **METAL DETECTORS; CANINE SEARCHES; SURVEILLANCE DEVICES**

Metal detectors or specially trained animals may be used in the course of a search. Surveillance devices may be in use in public areas. Students subject to this Code have a lessened expectation of privacy.

A student's operation of a vehicle or other means of transportation on School District property is a privilege and students have a lessened expectation of privacy in or around such vehicles when located on School District property.

### **STUDENT TRANSPORTATION RESPONSIBILITIES AND SAFETY RULES**

1. Students riding on School District transportation shall:
  - a. Occupy the seat assigned by the driver, wear a seatbelt at all times the bus is in motion if so equipped and to refrain at all times from moving around while the bus is in motion. Observe classroom conduct (except for ordinary conversation) while getting on and off the bus, and while riding the bus. To keep hands inside the bus at all times, except in case of emergency.
  - b. Obey the driver and to report to the school Principal when instructed to do so by the driver.
  - c. Warn the driver of approaching danger if there is reason to believe the driver is not aware of the danger.
  - d. Be at the designated bus stop in the morning and after school, ready to board the bus at the prescribed time.
  - e. Walk to the bus stop safely and stay off the roadway at all times while waiting for the bus.
  - f. Wait until the bus has come to a full stop before attempting to get on or off.
  - g. Enter or leave the bus only at the front door after the bus has come to a full stop, except in case of emergency.
  - h. Cross the highway, when necessary, as follows:

- i. Upon exiting the bus, stand at the side of the road ten (10) feet in front of the bus, within sight and hearing of the driver and wait for the driver's signal to cross the road or proceed to the park strip;
  - ii. When waiting for the bus, upon signal from the driver, look both ways and proceed in front of the bus across the road or to the park strip.
- i. Ride assigned bus only. Any change must be requested in writing by the parent and written approval of the Principal must be issued before implementation of the requested change.
  - j. Students are prohibited from disembarking at other than their assigned bus stop unless authorized in advance by the student's Principal.
  - k. A temporary bus pass may be obtained if capacity is available.
  - l. Students are requested to be at the bus stop ten (10) minutes before scheduled pick-up as the bus will not wait beyond the scheduled pick-up time.
  - m. Reptiles, bugs, animals or marine life (dead or alive) are not permitted on the bus.
  - n. Objects that impair the driver's vision, impact safety or seating capacity are prohibited on the school bus.
  - o. Eating, drinking or chewing gum is not permitted on the bus.
  - p. Students must be absolutely quiet at railroad crossings and when the dome lights are on. Excessive noise is prohibited at all times.

## **STUDENT RESPONSIBLE COMPUTER, NETWORK AND INTERNET USE POLICY**

### **Overview**

The School District provides its students access to a multitude of technology resources to enhance and extend the learning experience. These resources provide opportunities to enhance learning and improve communication within our community and with the global community beyond our campus. The advantages of having access to these resources are far greater than any potential downside. However, with the privilege of access is the responsibility of students to exercise appropriate personal responsibility in their use of these resources. This School District policy is intended to promote the most effective, safe, productive, and instructionally sound uses of networked information and communication tools. The School District also makes a good faith effort to protect its students from exposure to internet materials that are harmful or explicit. The School District maintains a system of internet content filtering devices and software controls to block obscene and pornographic materials and materials that are harmful to, or otherwise inappropriate for, minors that meet federal standards established in the Children's Internet Protection Act, 47 U.S.C. § 254(h), (1), as amended (CIPA). Nevertheless, it is impossible to control all materials available on the internet, and users will be responsible for ensuring that their use meets the requirements established in this Policy.

### **Digital Citizen**

Student users of the School District's computer, network, and internet resources shall use information and technology in safe, legal, and responsible ways. A responsible digital citizen is one who:

1. Respects One's Self: Users will select online names that are appropriate and will consider the information and images that are posted online.
2. Respects Others: Users will refrain from using technologies to bully, tease or harass other people.

3. Protects One's Self and Others: Users will protect themselves and others by reporting abuse and not forwarding inappropriate materials or communications.
4. Respects Intellectual Property: Users will cite any and all use of websites, books, media, etc.
5. Protects Intellectual Property: Users will request to use the software and media others produce.

## **Expectations**

Responsible use of the School District's technology resources is expected to be ethical, respectful, academically honest, and supportive of the School District's mission. Each computer user has the responsibility to respect every other person in our community and on the internet. Students shall receive training regarding appropriate online behavior, including interacting with other individuals on social networking Web sites and in chat rooms and cyberbullying awareness and response. Digital storage and electronic devices used for school purposes will be treated as extensions of the physical school space. Administrators, or their designees, will periodically monitor the online activities of users and computer files to insure that users are using the system in accordance with School District policy. No user of the School District's networks shall have an expectation of privacy when using the network. Users should not expect that electronic communications made or received on School District networks, internet searches on School District networks, or files stored on servers or disks will be private. Users also should understand that internet activity is recorded in log files. Users are expected to abide by the generally accepted rules of network etiquette. The following Policy is intended to clarify expectations for conduct, but they should not be construed as all-inclusive.

1. Use of electronic devices should be consistent with the School District's educational objectives, mission and curriculum.
2. Inappropriate use includes, but is not limited to: (1) activation, display, use, manipulation, or inappropriate storage during prohibited times; (2) texting, phoning, or web browsing during prohibited times; (3) taping conversations, music, or other audio at any time; (4) photography or videography of any kind; and (5) any activity that could in any manner infringe upon the rights of other individuals, including but not limited to students, teachers, and staff members.
3. Transmission of any material in violation of any local, federal and state laws is prohibited. This includes, but is not limited to, copyrighted material, licensed material and threatening or obscene material.
4. Intentional or unintentional use of computing resources to access or process, proxy sites, pornographic material, explicit text or files, or files dangerous to the integrity of the network is strictly prohibited.
5. Software or services may not be installed or downloaded on school devices without prior approval of the School District.
6. Any malicious attempt to harm or destroy data of another user, the internet or other networks, is strictly prohibited. This includes, but is not limited to, creating or uploading computer viruses.
7. Unauthorized access to information by unauthorized recipients or "hacking" is strictly prohibited. This would include intentionally bypassing any internet filtering devices.
8. Use of electronic devices to bully or harass, as defined in Policy 3.43 included in Appendix A, is strictly prohibited.
9. Student internet interpersonal communications (e.g., chat room, instant messaging, blogging, Wiki) requires authorization of a teacher or school administrator.
10. Users may be held personally and financially responsible for malicious or intentional damage done to network software, data, user accounts, hardware or unauthorized costs incurred.
11. Files stored on School District-managed networks are the property of the School District and, as such, may be inspected at any time and should not be considered private.
12. Materials published for electronic publication must be for educational purposes. School administrators, teachers and staff may monitor these materials to ensure compliance with content standards.

13. Users who accidentally access inappropriate materials or witness another user accessing inappropriate materials, shall immediately notify their teacher or school administrator.

## **Policy Violations**

Violating any portion of this Policy may result in disciplinary action as provided in this Code. A student may be disciplined under the Code for expressive off-campus conduct (such as e-mails or postings on social media like Facebook, YouTube, Twitter, blogs, etc.) where: (1) such conduct would foreseeably create a risk of material and substantial disruptions within the school environment; (2) it was reasonably foreseeable that the off-campus expression might reach campus; and (3) the conduct did create a material and substantial disruption within the school environment. Disciplinary action shall be proportional to the offense. The School District will cooperate with law enforcement officers in investigations related to illegal activities conducted through its network. **Some violations may constitute criminal offenses and may result in criminal prosecution.**

## **PROCEDURES RELATING TO DISCIPLINARY ACTION**

In order to protect student rights, certain procedures are followed with regard to major disciplinary actions. These procedures are developed as suggested or required by law or regulation. School procedures for administering discipline in areas not covered by these specific procedures are encouraged. **The Principal may at times be represented by designated representatives when consistent with Florida law and School Board policy.**

## **DUE PROCESS PROCEDURES FOR SUSPENSION FROM SCHOOL OR SCHOOL DISTRICT TRANSPORTATION**

A student accused of serious misconduct that, in the opinion of the Principal, would require suspension from school or School District transportation shall be afforded the following due process procedures. In emergency situations, these procedures may be modified so long as reasonable efforts are made to provide substantially similar opportunities for due process.

