

**Gulf School District**

**Code of Conduct**

**School Year  
2011-2012**

**Board Approved:**

**July 21, 2011**

## TABLE OF CONTENTS

<b>1.</b>	<b>INTRODUCTION.....</b>	<b>5</b>
<b>2.</b>	<b>LEGAL BASES FOR STUDENT DISCIPLINE.....</b>	<b>5</b>
1.	Authority of the Board.....	5
2.	Authority of the Superintendent.....	6
3.	Authority of the Principal.....	7
4.	Authority of the Teacher.....	8
5.	Authority of the School Bus Driver.....	8
6.	Pupils Subject to Control of School.....	9
7.	Liability of Teacher or Principal.....	9
<b>III.</b>	<b>PHILOSOPHICAL BASES.....</b>	<b>9</b>
<b>IV.</b>	<b>GOAL.....</b>	<b>11</b>
<b>V.</b>	<b>OBJECTIVES.....</b>	<b>11</b>
1.	To prevent threat of assault on or physical injury to students and any school personnel.....	11
2.	To prevent theft, damage or misuse of school and private property.....	11
3.	To comply with directions of administrators, teachers and other school personnel.....	11
4.	To prevent disruptive protest, marches and picketing.....	11
5.	To prevent illegal use of tobacco.....	12
6.	To prevent illegal alcoholic beverages, drugs or narcotics.....	12
7.	To prevent harassment.....	12
8.	To participate in Interscholastic Extracurricular Student Activities.....	12
9.	To prevent students from using profane or abusive language.....	13
10.	To discourage school disruptions.....	13

11.	To prohibit weapons and dangerous instruments.....	13
12.	To prohibit electronic telephone pagers .....	13
13.	To encourage proper use of cell phones.....	13
14.	To encourage Attendance.....	13
1.	To allow Make-Up.....	15
2.	To discourage Tardies.....	15
15.	No exemptions from final exams.....	16
16.	Attendance Requirements For Home Education.....	16
<b>VI.</b>	<b>STUDENTS RESPONSIBILITIES AND RIGHTS.....</b>	<b>17</b>
	Responsibilities.....	17
	Rights.....	18
<b>VII.</b>	<b>SPECIFIC GROUNDS FOR DISCIPLINARY ACTION.....</b>	<b>19</b>
<b>VIII.</b>	<b>DISCIPLINARY PROCEDURES.....</b>	<b>21</b>
<b>IX.</b>	<b>EXPULSION OF STUDENTS.....</b>	<b>24</b>
<b>X.</b>	<b>SCHOOL BUS CODE.....</b>	<b>25</b>
<b>XI.</b>	<b>GUIDELINES FOR DISCIPLINE OF STUDENTS WITH DISABILITIES.....</b>	<b>26</b>
A.	Rationale.....	26
B.	Responsibility of ESE Teachers and Support Services.....	27
C.	Responsibility of School Administrators.....	27
D.	Definitions.....	28
E.	Authority of School Personnel.....	29
F.	Manifestation Determination.....	30
G.	Long Term Removals.....	31
H.	Free Appropriate Public Education for Students With Disabilities Who Are Suspended or Expelled .....	32
I.	Interim Alternative Educational Settings (IAES)an.....	33
J.	Expedited Hearing.....	33

K.	Student’s Placement During Proceedings.....	34
L.	Protections for Students Not Yet Eligible for Special Education..... And Related Services	35
M.	Student Records in Disciplinary Procedures.....	36
<b>XII.</b>	<b>STUDENT GRIEVANCE PROCEDURE.....</b>	<b>36</b>
<b>XIII.</b>	<b>DUE PROCESS PROCEDURES.....</b>	<b>37</b>
<b>XIV.</b>	<b>SCHOOL’S SECURITY PLAN.....</b>	<b>38</b>
<b>XV.</b>	<b>SPECIFIC DEFINITIONS.....</b>	<b>38</b>
<b>XVI.</b>	<b>SPECIAL NOTE.....</b>	<b>39</b>

## **GULF COUNTY**

### **CODE OF CONDUCT AND DISCIPLINE**

#### **I. INTRODUCTION**

The primary function of the public schools is to provide educational experiences and opportunities for each student. Education usually takes place in an atmosphere of good order and discipline. The responsibility for good order and discipline belongs to the entire community - students, parents, teachers, school administrators, school board and the general public.

The development of this Student Code of Conduct and Discipline has been a dedicated effort of many people, including students, teachers, school administrators and parents. The purpose of this document is to provide information concerning the responsibilities and rights of students. Disciplinary procedures are also included for those who do not accept these responsibilities and rights.

An effort has been made to examine the practice of our schools and develop a fair and consistent code that should set a tone for an atmosphere conducive to positive educational experiences. Student responsibilities, as well as their rights, have been specifically defined.

Although the Florida Legislature enacted a law requiring school districts to develop a Code of Student Conduct and Discipline, we have taken this task as another means for involving the community in their schools and trying to provide an educational program to meet the students' needs within an acceptable framework of conduct as set by this our community. This code, with proper administration, will contribute to better instruction for our students.

#### **II. LEGAL BASES FOR STUDENT DISCIPLINE**

There are several state laws which grant authority in the area of developing a Code of Student Conduct and Discipline.

##### **A. Authority of the Board F.S. 1006.07**

The School Board acting as a board, shall exercise all powers and perform all duties listed below:

**Child Welfare** - Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, for proper attention to health, safety and other matters relating to the welfare of children in the following fields, as prescribed in Chapter 232.

**Control of Pupils** - Adopt rules and regulations for the control, discipline, suspension, and expulsion of pupils and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of Chapter 120. Expulsion hearings shall be governed by the provisions of s.120-56(2). Provided however, that the School Board shall not have the authority to prohibit the use of corporal punishment as provided in this act.

**Code of Student Conduct** - Make available to all teachers, school personnel, students, and parents or guardians, at the beginning of 1990-91 school year and every school year thereafter, a code of students' conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the School Board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to: specific grounds for discipline, including corporal punishment; and an explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy and participation in school programs and activities.

**Release of Directory Information** – The district may release “directory information” about students to the general public:

- Name
- Address
- Telephone number, if listed
- Participation in recognized activities and sports
- Weight/Height if an athletic team member
- Name of most recent school or program attended
- Dates of attendance at schools in the district
- Date and place of birth

**B. Authority of the Superintendent F.S. 1006.08:**

The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the School Board. The recommendations, nominations, proposals and reports required by law and regulation to be made in writing, noted in the minutes and filed in the public records of the board. It shall be presumed that in the absence of the record required in this paragraph, the recommendation, nominations and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

**Child Welfare** - Recommend plans to the school board for the proper accounting for all children of school age, for the attendance and control of pupils at school, for the proper attention to health, safety, and other matters which will best promote the welfare of children in the following fields, as prescribed in Chapter 232.

