

## 5500 - STUDENT CONDUCT

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in the schools of this District.

The Principal shall notify all school personnel as to their obligation to report to the Principal those acts and/or crimes which pose a threat to school safety. School personnel must also properly document the disposition of any such incident.

### **Zero Tolerance Policy**

The School Board has zero tolerance for conduct that poses a threat to school safety. Zero tolerance policies must apply equally to all students and are not intended to be rigorously applied to petty acts of misconduct. This policy minimizes the victimization of students, staff, and volunteers and requires that necessary steps be taken to protect the victim of any violent act from any further victimization. In a disciplinary action, there is a rebuttable presumption that the actions of a student who intervened, using only the amount of force necessary, to stop a violent act against a student, staff, or volunteer were necessary to restore or maintain the safety of others.

Florida law requires that students found to have committed one of the following offenses:

- A. bringing a firearm or weapon, as defined in F.S. Chapter 790, to school, to any school function, or onto any school-sponsored transportation, or possessing a firearm at school; or
- B. making a threat or false report, as defined by F.S. 790.162 and 790.163, involving school or school personnel's property, school transportation, or a school-sponsored activity;

shall be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year and shall be referred to mental health services identified by the District and to the criminal justice or juvenile justice system.

The Superintendent may consider the one (1) year expulsion requirement on a case-by-case basis and request that the Board modify the requirement by assigning a student to a disciplinary program or second chance school. The Superintendent's request for modification must be in writing and may only be presented to the Board for consideration if the student and/or the student's parent(s) agree in writing to accept the Superintendent's recommendation. The Board may approve the request if it is determined to be in the best interest of the student and the school system. If a student committing either of the offenses enumerated above is a student who has a disability, the Board shall comply with applicable State Board of Education rules for the discipline of such students.

Before the expiration of an expulsion period, the Superintendent shall determine, based upon the determination of the threat management team, whether the expulsion period should be extended and, if the expulsion period is extended, what educational services will be provided. A recommendation to extend the expulsion period must be provided to the student and their parents in accordance with F.S. 1006.08.

The District shall enter into agreements with local law enforcement specifying procedures so that acts that pose a threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency having jurisdiction. The school's threat management team will consult with law enforcement when a student exhibits a pattern of behavior, based on previous acts or the severity of an act that would pose a threat to school safety.

### **School Environmental Safety Incident Reporting**

The following acts are required to be reported to the Department of Education (FLDOE) as school environmental safety incidents (SESIR):

- A. Alcohol (Level IV) - possession, sale, purchase, distribution or use of alcoholic beverages. "Use" means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.
- B. Aggravated battery (Level I) - A battery where the attacker intentionally or knowingly causes more serious injury, such as: great bodily harm, permanent disability, or permanent disfigurement; uses a deadly weapon; or, where the attacker knew or should have known the victim was pregnant.
- C. Arson (Level I) - To intentionally damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents.
- D. Burglary (Level II) - Unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein.
- E. Bullying (Level IV) - Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. Bullying includes instances of cyberbullying, as defined in Policy 5517.01, *Bullying and Harassment*. Bullying may include, but is not limited to, repetitive instances of teasing, social exclusion, threats, intimidation, stalking, physical violence, theft, harassment, public or private humiliation, or destruction of property.
- F. Criminal Mischief (Felony Vandalism - \$1,000 threshold) - Willfully and maliciously injuring or damaging by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti or other acts of vandalism on the property.
- G. Disruption on Campus - Major (Level III) - Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others, such as, but not limited to, bomb threats, inciting a riot, or initiating a false fire alarm.
- H. Drug Sale or Distribution (Level II) - The manufacture, cultivation, purchase, sale, or distribution of any drug, narcotic, controlled substance, or substance represented to be a drug, narcotic, or controlled substance.
- I. Drug Use or Possession (Level III) - The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. "Use" means the person is caught in the act of using, admits to use, or is discovered to have used in the course of an investigation.
- J. Fighting (Level III) - When two (2) or more persons mutually participate in use of force or physical violence that requires either physical intervention or results in injury requiring first aid or medical attention.
- K. Grand Theft (\$750 threshold) (Level III) - The unauthorized taking of the property of another person or organization, including motor vehicles, valued at \$750 or more, without threat, violence, or bodily harm.
- L. Harassment (Level IV) - as defined in Policy 5517, *Anti-Harassment*.
- M. Hazing (Level III) - as defined in Policy 5516, *Student Hazing*.
- N. Homicide (Level I) - The unjustified killing of one human being by another.
- O. Kidnapping (Level I) - Forcibly, secretly, or by threat, confining, abducting, or imprisoning another person against ~~his/her~~ **their** will and without lawful authority.
- P. Other Major Incidents (Level III) - Any serious, harmful incident resulting in the need for law enforcement consultation not previously classified. This includes any drug or weapon found unattended and not linked to any individual.
- Q. Robbery (Level II) - The taking or attempted taking of money or other property from the person or custody of another with the intent to permanently or temporarily deprive the person or owner of the money or other property under the confrontational circumstances of force, or threat of force or violence, and/or by putting the victim in fear.