The Principal may suspend a student from school. Suspension is the temporary removal of a student from the regular school program for a period not to exceed ten (10) days. The Principal takes this action when they have exhausted informal disciplinary and PBIS strategies or when they have at least considered alternatives and rejected them as inappropriate in a given situation.

Upon the first suspension the student will be reviewed at the school level by administration, guidance, or Student Support Team. Subsequent suspensions may lead to additional interventions, school-based strategies or consideration for alternative placement.

### **A. Investigation and Informal Hearing with Principal: Suspension Review**

1. The accused student should be presented to the Principal by the person having knowledge of the alleged misbehavior or infraction.
2. The Principal shall conduct an informal hearing to determine the facts as presented by staff, the accused student, and any witnesses that may have knowledge of the incident. The Principal shall determine if the Code was violated and whether suspension is the appropriate discipline.
3. The accused student shall be given an opportunity to be heard at the school level. The student shall be advised which provisions of the Code were allegedly violated and what specific conduct constituted the violation, including an explanation of the evidence.
4. The student shall be given an opportunity to present the student's side of the story (version of the incident) and to give written or oral information in support.

5. The Principal may suspend a student immediately if the student has committed a breach of conduct which poses an immediate danger to students or staff or if the violation is one of physical assault or one which has an immediate disruptive effect upon the orderly conduct of the school. If a student is to be immediately suspended, the student shall nonetheless be entitled to an informal hearing before the Principal (that is, oral or written notice of the charges, including an explanation of the basis of suspension, and an opportunity to present the student's side);
6. The suspension may be shortened if and when the Principal can be assured that the student is willing to conform to the Code. If the student or parent requests a review of the suspension, they should contact the school office so that a meeting can be arranged as soon as possible.

## **B. Notifications**

1. The Principal shall make a good faith effort to immediately contact a student's parent by telephone so as to inform the parent of the student's suspension and the reasons for the suspension. The Principal shall prepare an appropriate *Suspension Notice*. The notice should indicate the misconduct for which the suspension is being issued and the specific Code violation. Each suspension shall be reported in writing within twenty-four (24) hours to the student's parent and the Superintendent.

**CAUTION:** Any student who enters or remains on campus, at any school function or extracurricular or co-curricular program, or on School District transportation while suspended from school is subject to further disciplinary action or arrest for trespassing.

## **PROCEDURES FOR REMOVAL FROM PARTICIPATION IN EXTRACURRICULAR OR CO-CURRICULAR PROGRAMS**

1. Temporary removal of a student from participating in an extracurricular or co-curricular program or activity may be determined by the sponsor. The Principal is to be notified of the action.
2. Permanent removal of a student from participation in an extracurricular or co-curricular program or activity will be recommended by the sponsor with the final decision to be made by the Principal.
3. Parent notification of temporary or permanent removal is mandatory.
4. Upon notification, a parent may, within three days, request a conference with the sponsor, Principal or both for the purpose of discussing the removal of the student from participation in the extracurricular or co-curricular program or activity.
5. A student may be readmitted to participation in an extracurricular or co-curricular program or activity at any time upon the recommendation of the sponsor with the final decision by the Principal.

## DUE PROCESS PROCEDURES FOR EXPULSION FROM SCHOOL

A Principal may request that the Superintendent recommend to the School Board that a student be expelled. However, only the School Board has the authority to expel a student. An expulsion can be for the remainder of the school year and up to one additional year. There are certain violations that Florida law requires the expulsion to be not less than one year. Expulsion is the most serious disciplinary measure available to the Principal.

Every effort should be made to identify students with disabilities under the Individuals With Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973, *prior* to a recommendation for expulsion (see Flow Chart –General Education Students). Specific procedures for those referrals are contained within the Section 504 Procedural Manual and the ESE Manual for Admission and Placement.

**Students with repeated patterns of misbehavior should be brought before the school’s Problem Solving Team for identification of appropriate interventions.** These patterns may include numerous Level 1 infractions as well as more serious Level 2, 3 and 4 infractions that have resulted in suspensions of more than ten (10) days in a school year.

### Investigation and Informal Hearing with Principal

In addition to the Due Process Procedures for Suspension from School or School District transportation, the following additional procedures are followed when a Principal recommends expulsion from school.

- The Principal shall prepare a written list of witnesses to the incident and a summary of their testimony. The list of witnesses and the written summary shall be filed in the Principal’s office.
- The recommendation to expel a student should be made only after it has been determined that the student has materially and substantially interfered with the maintenance of good order in the schools.
- The decision to recommend expulsion of a student should be made at the earliest possible date subsequent to the incident.
- Every effort shall be made by the Principal to immediately contact the parents to inform them that the student is being suspended and recommended for expulsion and the reason for the action. The parents shall be informed that a *Principal’s Notice of Suspension and Recommendation for Expulsion* has been sent to the Superintendent.

### Principal Recommendation for Expulsion

- The Principal shall send a recommendation for expulsion to the designated administrator.

### District Review Committee Action

- The administrator shall convene the Placement Review Committee. The Placement Review Committee will review each packet for completeness and compliance with the Code and statutory requirements.
- During the review process, alternative forms of discipline, possible student reassignment, formal evaluation, behavior contract, professional counseling and other recommendations that may be acceptable to the Principal will be explored. The administrator will inform the school as to the Placement Review Committee’s decision. The Placement Review Committee may recommend that expulsion proceedings continue or institute an alternative discipline.

- In appropriate cases, the Placement Review Committee may offer the parent an opportunity to enter a stipulated order of expulsion under an agreed set of terms and conditions. If the parent agrees and the School Board concurs, the right to a hearing is waived and a stipulated order is entered implementing the agreement. If the parent does not agree, the expulsion proceedings will continue.

### **Superintendent's Recommendation for Expulsion, Hearing and School Board Action**

- If the Superintendent approves the Principal's request for expulsion, a notice of intent to expel will be delivered to the student's parent setting forth the charges against the student and advising the student and parent of the student's right to due process as prescribed by Sections 120.569 and 120.57(2), Florida Statutes. The notice of intent to expel will become a part of a packet of information delivered to the parent by certified mail. The notice will specify the date, time and location of the expulsion hearing before an independent hearing officer.
- In the hearing before the hearing officer, the student has the right to due process as prescribed by Florida law. This process includes the right to be represented by legal counsel and to have witnesses appear on the student's behalf. At this hearing, the student will have the opportunity to respond to the charges by presenting written or oral evidence that may refute the charges and will also have the right to cross examine the school's witnesses. A Recommended Order will be provided by the hearing officer for the School Board.
- The student and their parent will be scheduled before the School Board at which time a Final Order will be issued. Although the appearance before the School Board is not an evidentiary hearing, the parent and student will be offered an opportunity to speak. The School Board is not required to adopt either the recommendation of the hearing officer or that of the Superintendent. Subsequent to this meeting, the parent will receive a copy of the School Board's Final Order.

**CAUTION:** Any Student who enters or remains on campus, at any school function, at any extracurricular or co-curricular program, or on School District transportation while expelled from school is subject to arrest for trespassing.

DISCIPLINARY ACTION FOR STUDENTS

(Student General Education)  
Violates School Board Policy  
Consider for disciplinary action

Patterns of  
Misbehavior

Infraction  
Warrants  
Expulsion

Principal notifies Assistant Superintendent of Student  
Services and Exceptional Student Education and  
convenes Problem Solving Team

\* School Based Problem Solving Team determines if Student is possible  
SWD (Student With Disabilities) or 504

If Student is  
SWD proceed  
with SWD  
disciplinary  
procedures

If Student is  
determined to be 504,  
proceed with 504  
disciplinary procedures

Student is neither  
SWD or 504

If possible SWD,  
follow procedural  
manual

If possible 504  
follow 504  
procedural manual

Proceed with  
expulsion in Code  
of Conduct

Problem Solving Team must convene before third day of suspension in order to comply with timeline



# **SCHOOL DISTRICT DISCIPLINARY PROCEDURES FOR STUDENTS WITH DISABILITIES**

## **Discipline**

The School District assures that the policies and procedures for discipline of each student who is a “child with a disability” as defined in the Individuals with Disabilities Education Act (IDEA) is in compliance with Fla. Admin. Code Rule 6A-6.03312.

## **Suspension**

Students with disabilities may be suspended for up to 10 days in a school year with no provision of services. Beyond 10 days, procedures must be followed to determine if additional days constitute a change of placement. If it is determined that additional days do not constitute a change of placement, the Principal and the Exceptional Student Education (ESE) teacher may develop a plan for the provision of services to the student.

