

The School Board of St. Lucie County



Code of Student Conduct

Amended June, 2012

JURISDICTION OF THE SCHOOL BOARD

St. Lucie County Public School students are subject to the rules and regulations of the St. Lucie County School Board during the school day and regular school activities; while being transported on school buses or at the public expense to and from school or other educational facilities; during the time the student is otherwise in route to or from school or is presumed by law to be attending school; and at such times and places, including, but not necessarily limited to, school-sponsored event, field trips, athletic functions, and other activities where appropriate school personnel have jurisdiction over students.

In addition to the foregoing, jurisdictional control over the student may be extended to the immediate vicinity of the school whenever the conduct of the student is deemed to have a detrimental effect on the health, safety, and welfare of other students or of the school.

Please note that students may be subject to discipline for violation of the Code, regardless of the time or place where the conduct occurs, if the conduct substantially disrupts work or discipline on-campus or on other School Board owned or controlled property or during a school-sponsored program. Students may also be subject to discipline under the Code as well as potential criminal penalties for violence against any School District staff regardless of where such conduct occurs.

PHILOSOPHY

The primary objective of the St. Lucie County School System is to develop each student's potential for learning and to foster positive interpersonal relationships. If this is to be accomplished, it is necessary that the school environment be free of disruptions which interfere with teaching and learning activities. The student's conduct determines to a great extent the full development of his/her potential for learning and the development of positive relationships.

The purpose of this document is to assist students, parents, teachers, and school administrators in the maintenance of an environment, which will enhance the achievement of the objective. To be fully effective, the Code of Student Conduct addresses not only the role of the parents, the students and the school but also specifies areas relative to: responsibilities and rights of students; grounds for disciplinary action; and, procedures to be followed for acts requiring disciplinary action.

Each school is permitted and encouraged to develop rules, procedures and expectations, as in school wide Positive Behavior Support, for student conduct. While these may not conflict with direction provided in the district-wide Code of Student Conduct, some latitude in dealing with local school problems shall be afforded to each school so that student discipline may be responsive to particular problems in each individual school.

MISSION STATEMENT

The mission of the St. Lucie County School District is to ensure all students graduate from safe and caring schools equipped with knowledge, skills and the desire to succeed.

CORE BUSINESS STATEMENT

The core business of St. Lucie County Schools is to create challenging, engaging and satisfying work for every student, every day.

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.

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Code of Student Conduct
Amended June, 2012



St. Lucie County School Board
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Overview

In order to establish reasonable consistency in the schools, a uniform Disciplinary Response Code has been developed. Positive Behavior Support schools will develop school-wide expectations. The Code of Student Conduct applies to all students enrolled in St. Lucie County Public Schools. Notwithstanding any other provision of this code, the District will comply with procedural safeguards under Section 504 of the Rehabilitation Act (Section 504) and the Individuals with Disabilities Education Act (IDEA) discipline regulations for students with disabilities when applicable.

Disciplinary infractions and the responses to them are divided into four (4) levels. Each level represents progressively more serious infractions, beginning with Level 1 and extending to Level 4 offenses. Disciplinary responses to infractions become progressively more severe as the level of misconduct increase.

In choosing an appropriate disciplinary response for offenses, the Principal/Designee may select from the disciplinary responses appropriate to the level of the offense or may select from the response options at lower levels as they deem appropriate to the circumstances. **Level 4 offenses, may result in a suspension of up to 10 days and a recommendation for expulsion from public school. In certain circumstances a combination of disciplinary responses may be appropriate. When deciding disciplinary action, the Principal/Designee shall consider all relevant factors such as: the student's age, possible exceptionality, previous conduct, severity of the offense, and shall impose disciplinary action in a progressive manner.**

Response to Instruction and Intervention for Behavior (RtI-B)/Multi-Tiered System of Supports (MTSS)

Positive Behavior Support (PBS) is the Tier 1 behavior component to the Response to Instruction and Intervention for Behavior (RtI-B)/Multi-Tiered System of Supports (MTSS), which focuses on providing high-quality, tiered instruction and interventions that are matched to student needs. Data (including discipline referrals, Behavior Incident Reporting, and other tools) is used to develop appropriate interventions/strategies and to monitor student progress. These interventions are designed to prevent inappropriate behavior through teaching and reinforcing appropriate behaviors. The District, RtI-B/MTSS offers a range of tiered interventions that are systematically applied.

Student Rights and Responsibilities

The intent of this document is to help students understand that with individual rights come personal responsibilities. In addition, the rights of each individual student must be balanced against the health, safety, welfare, and individual rights not only of all other students but also of staff within the school. Under the leadership of the Principal/Designee, faculty and staff shall provide for the orderly operation of the school while ensuring the rights of individual students.