- R. Sexual Assault (Level II), Sexual Battery (Rape) (Level I), Sexual Harassment (Level III), and Sexual Offenses (Other) (Level III) - as defined in Policy 2266, *Nondiscrimination on the Basis of Sex in Educational Programs and Activities*.
- S. Simple Battery (Level II) - An actual and intentional touching or striking of another person against ~~his/her~~ **their** will, or the intentional causing of bodily harm to an individual.
- T. Threat/Intimidation (Level III) - An incident where there was no physical contact between the offender and victim, but the victim reasonably believed that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats and verbal threats of physical harm which are made in person, electronically, or through any other means.
- U. Tobacco (Level IV) - as defined in Policy 5512, *Smoking and Tobacco-Free Environment*.
- V. Trespassing (Level III) - To enter or remain on school grounds, school transportation, or at a school-sponsored event, without authorization or invitation and with no lawful purpose for entry, if involves a student currently under suspension or expulsion, an offender who was previously issued an official trespass warning by school officials, or an offender who was arrested for trespass.
- W. Weapons Possession (Level II) - as defined in Policy 5772, *Weapons*.

#### **Acts that Pose a Threat to School Safety**

Acts that pose a threat to school safety include, but are not limited to,:

- A. possession of firearms or other weapons
- B. placing, discharging, or throwing an explosive item or noxious substance or making threats to do so
- C. arson
- D. felony assault
- E. threats of unsafe and potentially harmful, dangerous, violent, or criminal activities

#### **Petty Acts of Misconduct**

Petty acts of misconduct that are not a threat to school safety do not require consultation with law enforcement.

The following are typically considered petty acts of misconduct, although each act must be examined on a case-by-case basis to determine whether or not the act constitutes a threat to school safety requiring consultation with law enforcement:

- A. disorderly conduct
- B. disrupting a school function (Level IV)
- C. simple assault or battery
- D. verbal abuse or use of profanity
- E. cheating
- F. theft of less than \$300, trespassing (incidents without prior official warning, not resulting in arrest, or not involving students under suspension or expulsion), and vandalism of less than \$1,000

- G. possession or use of tobacco

#### **Assault or Battery on School District Personnel**

Notwithstanding any other provision of Board policy, pursuant to F.S. 1006.13(5), any student found to have committed an act of assault or aggravated assault, or battery or aggravated battery, on any elected official of the School District, teacher, administrator, or other School District personnel, shall be recommended for expulsion or placement in an alternative school setting, as appropriate.

**[x ] The minimum period of this expulsion or placement in an alternative school setting shall be one (1) year and the student shall be referred to the criminal justice or juvenile justice system. [END OF OPTION]**

Further, upon being charged with such offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

#### **Code of Student Conduct**

The Code of Student Conduct that is adopted annually shall provide for review of a decision to suspend or expel a student pursuant to this policy and the Code, consistent with F.S. 1006.07. The Code shall also include the following:

- A. criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest;

All civil citation or similar prearrest diversion programs must comply with F.S. 985.12.

- B. criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention Web.

- C. Violations of Policy 5511 - *Dress and Grooming* are subject to the following disciplinary actions:

1. For a first offense, a student shall be given a verbal warning and the Principal shall call the student's parent or guardian.
2. For a second offense, the student is ineligible to participate in any extra-curricular activity for a period of time not to exceed five (5) days and the Principal shall meet with the student's parent or guardian.
3. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to F.S. 1003.01(5) for a period not to exceed three (3) days, the student is ineligible to participate in any extra-curricular activity for a period not to exceed thirty (30) days, and the Principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extra-curricular activities.

Furthermore, if the Board receives notice from the Department of Juvenile Justice, as required by law, that a student enrolled in the District has been adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or *nolo contendere* to, a felony violation as set forth in F.S. 1006.13(6)(a), the Board shall, pursuant to State law and the adopted cooperative agreement with the Department of Juvenile Justice, require that any no contact order entered by a court be enforced and that all of the necessary steps be taken to protect the victim of the offense or a sibling of the victim.

Students may be subject to discipline for violation of the Code of Conduct/Student Discipline Code even if that conduct occurs on property not owned or controlled by the Board but that is connected to activities or

incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.

Student conduct shall be governed by the rules and provisions set forth in the Student Code of Conduct which is reviewed and adopted annually whenever revisions are proposed in accordance with F.S. Chapter 120.

The Code of Student Conduct shall contain provisions for the assignment of violent or disruptive students to an alternative educational program and/or referral of such students to mental health services identified by the District.