## **Expulsion**

Expulsion of a student with a disability constitutes a change in educational placement, not an exclusion from educational services. For this reason, the following procedures shall be followed:

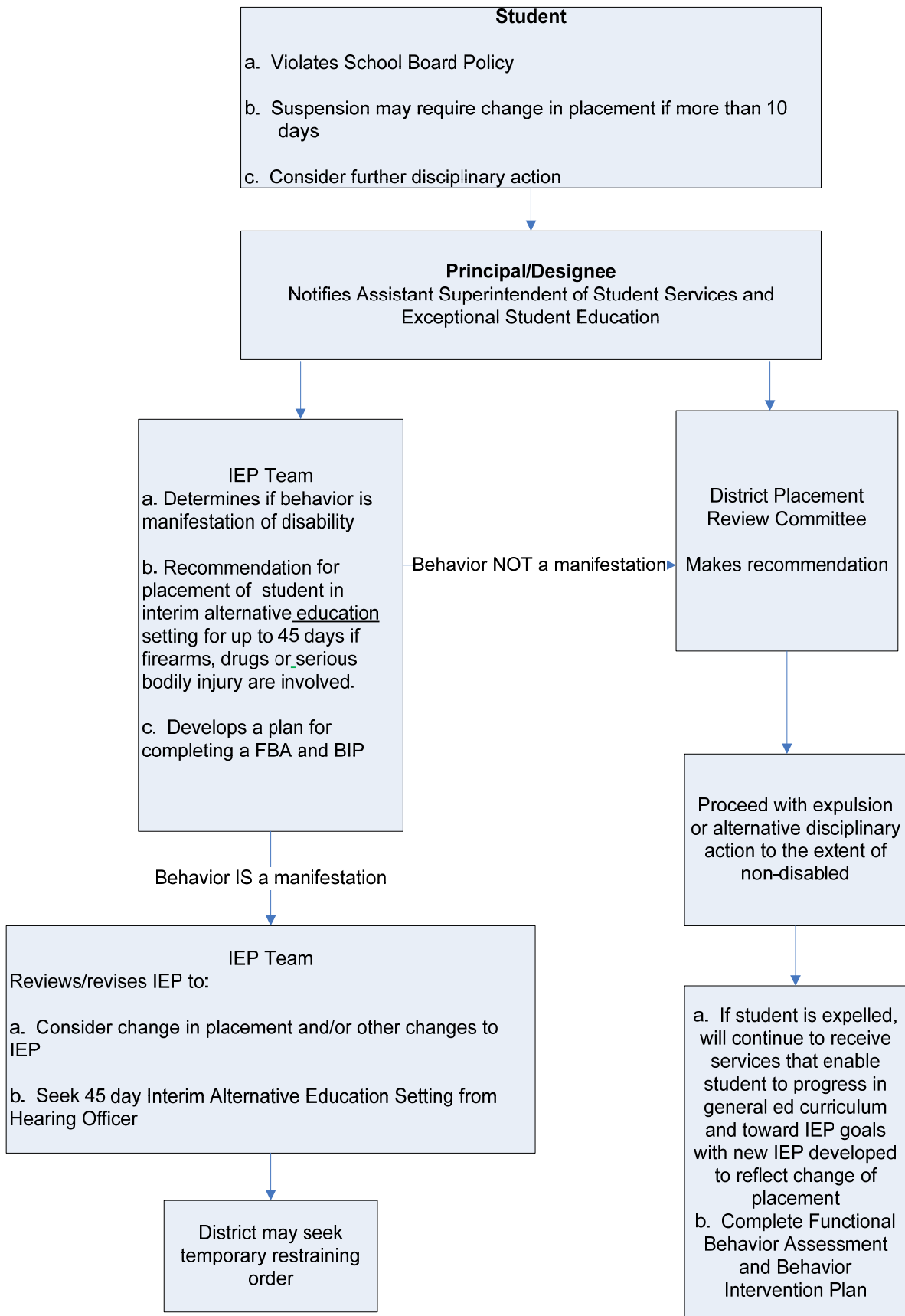
1. The Principal shall contact the Assistant Superintendent of Student Services and Exceptional Student Education or designee of the Principal’s intention to recommend expulsion for a student with a disability and shall request a meeting of the Individual Education Planning (IEP) team.
2. The IEP Team meeting shall be conducted according to standard procedures outlined in the current Manual for Admissions and Placement (MAP) and the Policies and Procedures for the Provision of Specially Designed Instruction and Related Service for Exceptional Students manual and shall be held as soon as is reasonably possible.
3. The ESE Chairperson will coordinate a Manifestation Determination meeting with the parent and appropriate school personnel. The student may also be included, when appropriate. A manifestation determination, consistent with following requirements, must be made within 10 days of any decision to change the placement of a student with a disability.
4. At the IEP team meeting, the team shall review the student’s placement, program and IEP. It shall determine if the current placement and related services are appropriate. If there is a disruption to the education of others, alternative placement recommendations might be made, such as a special class in another setting, assignment to the alternative school, modifications to the current program, reduced day program for a very brief period of time, or an interim alternative educational setting. Services recommended must enable the student to continue to progress in the general curriculum and to receive the modifications, or accommodation; including those described in the student’s current IEP, which will enable the student to meet the goals on the IEP. It must also include services and interventions to address the behavior and be designed to prevent the behavior from recurring.
5. The IEP team must also determine if the offense is a manifestation of the student’s disability. Fla. Admin. Code Rule 6A-6.03312(3) and 34 CFR 300.530(e). The team must consider all relevant information including:
  - a. Description of offense and discipline referral;
  - b. Discipline history, formal or anecdotal, if available;
  - c. Student’s IEP, placement and related services;

- d. Functional Behavior Assessment, if available;
- e. Behavior Intervention Plan, if available;
- f. Evaluation and diagnostic results; and
- g. Other pertinent information.

The team must then complete the “Manifestation Determination Form” addressing:

- a) Whether or not the conduct in question was caused by, or had a direct and substantial relationship to the student’s disability; or
  - b) Whether the conduct in question was the direct result of the School District’s failure to implement the IEP.
6. If the student’s behavior is not a manifestation of the disability, then the relevant procedures relating to disciplinary action will be followed. If expulsion results, an IEP team will meet to determine services which will enable the student to progress in the general education curriculum and enable the student to progress toward the student’s IEP goals. If a Functional Behavior Assessment has not already taken place, one must be conducted. If an appropriate Behavior Intervention Plan is not in place, one must be developed. On the date on which a decision is made to make a removal that constitutes a change in placement, the School District must notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
  7. If the student’s behavior is a manifestation of the disability, then the student will not be scheduled to appear at an Expulsion Hearing with the Hearing Officer. In this case, other recommendations as described above shall occur. If a Functional Behavior Assessment has not already taken place, one must be conducted. If an appropriate Behavior Intervention Plan is not in place, one must be developed.
  8. If a parent disagrees with a determination that the student’s behavior was not a manifestation of the student’s disability or with any decision regarding placement the parent may request a hearing under Fla. Admin. Code Rule 6A-6.03312(7). The School District shall arrange for an expedited hearing, if requested by the parent. The Administrative Law Judge shall then determine whether the School District has demonstrated that the student’s behavior was not a manifestation of the student’s disability.
  9. If a student with a disability brings a weapon or finds a weapon at school or uses something as a weapon at school, knowingly commits a drug offense, or inflicts serious bodily injury upon another person at school, the student may unilaterally be assigned to an interim alternative educational setting for not more than 45 days regardless of manifestation determination. On the date on which a decision is made to make a removal that constitutes a change of placement, the School District must notify the parent of the decision and provide the parent with a copy of the notice of procedural safeguards.
  10. If the parent disagrees with the proposed change in placement and requests a due process hearing, the student must remain in the interim alternative educational setting pending the decision of the Administrative Law Judge or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Florida Department of Education or School District agree otherwise. An expedited hearing may be requested by the School District if it believes that returning the student to the current placement (placement prior to the interim alternative educational setting) is substantially likely to result in injury to the student or to others.