**Control of Pupils** - Propose rules and regulations of the control, discipline, suspension, and expulsion of pupils and review and modify recommendations for suspension and expulsion of pupils and transmit to the School Board for action recommendations for expulsion of pupils. When the superintendent makes a recommendation for expulsion to the School Board, he shall give written notice to the pupil and his parent or guardian of the recommendation setting forth the charges against the pupil and advising the pupil and his parent or guardian of his right to due process as prescribed by a.120.57(2). When school board action on a recommendation for the expulsion of a pupil is pending, the superintendent may extend the suspension assigned by the principal beyond 10 days if such suspension period expires before the next regular or special meeting of the school board.

**C. Authority of the Principal F.S. 1006.09:**

Subject to law and to the rules of the State Board and the District School Board, the principal or his designated representative in charge of the school shall develop policies by which he may delegate to any teacher or other member of the instructional staff or to any bus driver transporting students of the school such responsibility for the control and direction of students as he may consider desirable.

The principal or his designated representative may suspend a student only in accordance with the rules of the district school board, and each suspension shall be reported in writing within twenty-four (24) hours, with the reasons therefore, to the student's parent or guardian and to the superintendent. A good faith effort shall be made by the principal to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension. No student who is required by law to attend school shall be suspended for unexcused absence or truancy. The principal or his designated representative may suspend any student transported to or from school at the public expense from the privilege of riding on a school bus, giving notice in writing to the student's parent or guardian and to the superintendent within twenty-four (24) hours. School personnel shall not be held legally responsible for suspensions of students made in good faith.

The principal or his designated representative may recommend to the superintendent the expulsion of any student who has committed a serious breach of conduct including, but not limited to, willful disobedience, open defiance of authority of a member of his staff, violence against persons or property, or any other act which may result in recommendation of expulsion, shall include a detailed report by the principal or his

designated representative on the alternative measures taken prior to the recommendation of expulsion.

The principal or his designated representative shall include an analysis of suspensions and expulsions in the annual report of school progress.

**D. Authority of the Teacher F.S. 1006.11:**

Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him by the principal or his designated representative and shall keep good order in the classroom and in other places in which he is assigned to be in charge of students. If a teacher feels that corporal punishment is necessary, at least the following procedures shall be followed:

The use of corporal punishment shall be approved by the principal before it is used, but approval is not necessary for each specific instance in which it is used.

A teacher or principal may administer corporal punishment only in the presence of another teacher or staff member designated by the principal who is informed beforehand, and in the student's presence, of the reason for the punishment.

A teacher or principal who has administered punishment shall, upon request, provide the pupil's parent or guardian with a written explanation to the reason for the punishment and the name of the other teacher or staff member designated by the principal or the principal who was present.

Teachers may, after documented intervention attempts, remove a disruptive student and refuse readmission into the classroom. A placement review committee of two (2) teachers and one (1) person appointed by the Principal will determine the best available placement of the student. This placement may be to a similar class or program in the school, to alternative placement to another attendance center, or return to the original class. F.S. 232.271(1)

**E. Authority of the School Bus Driver F.S. 1006.10:**

The principal shall delegate to the school bus driver such authority as may be necessary for the control of pupils being transported to and from school, or school functions at public expense.

Any pupil who persists in disorderly conduct on a school bus shall be reported to the principal by the driver of the bus and may be suspended by the principal of the school he attends from being transported to and from school, and school functions, at public expense.

The school bus driver, shall preserve order and good behavior on the part of all students being transported, but he shall not suspend the transportation of or give physical punishment to any pupil, or put any pupil off the bus at other than the regular stop for that pupil, except by order of the parent or the principal in charge of the school the pupil attends; provided, that should an emergency develop due to the conduct of pupils on the bus, the bus driver may take such steps as are reasonably necessary to protect the pupils on his bus.

**F. Pupils Subject to Control of School F.S. 1006.09, 1006.10:**

Subject to law and rules and regulations of the state board and of the School Board, each pupil enrolled in a school shall, during the time he is attending school, and during the time he is on the school premises, be under the control and directions of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the state board or the district school board may, by rules and regulations, subject each pupil to the control and direction of the principal or teacher in charge of the school during the time he is otherwise en route to or from school or is presumed by law to be attending school. School personnel are exempt from civil liability when reporting in good faith to the proper school authority such as suspected unlawful use, possession or sale of any controlled substance by a student.

**G. Liability of Teacher or Principal F.S. 1006.09 (8):**

Except in the case of excessive force or cruel and unusual punishment a teacher or other member of the instructional staff, a principal or his designated representative, or a bus driver shall not be civilly or criminally liable for any action carried out in conformity with the state board and district school board rules regarding the control, discipline, suspension, and expulsion of students.

**III. PHILOSOPHICAL BASES**

Following are the philosophical bases upon which the students' responsibilities and rights exist:

Schools must make available written rules of conduct to students and parents. Students and parents must assume responsibility for knowing and observing both school rules and state laws which govern student conduct.

School administrators have an obligation under state law to enforce compulsory school attendance laws. Students have an obligation to avail themselves of the opportunity for a free education.

Schools must provide an educational program based upon the needs of the students and society. Students have the responsibility to utilize the educational experiences.

Schools should provide for opportunities for participation in extra-curricular activities. Students should avail themselves of participation in those activities which are of interest to them and for which they qualify.

Schools must provide an environment which assures respect for persons and property. Students have an obligation to respect the persons and property of others.

Schools have a responsibility to insure the privacy rights of students as specified by law.

Schools shall provide opportunities for student groups to meet in accordance with rules and scheduled use of facilities.

Schools have an important role in providing effective avenues for student expression in a wide variety of ways pursuant to the State Board and the School Board rules. Students should try to understand the attitudes and viewpoints of the entire school community.

#### **IV. GOAL**

The goal of this code is to establish in one compilation such rules with regard to the conduct of students in the Gulf County Schools which have been deemed appropriate and necessary for the maintenance of a wholesome “school climate”, which will be applicable to all students.

#### **V. OBJECTIVES**

1. To prevent threat or assault on or physical injury to students and any school personnel.

No student shall intentionally threaten or assault or cause physical injury to other students or any school personnel. Actions taken in self-defense or undertaken on the reasonable belief that it was necessary to protect some person shall not be considered an intentional act under this rule.

2. To prevent theft, damage or misuse of school and private property.

No student shall steal or intentionally damage any school or private property either on school premises, on any school bus, or during any school-sponsored activity. This includes tampering with school security cameras.

3. To comply with directions of administrators, teachers and other school personnel.

Students shall obey all directions of administrators, teachers, substitute teachers, student teachers, teacher aides, bus drivers, volunteers and all other persons who are authorized to give such directions during any specified period of time when they are subject to the authority of such personnel.

4. To prevent disruptive protest, marches and picketing.

No student shall engage in or encourage any other student on or off school property to participate in any protest, march, picketing, or similar activities which cause or result in the disruption of any lawful function or activity of the school to which he is assigned or any other school in the Gulf County School System.

5. To prevent illegal use of tobacco.

No student shall possess, smoke or use any tobacco product:

- a. On any school bus
- b. In any school building
- c. On any school campus

6. To prevent alcoholic beverages, illegal drugs or narcotics.

A student shall not knowingly buy, sell, possess, use, transmit or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind. Use of a drug authorized by a medical prescription from a registered physician shall not be considered a violation of this rule.

The use of illicit drugs and the unlawful possession and use of alcohol is wrong, and harmful to students.

7. To prevent harassment.

No student shall in any manner, whether verbal, written, physical or sexual, harass another student or any school personnel.

8. To participate in interscholastic extracurricular student activities.

In order for a student to be eligible to participate in interscholastic extracurricular activities (i.e., sports, music festivals, speech, debate, art and drama competitions, etc.), he/she must maintain satisfactory conduct. Any student who commits the following offenses is disqualified from participation for the remainder of the school year:

- a. A single or combination of disciplinary actions may result in the principal disqualifying a student for an event(s) or from participation in events up to balance of school year.
- b. If a student is convicted of, or is found to have committed a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether or not adjudication is withheld.

9. To prevent students from using profane or abusive language.

A student shall not use any profane or abusive language.

10. To discourage school disruptions.

A student shall not by use of violence, force, noise, coercion, intimidation or any other conduct cause disruption of any school function; nor shall any student urge others to engage in any such disruptive conduct.

11. To prohibit weapons and dangerous instruments.

A student shall not possess, handle, or transmit a knife, razor, razor blade, ice pick, explosive gun, chain or any other object that reasonably can be considered a weapon.

12. To prohibit electronic telephone pagers.

Possession of an electronic telephone pager by a student while such student is upon school property or in attendance at a school function is grounds for suspension and/or expulsion.

13. To encourage proper use of cell phones. **SBP 5.37; F.S. 1006.07 (2) (e)**

Cell phones are allowed as long as they remain in the student's locker, backpack or purse. Students may not carry them in a pocket or use them during the school day. Violation of this policy will warrant disciplinary action according to the school's disciplinary policy stated in the school handbook.

14. **To encourage attendance.**

Attendance is compulsory for students from ages 6 to 16 unless exempt by law. F.S. 1003.26, requires that students between the ages of 16 and 18 years attend school regularly unless a formal intent to withdraw from school is filed and signed by the student and the parent. Upon receipt of the form, the superintendent must notify the board of the student's intent to withdraw from school.

School is in session 180 days and students are expected to attend unless they have an excusable absence. Excused absences will be given only to requests that fall under the following: a) religious holidays; b) Illness or injury; c) Death within the family; d) Legal reasons; e) Participation in an academic class or program; f) Pre-approved family vacation with student academic requirements, but with the understanding the

principal has the right to revoke pre-approved if the student has been absent a questionable number of days; and g) Absences due to other insurmountable conditions that may arise. The principal may rule on special situations. Period attendance is defined as being present fifty percent (50%) of the class. Attendance will be recorded as excused or unexcused. Upon return to school from an absence, the student must bring a note from parents explaining the absence or the parent must contact the school by phone, email or in person. The student will have a maximum of three (3) days after the absence to bring a note. If the parent wishes to personally contact the school via cell phone, email or in person, it must be done within 3 days after the absence. A doctor's note may be required if a student is continually sick or repeatedly absent from school.

The following criteria applies to attendance:

- a. Each unexcused absence - If a student has an unexcused absence the parent will be notified.
- b. If a student has five (5) unexcused absences within a calendar month (i.e. September, January) or grading period – or ten(10) within a 90 calendar day period there may be a pattern of non-attendance, a parent conference will be held to address the student's attendance. Parents are encouraged to accompany the student back to school after the third unexcused absence. Also, unless there is clear evidence that absences are not a **pattern** of non-attendance, the principal shall refer the case to a child study team to meet with the parent and identify remedies. **F.S. 1003.26 (1) (b-f)**
- c. If a pattern of non-attendance is established, the child study team will suggest options such as attendance contracts, alternative programs or other strategies which will encourage students to attend school.
- d. Fifteen (15) unexcused cumulative full day absences - the principal or principal's designee notifies the superintendent who in turn initiates the notification of DHSMV as well as other appropriate agencies (i.e., Learnfare and the court). **F.S. 1003.27 (2) (b)**

Grades 9-12 state law defines a minimum of 67.5 hours of instruction as one-half (1/2) credit or 135 hours as 1 credit. Any student who has not been in attendance for instruction for a minimum of 59 hours must demonstrate mastery of the student performance standards through testing, class work, projects, and homework to receive credit. Student

promotion to the next higher grade will be seriously jeopardized when a student's absenteeism is in excess of three (3) days per nine (9) weeks.

Period attendance is defined as being present fifty percent (50%) of the class. Attendance will be recorded as excused or unexcused. Upon return to school from an absence, the student must bring a note from parents/guardians explaining the absence or the parent may contact the school. The student will have a maximum of three (3) days after the absence to bring a note. It is the student's responsibility, the day he or she returns, to make arrangements with individual teachers to make up all work.

#### **A. To Allow Make-Up Work**

The student is expected to make up all work and all tests missed during the **EXCUSED** absence(s) according to the following conditions:

1. The student must contact the teachers on the first day back in each class in order to make arrangements to make up the work.
2. It is the student's responsibility to make up work within the given time frame unless other arrangements are made due to extenuating circumstances. The time frame for make-up work is the number of days absent plus one (1) day (i.e., 1 day absent plus 1 equals 2 days to make up work).

#### **MAKE-UP WORK FOR OUT-OF-SCHOOL SUSPENSIONS AND UNEXCUSED ABSENCES.**

Student who are suspended out of school are remanded to the custody of the student's parent with specific homework assignments to complete (S.1003.01) and may earn a grade up to 59. The student will be given the number of days suspended plus 1 to complete assignments. Students who have unexcused absences may complete homework and class work assignments, but receive a grade no higher than 59. They will have the number of consecutive days absent plus one to turn in their work.

#### **B. To Discourage Tardies**

The student is responsible for regular and punctual class attendance. Students must be inside the classroom by the end of the ringing of the tardy bell in order not to be considered tardy. The teacher will determine if a tardy is excused or unexcused.