## Disciplinary Action for IDEA Student



## SCHOOL DISTRICT DISCIPLINARY PROCEDURES FOR STUDENTS QUALIFIED UNDER SECTION 504

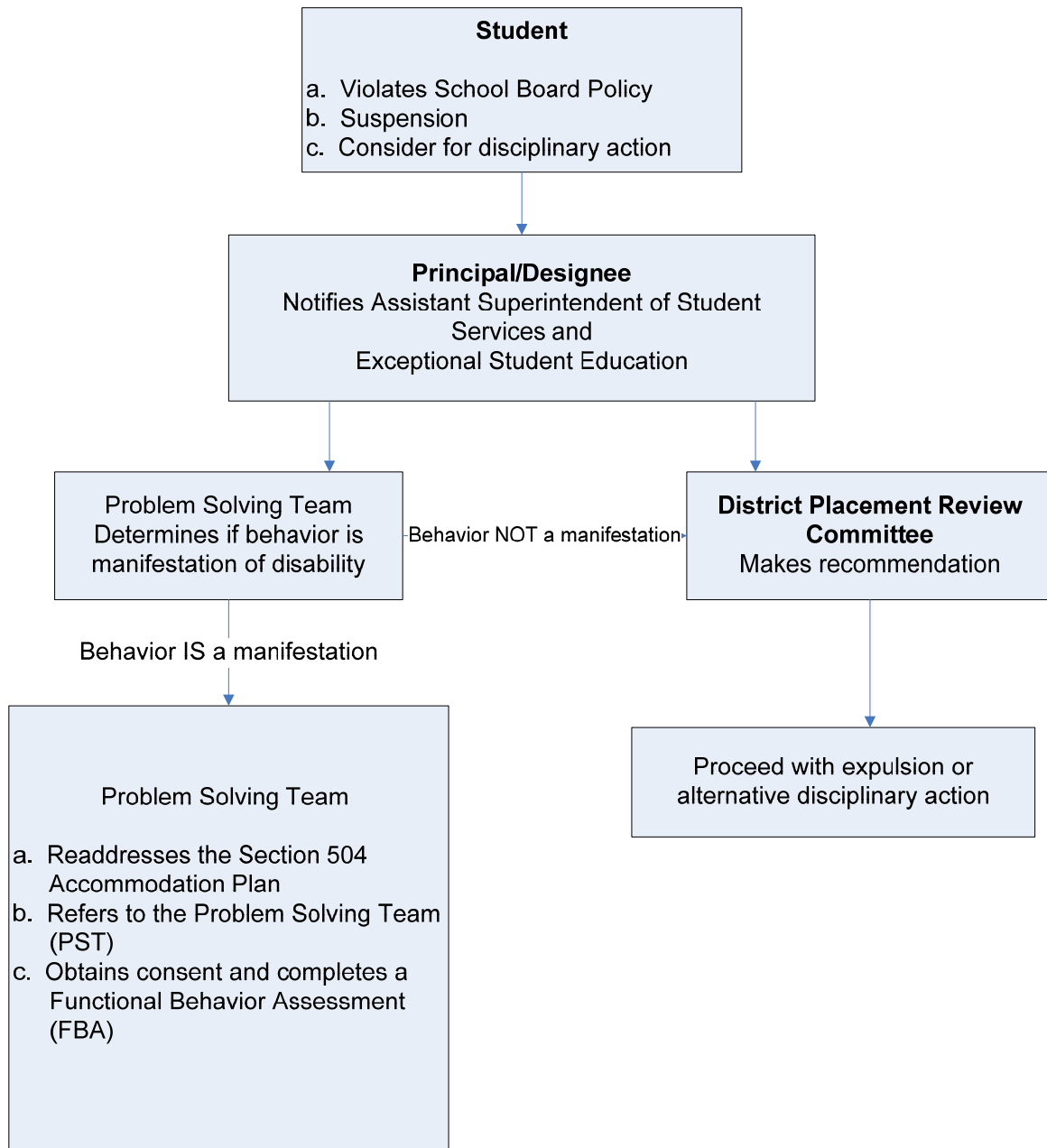
### Expulsion

Expulsion of a qualified 504 student constitutes a change in educational placement. For this reason, the following procedures shall be followed:

1. The Principal shall contact the Assistant Superintendent of Student Services and Exceptional Student Education or designee of the Principal's intention to recommend expulsion of a qualified 504 student.
2. School personnel shall prepare an information packet that includes all pertinent material relative to the student's academic performance, discipline record and a summarization of the offense. This packet will be available to the school designee for the meeting and should consist of:
  - a. Description of offense and discipline referral;
  - b. Discipline history, formal and anecdotal, if available;
  - c. Student's 504 Accommodation Plan;
  - d. Functional Behavior Assessment, if available;
  - e. Behavior Intervention Plan, if available;
  - f. Evaluation and diagnostic results; and
  - g. Other pertinent information.
3. The 504 designee will coordinate a Manifestation Determination meeting with the parent and appropriate school personnel. The student may also be included, when appropriate.
4. At the meeting the committee shall review the student's accommodation plan and program and shall determine if the misconduct is a manifestation of the student's disability. The committee shall also determine if the current plan is adequate and appropriate. If there is a disruption to the education of others the student may be assigned to alternative education by the School District Placement Review Committee.
5. If the student's behavior is not a manifestation of the student's disability as determined by the 504 Committee, then the regular procedures relating to disciplinary action will be followed.
6. If the student's behavior is a manifestation of the student's disability, as determined by the 504 Committee, then the student will not be scheduled to appear at an Expulsion Hearing. In this case, other recommendations as described above in #4 shall occur.

**NOTE: The Office for Civil Rights (OCR) has ruled that students with disabilities may be disciplined for the use of prohibited or illegal drugs or alcohol to the same extent as non-disabled students, as long as the School District can demonstrate that the student is currently abusing such substances.**

DISCIPLINARY ACTION FOR STUDENTS QUALIFIED UNDER SECTION 504



## **RE-ENROLLMENT OF EXPELLED STUDENTS**

Once the School Board has expelled a student, that student has no right to attend any School District school, unless the School Board, in its sole discretion, acting upon the Superintendent's recommendation, authorizes re-enrollment on a probationary basis in such program and under such conditions as the Superintendent determines appropriate.

### **PROCEDURES FOR RE-ENROLLMENT OF EXPELLED STUDENTS (WHEN AUTHORIZED)**

A written behavior contract shall be developed. The contract shall detail conditions for probationary re-enrollment.

### **PROCEDURES FOR SUSPENSION AND EXPULSION ON THE BASIS OF FELONY CHARGES**

When a student is formally charged with a felony for an incident that occurred on property other than public school property, but which incident is shown to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled, the Principal shall conduct an administrative hearing in accordance with Section 1006.09(2), Florida Statutes. The purpose of the hearing is to determine whether or not the student should be suspended pending court determination of the student's guilt or innocence, or the dismissal of the charge.

The following procedures shall apply when the Principal institutes and conducts the administrative hearing, as provided in Fla. Admin. Code Rule 6A-1.0956:

**A. Notice of Hearing.** Upon receiving proper notice that a student has been formally charged with a felony, the Principal shall immediately notify the parent, in writing, of the specific charges against the student and of the right to a hearing prior to disciplinary action being instituted under Section 1006.09(2), Florida Statutes. The hearing notice shall:

1. Set a date for the hearing. The hearing date shall be not less than two (2) school days or more than five (5) school days from postmarked date or delivery of the notice.
2. Advise the parent of the conditions under which a waiver of suspension may be granted, as prescribed in subsections (a) and (b) of Section 1006.09(2), Florida Statutes, when the student is subject to discipline for prohibited or illegal possession or use of a drug. Suspension may be waived:
  - (i) If the student divulges information leading to the arrest and conviction of the person who supplied the student with the drug;
  - (ii) If the student voluntarily discloses the student's prohibited or unlawful possession of the drug prior to the student's arrest; or
  - (iii) If the student commits to, or is referred by the court in lieu of sentence, a state-licensed drug abuse program and successfully completes the program.

**B. Suspension Pending Hearing.** Pending the hearing, the student may be temporarily suspended by the Principal.

**C. Hearing on Suspension Pending Adjudication.** The hearing shall be conducted by the Principal and may be attended by the student, parent, the student's representative or counsel, and any witnesses requested by the student or the Principal.

1. The student may speak, may present any evidence indicating the student’s eligibility for waiver of disciplinary action, and may be questioned about the student’s testimony. However, the student shall not be threatened with punishment or later punished for refusing to testify.

2. In conducting the hearing, the Principal shall not be bound by rules of evidence or any other courtroom procedure and no transcript of testimony shall be required.

**D. Decision on Suspension Pending Adjudication.** Following the hearing, the Principal shall provide the student and parent with a decision, in writing, as to whether or not suspension will occur.