Students who arrive five (5) minutes after the beginning of the school day must report to the office.

Students will be allowed one (1) unexcused tardy in each class per nine (9) weeks. When a student is issued a second (2<sup>nd</sup>) unexcused tardy in a class, he/she will be referred to the office for disciplinary action.

15. No Exemptions From Final Exams

16. Attendance Requirements For Home Education.

Florida Statutes 1003.26 specifies requirements to be followed if a parent of guardian of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to 1002.41, Florida Statutes. These requirements are as follows:

- Requires the Superintendent of schools to provide the parent or guardian with a copy of Section 1002.41, Florida Statutes, and accountability requirements of this paragraph and to refer the parent or guardian to a home education review committee composed of the district contact for home education and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least three years and who have indicated a willingness to serve on the committee.
- Provides that the home education review committee must review the student's portfolio, as defined by Section 1002.41, Florida Statutes, every 30 days of the regular school term until the committee is satisfied that the home education program is in compliance with Section 1002.41, Florida Statutes. The first portfolio review must occur within the first 30 calendar days of the establishment of the program. Once the committee determines that the home education program is in compliance with Section 1002.41, Florida Statutes, then provisions for failure to produce a portfolio, as described below, no longer apply.
- Provides that if a parent or guardian fails to produce a student portfolio pursuant to Section 1002.41, Florida Statutes, the committee shall notify the Superintendent, who shall then terminate the home education program and require the parent to enroll the child in an attendance option under Section 1002.41, Florida Statutes, within three days. Upon termination of a home education program, the parent or guardian shall not be eligible to re-enroll the child in a home education program for 180 calendar days. Failure to enroll the child in an attendance option, after termination of the home education program, shall constitute non-compliance with compulsory attendance requirements of Section 1002.41, Florida Statutes, and may result in criminal prosecution under Section 1002.41, Florida Statutes. Nothing in this section shall restrict the ability of the Superintendent of Schools or his or her designee to review the portfolio pursuant to Section 1002.41, Florida Statutes.

## **VI. STUDENTS' RESPONSIBILITIES AND RIGHTS**

Students have responsibilities and rights relative to the knowledge and observation of school rules. They also have definite responsibilities and rights in the areas of attendance, right to learn, participation in school programs and activities, respect for persons and property, privacy, assembly and free speech and student publications. Following is a listing of the specific responsibilities relative to the many aspects of their educational experience.

### **RESPONSIBILITIES**

- A. Students are responsible for knowing and observing school rules.
- B. Students have the responsibility to take advantage of their educational opportunity by attending all classes daily and on time.
- C. Students have a responsibility to:
  - 1. Take advantage of the appropriate school programs and not infringe on the rights of others to learn.
  - 2. Involve themselves in the classes in which they are enrolled through participation as directed by the teacher.
  - 3. Involve parents and school personnel in making certain curriculum choices.
- D. Student organization officers and representatives have the responsibility to be alert to needs of the school, the concerns of the student body and to work toward the satisfaction of these needs and concerns to the best of their ability.
- E. Students have the responsibility to:
  - 1. Respect the persons and property of other students and the school staff.
  - 2. Take care of the property of the school system.
- F. Parents, guardians, or eligible students have the responsibility of informing the school and individuals or agencies who are working actively and constructively for the benefit of the student, of any information that may be useful in making appropriate educational decisions.
- G. Students have the responsibility not to carry or conceal any such material that is prohibited by law or would detract from the educational process.
- H. Students have the responsibility to plan, seek approval, and conduct those activities which are consistent with the educational objectives and responsibilities of the school.

- I. Students have the responsibility to accept the rights of other individuals to have differing viewpoints and to express themselves or other issues in which does not infringe upon the rights of others or interfere with the orderly educational process of the school and is not obscene or libelous or in violation of the school rules.

## **RIGHTS**

- A. Students have a right to expect clear, understandable rules and regulations, and laws to be furnished by the school. They may expect these rules, regulations, and laws to be enforced fairly with the right to due process afforded.
- B. Students have the right to clearly defined information on school board rules and individual school policies dealing with attendance.
- C. Students have a right to participate in the appropriate school programs at all levels of instruction and in an atmosphere conducive to the teaching-learning process.
- D. Students have the right under the direction of a faculty advisor to:
  - 1. Form and operate within their respective schools, appropriate student organizations.
  - 2. Seek office and participate in activities and organizations regardless of race, sex, color, creed, or political beliefs.
- E. Each student has the right to expect:
  - 1. That his person and property will be respected by other students and the school staff.
  - 2. The school property to be safe, clean, attractive and well maintained.
- F. Students have the right to:
  - 1. Be protected by legal provisions which prohibit the release of personally identifiable information to other than legally authorized persons and to inspect, review and challenge such information as provided by law.
  - 2. Privacy in their personal possessions unless the principal has a reasonable cause to believe that the student is concealing material, which possession of, is prohibited by law.
  - 3. Prior notification of any general search of lockers except in emergency situations.

- G. Students have the right to assemble peacefully on school grounds or in school buildings. Exercise of this right shall be denied when it substantially and directly endangers physical health or safety, damages property, or disrupts the school program.
- H. Students have the right to express themselves and to petition and survey student opinion in accordance with the established procedures.

## **VII. SPECIFIC GROUNDS FOR DISCIPLINARY ACTION:**

Since misconduct of any degree or frequency is undesirable and not conducive to a positive learning environment for all, students should understand that certain consequences are applicable to their behaviors. Because some behaviors are more serious and disruptive than others, the frequency, nature, and degree of the misconduct will determine the specific disciplinary action which will be taken.

Following is a non-exhaustive list of behaviors for which disciplinary action of some type will be taken.

1. ABSENCES
2. ABUSIVE LANGUAGE
3. ASSAULT AND BATTERY
4. BULLYING: PHYSICAL, VERBAL OR ELECTRONIC
5. CHEATING
6. CUTTING CLASS
7. DAMAGE TO PERSONAL PROPERTY OF STUDENTS AND STAFF MEMBERS
8. DAMAGE TO SCHOOL PLANT AND GROUNDS
9. DEFIANCE
10. DISRESPECT FOR A SCHOOL BOARD EMPLOYEE
11. DISRUPTION OF CLASS OR SCHOOL ACTIVITIES
12. DISTRIBUTION OF UNAUTHORIZED MATERIALS

13. FAILURE TO FOLLOW INSTRUCTION
14. FIGHTING
15. HARASSMENT
  - a. Sexual
  - b. Verbal
  - c. Physical
16. LIBELOUS STATEMENTS
17. LYING
18. LOSS OR DAMAGE OF MATERIALS BELONGING TO THE SCHOOL
19. OBSCENE LANGUAGE
20. PHYSICAL OR VERBAL ABUSE BY STUDENTS TO STAFF MEMBERS
21. POSSESSION OR USE OF ANY TOBACCO PRODUCT
22. POSSESSION OR USE OF DRUG PARAPHERNALIA
23. POSSESSION OR USE OF UNAUTHORIZED SUBSTANCES
24. POSSESSION OR USE OF WEAPONS
25. STEALING
26. TARDINESS
27. TEASING AND HORSEPLAY
28. THREATS OF PHYSICAL VIOLENCE
29. UNAUTHORIZED ASSEMBLY
30. VANDALISM

## **VIII. DISCIPLINARY PROCEDURES**

Depending on the seriousness and frequency of the misconduct certain disciplinary procedures will be followed.

A. For those behaviors which are less serious the following action will be taken:

1. Teacher-pupil conference
2. Teacher-parent communication
3. Withdrawal of privileges that are under the teacher's jurisdiction
4. Counseling by teachers, student service personnel and/or administrator
5. Administrative warnings
6. Assignment to detention
7. Corporal punishment
8. Exclusion from extracurricular activities
9. In-school suspension

Repeated occurrences of less serious infractions may be dealt with in same manner as misconduct of a more serious nature. Following are disciplinary actions which may be taken for such behaviors and which should be considered in addition to any of the above mentioned actions.

1. Corporal punishment
2. Assignment to detention
3. In-school suspension
4. Out-of-school suspension
5. Exclusion from extracurricular activities
6. Suspension and/or expulsion from extra-curricular activities
7. Recommendation for expulsion
8. Expulsion

B. Some of the violations of school rules are also violations of the laws in the Criminal Code of The State of Florida. If students violate these laws, not only will they be subject to suspension from school, but the local law enforcement officials will be contacted to handle the student's misconduct.

1. The possession or sale of controlled substances as defined in Chapter 893, or weapons by any student while said student is upon school property, or in attendance at a school function is grounds for suspension and/or recommended expulsion by the School Board.
2. The possession, sale, transfer, or use by any student of any form of alcoholic beverages, drugs with abuse potential, hallucinogen, drug paraphernalia (as defined in State Substantive Laws Chapter 893 Sections 145, 146, and 147), or similar items except those specifically prescribed by a licensed physician is prohibited. Drugs with abuse potential are defined as those requiring a physician's prescription, or those drugs whose possession is prohibited by Florida law.
  - a. Any student possessing, transferring, selling or under the influence of any item listed above, except under the direction of a licensed physician for said student, may be immediately suspended for up to ten (10) days from school and could be required to seek immediate professional substance abuse counseling, when such violation is verified by school administrator.

The school administrator also has the option to recommend expulsion to the School Board.

- b. Upon verification of substance abuse counseling from the substance abuse counselor; the school administrator may reduce the suspension; however, failure to complete counseling will result in the immediate reinstatement of the remaining part of the ten (10) day suspension not previously served. The use of illicit drugs and the unlawful possession and use of alcohol is wrong, and harmful to students.
  - c. A repeat of this policy will result in an immediate ten (10) day suspension and a possible recommendation of expulsion to the School Board.
  - d. Possession of electronic telephone pagers or cell phones by any student while such student is upon school property or in attendance at a school function is allowed as long as the electronic device is kept in the student's locker, purse or pocket. Violation of this policy may result in suspension.

- e. **Offense of Sexting** – “The act of electronically sending sexually explicit messages or photographs of one’s self or others.” A minor who knowingly:

Uses a computer or any other electronic device capable of electronic data transmission or distribution to transmit or distribute to another minor any photograph or video of any person which depicts nudity as defined in statute and is harmful to minors.

Possesses a photograph or video of any person that was transmitted or distributed by another minor, which depicts nudity as defined by statute and is harmful to minors.

The student will be suspended and remanded to the court as stated in the new section of statute.

The number of days suspended will depend upon the level of the offense as state in the Student Handbook at each school.

- f. **Dress Code** – Students are prohibited from wearing clothing to school during the regular school day that indecently or in a vulgar manner exposes underwear or body parts or that is disruptive to an orderly learning environment.

**First Offense** – Verbal warning and principal must call the parent or guardian – Student must correct dress code infraction immediately or be sent to ISS for the remainder of the day.

**Second Offense** – Student is ineligible to participate in extra-curricular activities for up to 5 days and the principal **MUST MEET** with the parent or guardian.

**Third and Subsequent Offense** – The extra-curricular exclusion is extended up to 30 days and the student must be placed in In-School Suspension for up to 3 days and the principal must both call and send written notice to a parent or guardian.

- 3. Any pupil enrolled as a student who is formally charged with a felony act or a delinquent act, which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, but to 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, shall (following an administrative hearing upon notice provided to the parents or parent or guardian of such pupil by the principal of the school pursuant to rules promulgated by the State Board of Education, if such suspension

is recommended) be suspended from all classes of instruction until the determination of his guilt or innocence, or the dismissal of the charge, is made by a court of competent jurisdiction. If the pupil is adjudicated guilty of a felony, the Gulf District School Board shall immediately expel him. Any pupil who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 may be entitled to a waiver of the discipline or expulsion:

- a. If he divulges information leading to the arrest and conviction of the person who supplied such controlled substance to him, or if he voluntarily discloses his unlawful possession of such controlled substance prior to his arrest. Any information divulged which leads to such arrest and conviction is not admissible in evidence in a subsequent criminal trial against the pupil divulging such information.
  - b. If the pupil commits himself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.
4. Students convicted of a felony and plan to return to the school system may be placed in an alternative setting.

## **IX. EXPULSION OF STUDENTS**

The Gulf County School Board has the sole right to expel a student from the public school system upon the recommendation of the Superintendent for any behavior listed under Formal Disciplinary Actions. A good faith effort shall be made by the principal of his/her designee to employ parental assistance or other alternative measures prior to suspension or expulsion except in the case of emergency or disruptive conditions which require immediate suspension or expulsion or in the case of a Serious Breach of Conduct. **Based upon a ZERO TOLERANCE POLICY F.S. 1006.13, commission of any of the following offenses shall result in expulsion:**

- homicide (murder, manslaughter)
- sexual battery
- armed robbery
- aggravated battery
- battery or aggravated battery on a teacher or other school personnel
- kidnapping or abduction
- arson
- possession, sale, use or under the influence of any controlled substance under **F.S. 1006.13**, model glue, other inhalant, or alcohol
- possession, use or sale of any explosive device.
- Making a threat or false report involving school or school personnel's property, school transportation, or a school sponsored activity as stated in F.S. 1006.13.