1. The Principal shall consider the conditions prescribed by subsections (a) and (b) of Section 1006.09, Florida Statutes, under which a waiver of suspension may be granted and may grant such a waiver when the Principal determines such action to be in the best interests of the school and the student.

2. Any suspension pending adjudication of guilt shall be made only upon a finding by the Principal based upon conclusive evidence, that a felony charge has been formally filed against the student.

3. Any suspension pending adjudication of guilt shall be made only upon a finding by the Principal that the alleged incident for which the student is charged has or may have an adverse impact on the educational program, discipline, or welfare in the school. In determining “adverse impact,” the Principal should consider the nature of the alleged offense (for example, an alleged incident involving a violent felony may be more likely to have an adverse impact on the education environment than a non-violent incident). The Principal should also consider the publicity relating to the incident within the school and surrounding community and any other circumstance that might either increase or diminish the possibility that the student charged would pose a threat to the students and staff.

4. The Principal shall have authority to modify the decision to grant or deny a waiver at any time prior to adjudication of the student’s guilt by a court, provided that any such modification adverse to the student shall be made only following a hearing conducted as set forth above.

5. A suspension pending adjudication of guilt shall be from all classes of instruction at the student’s regular school. The suspension shall not affect the delivery of educational services to the student and the student shall be immediately enrolled in a daytime or evening alternative education program whichever is most appropriate.

**E. Proceedings after Adjudication.** If the court determines that the student did commit the felony or delinquent act that would have been a felony if committed by an adult, the Superintendent may recommend expulsion in accordance with the procedures set forth in this Code. Any such expulsion shall not affect the delivery of educational services to the student in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting.

**CAUTION:** Any Student who enters or remains on campus, at any school function, at any extracurricular or co-curricular program, or on School District transportation while suspended or expelled from school is subject to further disciplinary action or arrest for trespassing.

## **INTERSCHOLASTIC AND EXTRACURRICULAR ACTIVITIES**

Interscholastic athletics and sports have a positive impact on students and are an integral part of the school experience, benefitting the community as a whole. The program should foster the growth of school loyalty within the student body and stimulate community interest in athletics. Participation in the District’s interscholastic athletics program is a privilege. High schools are members of the FHSAA and are governed by its rules and regulations. All district students (including transfer students) shall

satisfy the eligibility requirements established by the Florida High School Athletics Association (FHSAA), Florida law, and School Board Policy.

Participation in extracurricular activities, including interscholastic sports, is a privilege. Therefore, the School Board authorizes the superintendent, principals, and assistant principals to prohibit a student from participating in extracurricular activities of the school district for offenses or violations of the Code of Student Conduct for a period not to exceed one calendar year from the date in which the offense or violation took place. All procedures relating to disciplinary actions, as outlined in this Code, must be followed prior to prohibiting a student from participating.

In addition, student athletes are further subject to the FHSAA Code of Conduct and may be prohibited from participating in all or part of any interscholastic sport for violations therein.

- Eligibility requirements may not be affected by any alleged recruiting violation until final disposition of the allegation is completed.
- A student may not participate in a sport if the student participated in the same sport at another school during that school year, unless the student meets participation criteria.
- A student not currently suspended from interscholastic extracurricular activities, or suspended or expelled from school, pursuant to district school board suspension or expulsion powers, is eligible to participate in interscholastic and intrascholastic extracurricular activities.

## **PATRIOTIC PROGRAMS**

When the national anthem is played, students and all civilians shall stand at attention, men removing the headdress, except when such headdress is worn for religious purposes. The pledge of allegiance to the flag, "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all," shall be rendered by students standing with the right hand over the heart. The pledge of allegiance to the flag shall be recited at the beginning of the day in each public elementary, middle, and high school in the state. Students have the right not to participate in reciting the pledge. Upon written request by his or her parent, the student must be excused from reciting the pledge, including standing and placing their right hand over his or her heart. When the pledge is given, unexcused students must show full respect to the flag.

## **DEFINITIONS**

When used in this Code of Student Conduct, the listed terms shall be defined as follows:

1. **Alcoholic Beverage:** Distilled spirits and all beverages containing 0.5 percent or more alcohol by volume, including wine, spirituous liquors, beer and other malt beverages.
2. **Behavior Contract:** A contract either oral or written developed between the student and teacher, the Principal, or other school personnel. Parental involvement is highly recommended.
3. **Behavior Incident Reporting) (BIR):** Data collection tool used to identify students who are struggling behaviorally.



4. Behavior Intervention Plan (BIP): Plan developed to positively change a student's inappropriate behavior. Follows a Functional Behavior Assessment.
5. Co-Curricular Program or Activity: A school-sponsored activity which is an extension of the actual course of study.
6. Counsel and Direction: Students involved in misconduct may be given counseling and direction in a conference with the staff or administration; the misconduct is discussed and future expectations outlined.
7. Detention: Students can be detained before, during, or after school hours for misconduct with approval of the Principal. Parents or guardians are to be notified that the student will be detained. Responsibility for transportation is that of the parent or guardian.
8. Drug Paraphernalia: Drug paraphernalia includes all equipment, products, and materials of any kind which are used, intended for use, or designated for use to introduce a drug, as defined in the Code, into the human body, and also includes drug paraphernalia as defined in Section 893.145, Florida Statutes.
9. Drugs/Substance Abuse: drug includes, but is not limited to, (a) any drug or controlled substance, the possession of which (i) is illegal under state or federal law or (ii) requires a valid prescription and the student does not have such a prescription, and (b) any substance capable of modifying mood or behavior, or any substances represented to be of such nature including but not limited to, (i) counterfeit controlled substances, (ii) imitation controlled substance, (iii) synthetic controlled substances including synthetic narcotics, (iv) model glue or other solvent-containing substance having a potential for abuse and, (iv) combinations and mixtures of otherwise lawful substances blended for the specific purpose of being smoked, inhaled, injected, absorbed, or ingested with the intention, regardless of actual effect, of achieving intoxication or other modification of mood or behavior.
10. Early Reentry Plan for Expelled Students: A written plan that details the conditions for early reentry of expelled students and the associated responsibilities of the student, his parents and designated school personnel.
11. ESE: Exceptional Student Education.
12. Expulsion: Removal of the right and obligation of a student to attend a public school in St. Lucie County for a period of time and under conditions set by the School Board not to exceed the remainder of the term or school year and one additional school year.
13. Extracurricular Program or Activity: A school-sponsored activity which is outside the actual course of study and which carries no academic credit.
14. Functional Behavior Assessment (FBA): An assessment (required under certain conditions in the Individual's with Disabilities Education Act) that assists in determining why a student exhibits inappropriate behavior and leads to the development of a Behavior Intervention Plan.
15. IDEA: The Individuals with Disabilities Education Act, 20 U.S.C. Sections 1400-1487.
16. IEP: Individualized Education Program.
17. In-School Suspension: Removal of a student from a class or classes and assignment to an alternative class on the school campus.

18. LEA: Local Educational Agent (Agency).
19. Management of Privileges: The effective management or withdrawal of privileges that does not impact the health and safety of the student nor impair the development of the basic academic program for the student.
20. Parent: Either or both parents, any guardian, or any person who is in a parental relationship to a child or who is exercising supervisory authority in place of a parent over a child of public school age.
21. Parent Conference/Contact: In cases of student misconduct, a conference between school personnel and the parent or guardian may be held to discuss student behavior. During this conference, future plans, alternative educational opportunities, or behavior contracts may be determined.
22. Payment for Damages: Students destroying school property or property of others may be assessed for payment of damages and their parents may be held responsible to assure payment.
23. Permanent Removal from Extracurricular or Co-Curricular Program or Activity: Removal from such program or activity for the remainder of the school year.
24. Positive Behavior Intervention & Support: (PBIS) is the applications of evidence-based strategies and systems to assist schools to increase academic performance, increase safety, decrease problem behavior, and establish a positive school climate. PBIS is the Tier 1 intervention within RtI:B.
25. Possession: A student shall be deemed in possession of an item if the student has personal charge of or exercises control over the item possessed. This means that the item possessed is on the student, in the student's belongings, or in a place over which the student has control or in which the student has concealed it. In addition, student motor vehicle use on school property is a privilege and in exchange for the privilege to drive to and from school and to park the student's motor vehicle on school property, students shall be deemed in possession of anything found in the student's motor vehicle while the motor vehicle is on school property or on property controlled by the school. For purposes of student discipline it shall not be a defense to possession of an item that the student did not know that the item was in the motor vehicle or that other people had access to the motor vehicle unless the student can prove by a preponderance of the evidence that the student did not know the item was in the motor vehicle and that the item is not the student's.
26. Principal: The administrator appointed to supervise instruction and provide overall leadership at a given school, including any other administrator or staff member designated to act in the absence of or under delegated authority from the Principal.
27. Response to Intervention: Behavior/Multi-Tiered System of Support RtI:B/MTSS: A three-tiered model for academic and behavioral supports that begins at the school level.
  - Tier 1 - Curriculum intended to effectively address the needs of all students.
  - Tier 2 - Targeted interventions for students not responding to Tier I support.
  - Tier 3 - Intensive and individualized behavioral support.