### **Zero Tolerance and Students With Disabilities**

Students with a disability may be placed in an alternative educational setting for no more than 45 days for violating the District Code of Conduct by:

- 1) Carrying a weapon to or possessing a weapon at school or a school function;
- 2) Knowing, possessing, using, selling or soliciting the sale of a controlled substance at school or a school function;
- 3) Inflicting serious bodily injury upon another person while at school or a school function.

**Based upon a ZERO TOLERANCE POLICY, possession, use or sale of any firearm shall result in expulsion for no less than one (1) full year.**

**Students who are recommended for expulsion may qualify for Gulf Academy in lieu of expulsion. Each case will be reviewed on an individual basis and a final decision will be determined by the Superintendent.**

## **X. SCHOOL BUS CODE**

General Provision:

Students transported at public expense must:

1. Stay off the roadway at all times while going to or waiting for the bus.
2. Wait until the bus comes to a complete stop before attempting to get on or off the bus.
3. Enter or leave the bus only at the front door after the bus has come to a stop, except in cases of an emergency.
4. Cross the highway, if necessary, in the following manner:
  - a. Make certain that the bus is stationary.
  - b. Upon the signal of the driver, look both ways (left and right) and proceed across the highway.
5. Keep head and hands inside the bus at all times.
6. Leave the bus only with the consent of the driver.
7. Be as silent as possible while in route to school, home, or other trips.
8. Throw no objects, paper or other material, in or out of the bus at anytime.

9. Keep the aisle and step wells clear at all times.
10. Take no sharp instruments aboard the bus.
11. Take no food, or drinks aboard the bus.
12. Do not tamper with door handles and other safety equipment at any time unless told to do so by the driver.
13. Do not curse, scratch, write on, or otherwise mar or deface any part of the bus.
14. Do not smoke, chew, or possess tobacco products.
15. Observe Code of Conduct rules.

Disciplinary action may include but shall not be limited to:

1. Warning-Parent Contact
2. Notice mailed to Parent
3. Driver-Parent-Student-Principal conference.
4. 1-3 day suspension from the bus and/or the school if warranted.
5. Parent-Student-Principal conference.
6. And/or 3-5 day suspension from the bus and/or the school.

Suspension and expulsion procedures for students with disabilities are outlined below and in accordance with state and federal statutes.

## **XI. GUIDELINES FOR DISCIPLINE OF STUDENTS WITH DISABILITIES**

### **A. RATIONALE**

The maintenance of acceptable behavior, as defined in the Code of Conduct, is the goal for every student in the Gulf County School District. Identification and classification of students as disabled (any student classified as an Exceptional Student-excluding Gifted) indicate the district's effort to provide special educational measures for these students. Likewise, behaviors must be sensitively and individually managed in accordance with the student's disability.

It is the ethical and legal responsibility of all personnel dealing with disabled students to assure that the means utilized to manage deviant behavior and its consequences are the most effective according to the unique needs of individual students. This often requires the use of a wider range of methods and alternatives and degrees of tolerance since classification of “disabled” suggests that routine disciplinary measures may not be effective.

The guidelines below are written to facilitate IDEA Reauthorization, implementing regulations under 34CFR Part 300, and court orders and to:

1. Allow principals reasonable latitude to discipline disabled students, to protect the welfare of persons and/or property, and the right of disabled students to a free, appropriate public education.
2. Involve Exceptional Student Education staff in instances of major infraction and/or unusual circumstances and,
3. Provide consistent procedures for discipline of disabled students and, in as much as possible, prevent critical disciplinary situations.

#### **B. RESPONSIBILITY OF ESE TEACHERS AND SUPPORT SERVICES**

It is the professional responsibility of the Exceptional Student Education teacher to:

1. Provide and maintain a structured classroom environment conducive to learning.
2. Identify and document in the student’s I.E.P. any needs for developing acceptable behavior (based on previous or present level) then implement strategies designed to meet individual needs.
3. Involve parents in problem-solving and alternative strategies regarding incidents of misconduct and document in a classroom card file all attempts and contacts with parents in this regard. When deemed appropriate, modify the student’s I.E.P. in accordance with appropriate procedure.
4. Refer students to school administrators for disciplinary action only when alternative measures have failed or when the student may harm himself, others, or property.

#### **C. RESPONSIBILITY OF SCHOOL ADMINISTRATORS**

Principals/Designees shall make good faith efforts to involve parents, teachers, and students in employing alternative measures to avoid formal disciplinary action. These

may include, but not be limited to, the following:

1. Corporal punishment (when appropriate)
2. In-school suspension
3. Guidance services
4. Peer counseling
5. Specific behavior management system
6. Detention
7. In-school isolation
8. Removal for the remainder of the day, etc.

When alternatives are not successful, formal disciplinary procedures should be followed.

#### **D. DEFINITIONS**

1. Change of placement. For the purposes of removals of a student with a disability from the student's current educational placement, a change of placement occurs when:
  - a. The removal is for more than 10 consecutive school days; or,
  - b. A series of removals which constitutes a pattern because the removals cumulate to more than ten (10) school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.
2. Controlled substance. A controlled substance is a drug or other substance identified through the Controlled Substance Act, 21 U.S.C.812(c), and s.2893.02,F.S.
3. Weapons. A weapon is defined in s.790.001(13),F.S., and includes a dangerous weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. Penalties for possession or discharging weapons, (including a sword cane, firearm, electric weapon or device, destructive device, or other weapon, including a razor blade, box cutter, or knife, except as authorized in support of school-sanctioned

activities) are found in s.790.115,F.S.

4. Individual Educational Plan (IEP) team. An IEP team must meet the requirements specified in the Provisions for an Individual Educational Plan for Students with Disabilities section of this document.
5. Manifestation determination. A manifestation determination examines the relationship between the student's disability and a specific behavior that may result in disciplinary action.
6. Interim alternative educational setting. An interim alternative educational setting (IAES) is a different location where educational services are provided for a specific time period due to disciplinary reasons.
7. Expedited due process hearings. Expedited due process hearings may be held at the request of either the parent or the school district regarding disciplinary actions. These hearings must meet the requirements prescribed in subsection (5) of Rule 6A-6.03311,FAC, except that the written decision must be mailed to the parties within forty-five (45) days of the school district's receipt of the parent's request or the filing of the district's request for the hearing without exceptions or extensions.
8. Short term removals. A short term removal is the removal of a student with a disability for a total of ten (10) school days or less in a school year that does not constitute a change in placement as defined in subsection (1) above.
9. Long term removals. A long term removal is the removal of a student with a disability for more than ten (10) school days in a school year which may or may not constitute a change in placement as defined in subsection (1) above.

#### **E. AUTHORITY OF SCHOOL PERSONNEL**

1. Students with disabilities may receive the same removal that applies to students without disabilities, school personnel may order:
  - a. The removal of a student with a disability from the student's current placement for not more than ten (10) consecutive school days.
  - b. Additional removals of a student with a disability of not more than ten (10) consecutive days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change in placement as defined in subsection (1) above.
2. Referral to and action by law enforcement and judicial authorities.