Tier 2 and Tier 3 interventions are developed, assigned and monitored by the school's Problem Solving Team (PST).
28. Probationary Plan: A written contract or plan to be developed for each student expelled by the School Board. The development of such a plan is a school-level function to be developed when the student returns from expulsion.

29. School/Classroom Behavior Management Plans: Individual schools or teachers may develop structured discipline plans or programs to encourage appropriate behaviors.
30. Section 504: Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794.
31. SESIR: School Environmental Safety Incident Report.
32. Social Skills Training: Social skills are those communication, problem-solving, decision making, self-management, and peer relations abilities that allow one to initiate and maintain positive social relationships with others. Deficits or excesses in social behavior interfere with learning, teaching, and the classroom's orchestration and climate. Social skills training is a general term for instruction conducted in (behavioral) areas that promotes more productive or positive interaction with others. We teach social skills to students who are (at present) socially unskilled in order to promote acceptance by teachers (and other adults) and peers.
33. Special Programs-Alternative Classrooms: Students may be assigned to special programs on the school campus or at special centers to assist in correcting student misbehavior and disruptive behavior.
34. Special Work Assignments: The assignment of a reasonable task to be completed by a student is permissible. Such a work assignment should not be to complete additional academic work.
35. Staff: Any and all School District employees and volunteers, whether regularly based at or assigned to one or more schools or other School District facilities, including, but not limited to all transportation employees.
36. Suspension: The temporary removal of the student from the regular school program and all other school sponsored activities. No student, who is required by law to attend school, provided they do not arrive at school and then leave campus, shall be suspended for unexcused absence or truancy but may be reported to juvenile authorities for appropriate action. A student who exhibits disobedience of school authority by temporary absences (skipping) from classes or non-attendance of particular classes will be subject to disciplinary measures other than suspension.
37. Suspension or Expulsion from Bus Riding Privileges: Students may be suspended from bus riding privileges for misconduct on the school bus for up to ten school days. The School Board may expel a student from bus transportation for longer periods of time. A student suspended from bus riding privileges must continue to attend school. The responsibility for transportation to and from school for the duration of the suspension now becomes the responsibility of the student, or the student's parents.
38. SWD: Students With Disabilities.
39. Temporary Removal from Extracurricular or Co-Curricular Program or Activity: Removal from such activity as disciplinary action warrants.

## APPENDIX A - CHAPTER 3.43 - BULLYING AND HARASSMENT

(1) **Bullying** and harassment prohibited. It is the policy of the St. Lucie County School District that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and **bullying** of any kind. The District will not tolerate **bullying** and harassment of any type. Conduct that constitutes **bullying** and harassment, as defined in this policy, is prohibited.

(2) Definitions.

(a) **Bullying** includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. This definition includes unwanted and repeated written or oral statements or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:

- (i) Teasing
- (ii) Social exclusion
- (iii) Threat
- (iv) Intimidation
- (v) Stalking
- (vi) Physical violence
- (vii) Theft
- (viii) Harassment based on protected characteristics as set forth in Policy 2.70, A(1)
- (ix) Public humiliation
- (x) Destruction of property

(b) Cyberbullying means **bullying** through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of **bullying**. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of **bullying**.

(c) Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written or oral statement, or physical conduct, including a single act if sufficiently severe, directed against a student or school employee that:

- (i) Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property,
- (ii) Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or
- (iii) Has the effect of substantially disrupting the orderly operation of a school.

(d) **Bullying** and harassment also encompass:

(i) Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of **bullying** or harassment. The report of an act of **bullying** or harassment that is not made in good faith is considered an act of retaliation. For purposes of this policy, a report that is not made in good faith means a report that the reporter knows to be untrue or to be without any factual foundation or support.

(ii) Perpetuation of conduct listed in the definition of **bullying**, cyberbullying, or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:

A. Incitement or coercion,

B. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system, or

C. Acting in a manner that has an effect substantially similar to the effect of **bullying** or harassment.

(iii) Harassment based on protected characteristics such as sex, religion, race/ethnicity, or disability.

(e) **Bullying** and harassment do not encompass student discipline by school staff that comports with sound educational practice.

(f) Cyberstalking, as defined in Section 784.048(1)(d), Fla. Stat., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

(g) Violent criminal offense means any felony offense listed in Section 1006.13(6)(a), Florida. Statute.

(h) Within the scope of a public K-12 educational institution means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity.

(3) Behavior expected from each student and school employee of a public K-12 educational institution.

(a) The St. Lucie County School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

(b) The School District believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development and maintenance of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members. Because students learn by example, school administrators, faculty, staff, parents, volunteers, and other campus visitors will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate harassment or **bullying**.

(c) The School District reconfirms that **bullying** and harassment of any student or school employee is prohibited:

(i) During any education program or activity conducted by a public K-12 educational institution;

(ii) During any school-related or school-sponsored program or activity;

(iii) On a school bus of a public K-12 educational institution;

(iv) Through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of a public K-12 education institution; or

(v) Through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the **bullying** substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. This paragraph does not require a school to staff or monitor any nonschool-related activity, function, or program.

(4) Responsibilities of a student of a public K-12 educational institution. Students are required to conform to reasonable standards of socially acceptable behavior; to respect the person, property, and rights of others; to obey constituted authority and respond to those that hold that authority, as outlined in the Code of Student Conduct.

(5) Responsibilities of employees of a public K-12 educational institution.

Each employee of the School District is required, in the manner set forth in this policy:

(a) To participate in District-sponsored instruction in identifying, preventing, and responding to **bullying** or harassment, including retraining as necessary,

(b) To monitor and observe the conduct of all students, employees, parents, and other individuals present on school campuses or participating in school-sponsored events,

(c) To apply evidence-based strategies and systems to prevent or minimize incidents of problem behavior, including but not limited to implementing positive behavior supports,

(d) To intervene, secure assistance, or otherwise respond immediately and as appropriate in the circumstances to assure the safety and protection of all individuals involved in any observed or reported incident of problem behavior, and

(e) Consistent with the duties devolved upon the employee's position, to report, investigate, or cooperate in the investigation of any incident of problem behavior for which the employee has knowledge or responsibility.

(6) Positive reinforcement for a student of a public K-12 educational institution who displays good conduct, self-discipline, good citizenship, and academic success. The School District believes in the use of positive behavior support, which is the application of evidence-based strategies and systems to assist schools to increase academic performance, increase safety, decrease problem behavior, and establish positive school cultures. The positive behavior support process results in the creation of effective intervention plans that will impede problem behaviors, teach new skills, and create support systems for the student. Attention is focused on creating and sustaining primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all children and youth by making problem behavior less effective, efficient, and relevant, and desired behavior more functional. Positive behavior supports are outlined in the Code of Student Conduct.

(7) Consequences for a student or employee of a public K-12 educational institution who commits an act of **bullying** or harassment. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident as described in subparagraph (3)(c)(iv) of this policy cannot be raised as a defense in any disciplinary action.

(a) Consequences and appropriate remedial action for students who commit acts of **bullying** or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.

(b) Consequences and appropriate remedial action for a school employee found to have committed an act of **bullying** or harassment may be disciplined in accordance with district policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. See Fla. Admin. Code Rule 6B-1.006, The Principles of Professional Conduct of the Education Profession in Florida.

(c) Consequences and appropriate remedial action for a parent, volunteer, or other visitor found to have committed an act of **bullying** or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

(8) Consequences for a student or employee of a public K-12 educational institution who is found to have wrongfully and intentionally accused another of an act of **bullying** or harassment.

(a) Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of **bullying** or harassment range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.

(b) Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another as a means of **bullying** or harassment may include discipline in accordance with district policies, procedures, and agreements.