The Principal or Superintendent may:

- a. Report a crime committed by a student with a disability to appropriate authorities and should not prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student with a disability;
- b. Ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime; and
- c. Must transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

## **F. MANIFESTATION DETERMINATION**

A manifestation determination, consistent with the following requirements, must be made any time disciplinary procedures result in a change of placement.

1. The IEP team and other qualified personnel:
  - a. Considers all relevant evaluation and diagnostic information including information supplied by the parents of the student, the student's current IEP and placement, and any other relevant information, then
  - b. Determines, in relationship to the behavior subject to disciplinary action:
    - (1) Whether the student's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's IEP and placement;
    - (2) Whether the student's disability impaired the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and
    - (3) Whether the student's disability impaired the student's ability to control the behavior subject to disciplinary action.
2. If the IEP team and other qualified personnel determine that the student's behavior was not related to the disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in

which they would be applied to students without disabilities. However, services must be provided.

3. With the exception of placement in an interim alternative educational setting, as described below, if the IEP team determines the student's behavior was related to the disability, the student cannot be placed by school personnel in another setting unless the IEP team determines that it is the most appropriate placement.
4. If the IEP team and other qualified personnel determine that any of the requirements of section F(1b) above were not met, the behavior must be considered a manifestation of the student's disability.
5. The review may be conducted at the same IEP meeting that is required by section (G).
6. Any deficiencies in the student's IEP or placement or in their implementation identified during the manifestation determination must be remedied immediately.
7. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may request an expedited due process hearing.

#### **G. LONG TERM REMOVALS**

For all such removals:

1. The school district must notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards as required in Rule 6A-6.03311,FA., on the same day as the date of the removal decision;
2. An IEP meeting must be held within ten (10) school days if the removal decision in order to perform a manifestation determination review as described in section (F) above;
3. Services consistent with section (H) below must be provided;
4. Either before or not later than ten (10) business days after either first removing the student for more than ten (10) school days in a school year or beginning with a removal that constitutes a change in placement:
  - a. If the school district did not conduct a functional behavioral assessment (FBA) and implement a behavior intervention plan (BIP) before the behavior that resulted in the removal, the IEP team must meet to develop an assessment.

- b. If the student has a BIP, the IEP team shall meet to review the plan and its implementation and modify the plan and its implementation as necessary to address the behavior.
5. As soon as practicable after developing the assessment plan and completing the FBA, as prescribed in paragraph above, the IEP team must meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions.
6. If subsequently, a student with a disability who has a BIP and who has been removed from the student's current placement for more than ten (10) school days in a school year is subjected to a removal that does not constitute a change in placement as described in section D(1) above;
  - a. The IEP team members shall review the BIP and its implementation to determine if modifications are necessary.
  - b. If one or more of the IEP team members believe that modifications are needed, the IEP team shall modify the plan and its implementation to the extent the IEP team determines necessary.

#### **H. FREE APPROPRIATE PUBLIC EDUCATION FOR STUDENTS WITH DISABILITIES WHO ARE SUSPENDED OR EXPELLED**

1. A school is not required to provide services to a student with a disability during short-term removals totaling ten (10) school days or less in a school year if services are not provided to students without disabilities during such removals.
2. A school district must provide free appropriate public education (FAPE) to a student with a disability, consistent with the requirements of this rule, beginning on the eleventh cumulative school day of removal in a school year.
3. A school district must provide services to a student with a disability who has been removed for more than ten (10) school days in a school year to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the student's IEP.
  - a. If the removal is for not more than ten (10) consecutive school days in a school year and is not considered a change in placement, consistent with section D(1), school personnel, in consultation with the student's special education teacher, shall determine the extent to which services are necessary to enable the student appropriately progress in the general curriculum and appropriately advance

toward achieving the student's IEP goals.

- b. If the removal is due to behavior that was determined to be a manifestation of the student's disability, the IEP team shall determine extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the student's IEP goals.

#### **I. INTERIM ALTERNATIVE EDUCATIONAL SETTINGS (IAES)**

1. The IEP team determines the IAES, unless it is determined by an administrative law judge.
  - a. The IAES must be selected so as to enable the student to continue to progress in the general curriculum and to continue to receive services and modifications, including those described in the student's current IEP goals.
  - b. The IAES must include services and modifications to address the behavior that resulted in the change of placement and that are designed to prevent the misconduct from recurring.
2. School personnel may place a student in an IAES for the same amount of time a student without a disability would be placed, but for not more than forty-five (45) calendar days without the consent of the parent or guardian if the student:
  - a. Carries a weapon to school or to a school function, or
  - b. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
3. School personnel must notify the parent of an IAES placement decision and provide the parent with a copy of the notice of procedural safeguards, consistent with Rule 6A-6.03311, FAC, on the day the placement decision is made.

#### **J. EXPEDITED HEARING**

1. An expedited hearing may be requested:
  - a. By the student's parent if the parent disagrees with a manifestation determination or with any decision regarding a change in placement.
  - b. By the school district if the school district demonstrates by substantial evidence that maintaining the current placement is substantially likely to result in injury to the student or to others (prior to removal to an interim alternative education

setting) during the pendency of a due process hearing or an appeal as prescribed in subsection (5) of Rule 6A-6.03311, FAC.

2. School district personnel may seek subsequent expedited hearings for alternative placements if after the initial forty-five (45) day term has expired, the district maintains the student's dangerous behavior is still likely to result in injury to the student or others.
3. An administrative law judge may order a change in the placement of a student with a disability to an appropriate interim alternative or another educational setting for not more than forty-five (45) days if the administrative law judge, in an expedited due process hearing.
  - a. Determines that the school district has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others;
  - b. Considers the appropriateness of the student's current placement;
  - c. Considers whether the school district has made reasonable efforts to minimize the risk of harm in the student's current placement including the use of supplementary aids and services; and
  - d. Determines that the interim alternative educational setting (IAES) that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of subsection (6).
4. In reviewing a decision with respect to the manifestation determination, the administrative law judge shall determine whether the school district has demonstrated that the student's behavior was not a manifestation of the student's behavior was not a manifestation of the student's disability consistent with the requirements of subsection above.
5. In reviewing a decision to place a student in an IAES, the administrative law judge shall apply the requirements of section (I).

## **K. STUDENT'S PLACEMENT DURING PROCEEDINGS**

1. If a request for a hearing is made to challenge placement in the IAES, the manifestation determination or disciplinary action resulting from the student's involvement with a weapon, illegal drug, controlled Substance, or dangerous behavior, the student must remain in the IAES pending the decision of the administrative law judge or until the expiration of the forty-five (45) day time

period, whichever occurs first, unless the parent and the school district agree otherwise.