(c) Consequences and appropriate remedial action for a parent, volunteer, or other visitor found to have wrongfully and intentionally accused another as a means of **bullying** or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

(9) Procedure for reporting an act of **bullying** or harassment, including provisions that permit a person to report such an act anonymously.

(a) At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy.

(i) All school employees are required to report alleged violations of this policy to the principal or the principal's designee.

(ii) In addition to reporting the incident to the principal or designee, if a school employee has reasonable cause to suspect that an alleged violation of this policy:

A. Might constitute a crime, the employee shall also immediately report the complaint to law enforcement.

B. Might constitute an act of abuse, abandonment, or neglect of a child, the employee shall also immediately report the complaint both to the state-wide central abuse hotline established and maintained by the Florida Department of Children and Families (DCF) and to the appropriate law enforcement agency.

Any uncertainty regarding whether an alleged violation might constitute a crime or an act of abuse, abandonment, or neglect of a child must be resolved in favor of reporting the incident to law enforcement and DCF.

(iii) All other members of the school community, including students, parents/legal guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal's designee.

(b) The victim of **bullying** or harassment, anyone who witnessed the **bullying** or harassment, and anyone who has credible information that an act of **bullying** or harassment has taken place may file a report of **bullying**. A school employee, school volunteer, student, parent/legal guardian, or other person who promptly reports in good faith an act of **bullying** or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in this policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of **bullying** or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

(c) Written and oral reports shall be considered official reports. Reports may be made anonymously. However, the District may not take formal disciplinary action based solely on of an anonymous report, and it may not accept an anonymous complaint against an employee.

(10) Procedure for determining whether a reported act of **bullying** or harassment is within the scope of the District school system, and if not, for referral of such an act to the appropriate jurisdiction. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated. When a complaint alleging an act in violation of this policy is filed:

(a) If the alleged act:

(i) Might also constitute a crime and law enforcement has not yet been notified, the principal or designee shall do so immediately.

(ii) Might also constitute an act of abuse, abandonment, or neglect of a child and DCF and law enforcement have not yet been notified, the principal or designee shall do so immediately.

Any uncertainty regarding whether an alleged violation might constitute a crime or an act of abuse, abandonment, or neglect of a child must be resolved in favor of reporting the incident to law enforcement and DCF.

(b) The principal or designee will assign a designee(s) who is trained in investigative procedures to review whether the alleged act of **bullying** or harassment is within the scope of the School District.

(c) The trained designee(s) will report to the principal with a recommendation of whether the alleged act of **bullying** or harassment falls within the scope of the District. After receiving such report and recommendation, the principal or designee shall determine whether the alleged act is:

(i) Within scope of District, in which case the complaint shall be investigated in accordance with the Procedures for Investigating **Bullying** and/or Harassment set forth in subsection (10) of this policy;

(ii) Outside scope of the District, and might constitute a criminal act or an act of abuse, abandonment, or neglect of a child, in which case the principal or designee shall re-verify that the matter has been referred to the appropriate law enforcement agency and DCF; or

(iii) Outside scope of District, and there is no reasonable suspicion of a criminal act, in which case the principal or designee shall inform the parents/legal guardians of all students involved.

(11) Procedure for the prompt investigation of a report of **bullying** or harassment and the persons responsible for the investigation. The investigation of a reported act of **bullying** or harassment is deemed to be a school-related activity and begins with a complaint or other report of such an act filed as provided in subsection (8)



of this policy. At each school in the District, the Procedures for Investigating **Bullying** and/or Harassment are as follows:

(a) If the alleged act in violation of this policy is also the subject of an investigation by law enforcement, the investigation by the school shall proceed in full cooperation, and without any interference, with the criminal investigation.

(b) The principal or designee shall select a designee(s), employed by the school and trained in investigative procedures, to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.

(c) Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and confidentially.

Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.

(d) The investigator shall collect and evaluate the facts including, but not limited to:

(i) Description of incident including nature of the behavior; context in which the alleged incident occurred, etc.;

(ii) How often the conduct occurred;

(iii) Whether there were past incidents or past continuing patterns of behavior;

(iv) The relationship between the parties involved;

(v) The characteristics of parties involved (i.e., grade, age, disability, etc.);

(vi) The identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to **bullying** or harassment;

(vii) The number of alleged bullies/harassers;

(viii) The age(s) of the alleged bullies/harassers;

(ix) Where the **bullying** and/or harassment occurred; and

(x) Whether the conduct adversely affected the student's education or educational environment.

(e) Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes:

(i) Recommended remedial steps necessary to stop the **bullying** and/or harassing behavior;

(ii) The date, time, and method in which the parents/legal guardians of all parties involved were contacted; and

(iii) A written final report to the principal.

(f) The investigation shall be concluded and a written final report addressing the matters set forth in paragraph (13) of this policy shall be submitted to the Principal within a maximum of ten (10) school days after the complaint has been filed. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of **bullying** and/or harassment, and the investigative procedures that follow.

(g) The investigator shall use the Dear Colleague Letters from the United States Department of Education, Office for Civil Rights, dated October 26, 2010, and August 20, 2013, addressing **bullying** and harassment, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>, and at <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf>, respectively, as guides in determining the appropriate outcome and response recommended in the final report.

(12) Procedure for providing immediate notification to the parents/legal guardians of a victim of **bullying** or harassment and the parents/legal guardians of the perpetrator of an act of **bullying** or harassment as well as, notification to all local agencies where criminal charges may be pursued against the perpetrator.

(a) The principal, or designee, shall by telephone and in writing by first- class mail, electronic mail, or hand delivery, report the occurrence of any incident of **bullying** or harassment as defined by this policy to the parents or legal guardians of the victim(s) and the perpetrators(s) on the same day an investigation of the incident has been initiated. Attempts to notify the parent or legal guardian shall be documented on the District **Bullying** Complaint form. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

(b) If the **bullying** or harassment incident results in the perpetrator being adjudicated guilty of or delinquent for a violent criminal offense, as defined above, the principal, or designee, shall by telephone and in writing by first class mail, electronic mail, or hand delivery, inform parents/legal guardian of the victim(s) involved in the **bullying** or harassment incident about the Unsafe School Choice Option (No Child Left Behind Act, Title IX, Part E, Subpart 2, Section 9532), which states “[A] student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”

Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.(13) Procedure for preventing recurrence of any discrimination or harassment and for correcting discriminatory effects. If an act of **bullying** or harassment is determined to have occurred, the principal or designee and other District staff shall take appropriate steps to prevent the recurrence of any discrimination or harassment and to correct the discriminatory effects on the victim and others. Based upon the circumstances, such steps may include, but are not limited to:

(a) Reaffirming the responsibilities of students and employees, as set forth in paragraphs (4) and (5) of this policy,

(b) Applying positive reinforcement of good conduct, as provided in paragraph (6),

(c) Imposing consequences upon the perpetrator, as provided in paragraph (7),

(d) Undertaking the remedial steps recommended by the investigator as provided in subparagraph (11)(e)(i), and/or such other remedial measures as appropriate in the circumstances to address and resolve the complaint and to protect the victim and witnesses for the victim from retaliation or future discrimination or harassment,

(e) Making all notifications to parents/legal guardians as provided in paragraph (12),

(f) Undertaking referrals of the victim and the perpetrator for counseling and/or discipline, as provided in paragraph (14),

(g) Including the incident in school safety and discipline data reports, as provided in paragraph (15),

(h) Re-emphasizing instruction and training on identifying, preventing, and responding to **bullying** or harassment, as provided in paragraph (16), and

(i) Reminding students of this policy and re-discussing **bullying** and harassment prevention, as provided in paragraph (20).

(14) Procedure to refer victims and perpetrators of **bullying** or harassment for counseling. At each school in the district, the procedures to refer victims and perpetrators of **bullying** or harassment for counseling are as follows:

(a) Any teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included).

(b) Any school personnel or parent/legal guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services. (Parent or legal guardian involvement is required at this point.)

(c) If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. (Parent or legal guardian involvement is required at this point.)

(d) The intervention team shall determine the appropriate intervention and assistance that may include the following:

(i) Counseling and support to address the needs of the victims of **bullying** or harassment, which may include referring the student for an initial evaluation if there is a reason to suspect that the student has a disability, or if the student has a disability, convening the Individualized Education Program ("IEP") team to determine whether the student's needs have changed as the result of **bullying**;

(ii) Interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management), which may include referring the student for an initial evaluation if there is reason to suspect that the student has a disability, or if the student has a disability, convening an IEP team meeting to determine if additional supports and services are needed to address the inappropriate behavior; and

(iii) Intervention which includes assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

(15) Procedure for including incidents of **bullying** or harassment in the school's report of data concerning school safety and discipline data required under Section 1006.09(6), Florida Statutes.