2. If a student is placed in an IAES pursuant to section I(2) and J(3), and school personnel propose to change the student's placement after expiration of the forty-five (45) day time period, during the pendency of any proceeding to challenge the proposed change in placement, the student must remain in the placement prior to the IAES except as provided in section J(1b).
3. Except as specified in paragraph K(2) if the request for a hearing is to challenge the manifestation determination, the student's placement shall be consistent with the requirements of s230.23(4)(m)5,F.S.

#### **L. PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES**

A regular student who is the subject of disciplinary actions may assert any of the protections afforded to a student with a disability if the school district had knowledge of his or her disability before the misbehavior occurred for which the disciplinary action is being taken.

1. Basis of knowledge. A school district is determined to have knowledge that a student may have a disability if:
  - a. The parent has expressed concerns in writing (or orally, if unable to write) to school district personnel that the student needs special education and related services;
  - b. The behavior of performances of the student demonstrates the need for special education;
  - c. The parent has requested an evaluation to determine a need for possible special education services; or
  - d. The teacher of the student or other school district personnel have expressed concern about the student's behavior or performance to the special education director or to other appropriate school district personnel in accordance with the district's child find or special education referral system.
2. Exception. A school district would not be deemed to have knowledge if, as a result of receiving the information specified in section (L), the school district:
  - a. Conducted an evaluation and determined that the student was not a student with

- a disability; or
  - b. Determined that an evaluation was not necessary; and
  - c. Provided notice to student's parents of the determination that the student was not a student with a disability as required by Rule 6A-6.03311, FAC.
3. Conditions that apply if no basis of knowledge:
- a. If there is no basis of knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a student without a disability.
  - b. If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. After considering the evaluation results and information provided by the parents, if the student is determined to be a student with a disability, the school district shall provide special education and related services consistent with the requirements of section (H).

#### **M. STUDENT RECORDS IN DISCIPLINARY PROCEDURES**

School districts shall ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of s.228.093,F.S., and Rule 6A-1.0955,FAC:

1. For consideration by the person making the final determination regarding the disciplinary action, and
2. For consideration by the appropriate authorities to whom school districts report crimes.

#### **XII. STUDENT GRIEVANCE PROCEDURE**

**STEP 1:** Informal - Within ten (10) school days of the alleged violation, the student will informally discuss the alleged grievance with the principal.

Within five (5) school days, the principal shall give an answer orally to the student. If the student is not satisfied with the disposition, he/she may initiate a formal grievance within five (5) school days of the answer.

Appeals from one of the following steps to the next highest step shall be filed

within ten (10) working days following the expiration of the time limits established for disposition of grievances at each step or the date of receipt of an official response to the grievance or whichever comes first.

STEP 2: Formal. A formal written grievance must be filed with the principal. The grievance should contain dates, names of all persons involved, a description of the incident or action, and the student's desired resolution. Within ten (10) school days of the receipt of the grievance, the principal shall provide the student a written disposition of the grievance.

STEP 3: If the student is not satisfied with the disposition or if time limits expire without a disposition, a formal written grievance may be submitted to the Superintendent. Within ten (10) school days after receipt of the grievance, the Superintendent shall indicate the disposition of the grievance in writing to the student.

STEP 4: If the student is not satisfied with the disposition or if time limits expire without a disposition, the grievance may be submitted to the School Board. The School Board does not have to consider the grievance, but if it decides it will, it has the authority to set up a hearing and decision procedures. Within thirty (30) calendar days after receiving the grievance, the School Board will notify the student of its decision. If the Board elects to hear the grievance, it will provide the student with a written decision within five (5) school days after conclusion of the hearing.

#### **A STUDENT MAY HAVE PARENT/COUNSEL ASSISTANCE AT EACH STEP**

### **XIII. DUE PROCESS PROCEDURES**

A basic ingredient of due process of law is that one who is not satisfied with a decision may appeal it to a higher authority. Thus, the student may appeal a decision to the Superintendent. The superintendent's decision may be appealed to the board, and if still not satisfied, the student may, through an adult, appeal his/her case to court.

Three requirements govern the question of whether or not a student is afforded due process of law in school:

1. There must be a fair and reasonable rule which is broken or disobeyed;
2. The rule must apply equally to all; and
3. If punishment is meted out for violation of a reasonable and fair rule, that procedure by which the punishment is assessed must be fair, reasonable, and impartial. This third criterion includes the right to:

- a. Receive the charges in writing within a reasonable time;
- b. Be given sufficient notice of time and place of hearing;
- c. Appear with counsel;
- d. Confront and cross-examine;
- e. Face accusers and refute charges;
- f. Be heard by an impartial tribunal;
- g. Privilege against self-incrimination;
- h. Receive a transcript of the proceedings; and
- i. Appeal

#### **XIV. SCHOOL'S SECURITY PLAN**

In accordance with Florida Statute 228.088, each junior-senior high school has developed and implemented a program for security purposes which is in effect during school operating hours. Each school program is unique for the school and it may consist of administrators, teachers, volunteers, security guards, and/or any combination thereof. The principal of each school is responsible for informing all school personnel, at least annually, of these procedures and personnel included in the program and to evaluate the program annually to make any changes needed to improve procedures.

#### **XV. SPECIFIC DEFINITIONS**

1. Corporal Punishment

Corporal punishment is the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rules.

2. Assignment to Detention

Detention is time the student spends beyond the school day in a specified location with specified assignments.

3. Suspension

Out of school suspension is the temporary removal of a student from his regular school program for a period not to exceed ten (10) days. During suspension students are not allowed on any school campus at any time or to attend any extracurricular activity.

In-school suspension is the temporary removal of a student from his regular school program to a specific location on the school campus for a designated period of time during the school day. Specific assignments are given to the students while in in-school suspension.

There is considerable flexibility in the use of these responses to student misconduct. Schools have varied the length and conditions of suspensions as well as assignments based on factors such as the seriousness of the misconduct.

4. Expulsion

Expulsion is the removal of the right and obligation of a student to attend a public school for the remainder of that term or school year.

5. Alternative Measures for Students with Special Needs.

Alternative measures for students with special needs are measures designed to met the special needs of a student that cannot be met by regular school curriculum including, but not limited to, student services, parent conferences, physical examinations, remedial techniques, and educational alternatives; and properly supervised activities relating to the upkeep and maintenance of school facilities notwithstanding the provisions of Chapter 450 to the contrary.

**XVI. SPECIAL NOTE**

No national origin minority or limited English proficient student shall be subjected to any disciplinary action because of their use of language other than English.