(a) The report must include each incident of **bullying** or harassment and the resulting consequences, including discipline and referrals.

(b) The report must include, in a separate section, each reported incident of **bullying** or harassment that does not meet the criteria of a prohibited act under this section (reported as "unsubstantiated **bullying**" or "unsubstantiated harassment") with recommendations regarding such incidents (cyberbullying incidents are to be included within the **bullying** incidents category).

(c) The School District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes **bullying** and harassment as incident codes as well as **bullying**-related as a related element code. The SESIR definition of bullying is systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment;

or unreasonably interfere with the individual's school performance or participation. The SESIR definition of harassment is any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in a person and serves no legitimate purpose.

(d) If a **bullying** and/or harassment incident occurs then it will be reported in SESIR with either the bullying or harassment code. If the bullying or harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code AND the related element code entitled bullying-related. Those incidents are:

- Alcohol
- Arson
- Battery
- Breaking and Entering
- Disruption on Campus
- Drug Sale/Distribution Excluding Alcohol
- Drug Use/Possession Excluding Alcohol
- Fighting
- Homicide
- Kidnapping
- Larceny/Theft
- Robbery
- Sexual Battery
- Sexual Harassment
- Sexual Offenses
- Threat/Intimidation
- Trespassing
- Tobacco
- Vandalism
- Weapons Possession
- Other Major (other major incidents that do not fit within the other definitions)

(e) Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System.

(f) The District will provide **bullying** and harassment incident, discipline, and referral data to the Florida Department of Education in the format requested, through Surveys 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. Data reporting on **bullying**, harassment, unsubstantiated harassment, sexual harassment, sexual harassment and threat/intimidation incidents as well as any **bullying**-related incidents that have as a basis sex, race or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race or disability) noted in their student record.

(16) Procedure for providing instruction to students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to **bullying** or harassment, including instruction or recognizing behaviors that lead to **bullying** and harassment and taking appropriate preventive action based on those observations.

(a) The District ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to **bullying** and

harassment. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses other non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parents/legal guardians, and students.

(b) Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's policy and regulations against **bullying** and harassment. The instruction shall include evidence-based methods of preventing **bullying** and harassment, as well as how to identify and respond effectively to **bullying** and harassment in schools.

(c) The St. Lucie County School District provides the following list of authorized programs including, but not limited to:

- PBS/PBIS (Positive Behavior Support / Positive Behavioral Interventions & Supports)
- Monique Burr Foundations for Children, Inc.'s Child Safety Matters
- Second Step
- Character Counts
- Youth Mental Health First Aid
- Too Good for Violence
- Too Good for Drugs
- Safer Smarter Kids

Decisions to include additional instructional programs or activities, not previously listed within this policy, will be made on a case-by-case basis and authorized by individual school principals.

(17) Procedure for regularly reporting to a victim's parents/legal guardians the actions taken to protect the victim. The principal or designee shall by telephone and in writing report the occurrence of any incident of **bullying** or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the **bullying** or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

(18) Rights of each student of a public K-12 educational institution. The principal or designee shall assume administrative responsibility and instructional leadership under the supervision of the Superintendent, in accordance with Rules and Regulations of the School Board, for operation of the school to which he/she is assigned. The faculty and staff shall assist in an orderly operation of the school and ensure the rights of students. Student rights are outlined in the Code of Student Conduct.

(19) Disciplinary sanctions and due process for students of a public K-12 educational institution. In order to protect student rights, certain procedures are followed with regard to major disciplinary actions. These procedures are developed as suggested or required by law or regulation. Disciplinary sanctions due process protections are outlined in the Code of Student Conduct.

(20) Procedure for publicizing the policy which must include its publication in the Code of Student Conduct required under Section 1006.07(2), Florida Statutes, and in all employee handbooks.

(a) At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.

(b) Each District school shall provide notice to students and staff of this policy through appropriate references in the student code of conduct and employee handbooks, and/or through other reasonable means. The Superintendent shall also make all contractors contracting with the District aware of this policy.

(c) Each school principal shall develop an annual process for discussing the school district policy on **bullying** and harassment with students in a student assembly or other reasonable format. Reminders of the policy and **bullying** and harassment prevention messages such as posters and signs will be displayed around each school and on the District school buses.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S. LAWS

IMPLEMENTED: 1006.147, F.S.

HISTORY: ADOPTED: 11/18/2008

REVISION DATE(S): 06/08/2010; 08/24/2010; 11/23/2010, 09/13/2011,  
06/12/2012. 08/27/2013 11/12/2013, 07/29/2014

FORMERLY: New

**APPENDIX B - FELONY SUSPENSION PARENT NOTIFICATION LETTER**

Regular and Certified Mail: Return Requested

Date:

Student Number:

Custodial Parent/Guardian of:

Dear Custodial Parent/Guardian/Adult Student:

Pursuant to Section 1006.09(2), Fla. Stat., and State Board of Education Rule 6A-1.0956, the Principal has the authority to determine whether or not a student should be suspended pending resolution of criminal charges. On \_\_\_\_\_, I received proper notice that your child had been formally charged with the following crime:\_\_\_\_\_. An administrative hearing shall be conducted on \_\_\_\_\_ at the following location:\_\_\_\_\_for the purpose of determining whether or not your child should be suspended pending court resolution of the charges. Please note that your child is suspended until the Principal concludes this hearing.

The Principal shall conduct the hearing. The student may be accompanied by their custodial parent/guardian and representative or legal counsel. The student may speak in their defense and may present any evidence indicating their eligibility for a waiver of disciplinary action under Section 1006.09(2), Fla. Stat. The student may be questioned about their testimony, however, they shall not be threatened with punishment or later punished for refusing to testify. Since this is an administrative hearing, it is not bound by rules of evidence or any other courtroom procedure. No hearing transcript is prepared or required.

Please contact me at \_\_\_\_\_ no later than \_\_\_\_\_to confirm your attendance along with a list of representatives and witnesses.

Sincerely,

cc: Assistant Superintendent, Secondary Programs & Non-Traditional Education  
Director, Student Services & Exceptional Student Education  
Principal, Alternativ Education

**APPENDIX C - STAFF NOTIFICATION OF FELONY CHARGES**

To:

From:

Date:

Re: Notice Required By Section 985.04(4) (b), Florida Statutes.

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The student identified below has been charged by the State Attorney with a felony or a delinquent act that would be a felony if committed by an adult. This information is confidential and may only be shared with School District staff whose duties include direct supervision of the student. This memo and any record including the information contained in this memo should not be placed in the student's cumulative folder. If you have any questions, please contact your immediate supervisor.

Student Name:

School:

Charge Against Student:



**NOTICE OF NON-DISCRIMINATION AND SECTION 504 COMPLIANCE**

THE SCHOOL BOARD OF ST. LUCIE COUNTY, FLORIDA, does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, or marital status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries and complaints regarding the School Board’s non-discrimination policies:

Non-Discrimination Policy Inquiries and Complaints by Students, Parents, Applicants for Admission to School, and all others except Employees and Applicants for Employment:

**DIRECTOR OF STUDENT SERVICES AND EXCEPTIONAL STUDENT EDUCATION**

School Board of St. Lucie County, Florida  
4204 Okeechobee Road  
Fort Pierce, Florida 34947  
Telephone: (772) 429-4510  
Facsimile: (772) 429-4528  
E-mail: SS-GRV@stlucieschools.org

Non-Discrimination Policy Inquiries and Complaints by Employees and Applicants for Employment:

**EXECUTIVE DIRECTOR OF HUMAN RESOURCES**

School Board of St. Lucie County, Florida  
4204 Okeechobee Road  
Fort Pierce, Florida 34947  
Telephone: (772) 429-7508  
Facsimile: (772) 429-7510  
E-mail: EMP-GRV@stlucieschools.org

Inquiries and Complaints under SECTION 504 OF THE REHABILITATION ACT OF 1973 should be directed to the School Board’s Section 504 Compliance Officer, the Director of Student Services, contact information listed above.

If due to a disability you need special accommodations to receive School Board information or to participate in School Board functions, call (772) 429-3600 and ask for the School Board Secretary. Telecommunications Device for the Deaf (TDD) phone (772) 429-3919.