Zero Tolerance for Level 4 Offenses – Most Serious Misconduct

The Discipline Response Code for Level 4 offenses implements the School Board's Zero Tolerance policy on the most serious forms of misconduct, including but not limited to, violence or other criminal offenses, and the use or possession of weapons, alcohol, or drugs. This policy of zero tolerance extends to **ALL** Level 4 infractions. Schools and the Transportation Department may invoke the most serious consequences in dealing with students who engage in misbehavior that is described in Level 4 of this Code.

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 actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom. Section 1003.32, Florida Statutes, authorizes a teacher 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. Procedures for removal of a student from a classroom at a teacher's request are set forth in Board Policy 5.33.

LEVEL 1 – DISCIPLINE RESPONSE CODE

Level 1 offenses are acts of misconduct which interfere with the orderly operation of the classroom, a school function, extracurricular/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns the student will then be referred to the school administrator for disciplinary action.

The Principal/Designee, after review of the student's explanation, consultation with staff members, investigation, and appropriate intervention(s), will determine the appropriate disciplinary action.

LEVEL 1

A1	Cheating	Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes, or other material in the completion of an academic assignment or test. In addition to disciplinary responses, the granting of credit for this assignment may be considered null and void.
B1	Disrespect for Others/Property	Conduct or behavior which embarrasses a person or group of persons or minor infractions involving property.
C1	Disruptive Conduct	Conduct or behavior which interferes with or disrupts the teaching/learning process, the orderly process of the school environment, a school function, or extracurricular/co-curricular activity including amorous physical contact and inappropriate displays of affection.
D1	Dress Code	Non-conformity to school dress code.
E1	Misconduct on School Bus or Other School Approved Transportation	Conduct or behavior which interferes with the safe, orderly, and expeditious transportation of students or other authorized riders. Can include 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.
G1	Tardiness	Repeated late arrival to school or class

H1	Unauthorized Absence from School/Class (Skipping)	Violation of the School Board attendance policies/non-attendance of school/class.
I-1	Unserved Detention	Failure to report for assigned discipline

DISCIPLINARY RESPONSES AND MULTI-TIERED SYSTEM OF STUDENT SUPPORTS

Level 1

Principal/Designee should consider the reasons (function) for the misconduct. Responses should be based on the particular circumstances of the misconduct and may include, but are not limited to:

- Parental contact
- Attendance referral as provided in Student Progression Plan (for G1 and H1)
- Student/employee conference
- Student/Administrator conference
- Changing student's seat
- Loss of privileges which may include riding the bus
- Behavior Contract
- Referral for counseling i.e. guidance, peer mediation, Mental Health Collaborative
- Referral to Problem Solving Team
- Return of property, payment for same, or restitution for damages
- Social Skills Training
- Special work assignment
- Detention (parental contact required)
- Saturday School
- Confiscation of electronic devices
- Response to Intervention/MTSS – Tier 1 interventions. The function of the misconduct should be considered prior to intervention.

***Suspension cannot be used for G-1 or H-1.**

LEVEL 2 – DISCIPLINE RESPONSE CODE

Level 2 offenses may include minor acts of misconduct previously identified. 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. Such offenses may occur in a classroom, during a school function, extracurricular/co-curricular program or on approved transportation.

This misconduct must be reported to the school administrator for disciplinary action. The school administrator will follow the appropriate procedure in the investigation of circumstances and the assignment of disciplinary action.

The Principal/Designee, after review of the student's explanation, investigation, and appropriate intervention(s), will determine the appropriate disciplinary action.

A2	Attempting to Fight	Threat by word or act to fight with another student(s), or inciting others to fight, either of which may include minor physical contact.
B2	False and/or Misleading Information	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 members, but without intending or causing any person to be deprived of property or possessions. (e.g. forging parent's name)
C2	Serious Misconduct on School Bus or Other School Approved Transportation	Serious misconduct which interferes with the safe and expeditious transportation of students or other authorized riders. Can include, but 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/dead), and/or distracting bus driver.
D2	Open Defiance of Authority	Refusal or failure by word or act to comply with school rules or directions from District employee.

E2	Theft (<u>under \$ 300.00</u>)	The taking of property of another without permission of the person.
F2	Vandalism (under \$ 100.00)	Damage or defilement of school property or the property of others. The willful and/or malicious destruction, damage, or defacement of public or private property, real or personal, without the consent of the owner or the person having custody or control of it. This category of misconduct includes graffiti.
G2	Open Defiance of School Policy	Failure to comply with state law, school board policy, local school rule, behavior contract, or classroom rule.
H2	Unauthorized non-prescription medication	Possession, and/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/Materials	The use of either oral or written language (including racial slurs) or gestures, and/or objects or pictures which are disrespectful or socially unacceptable and which tend to disrupt the orderly school environment, a school function or extracurricular-co-curricular activity.
J2	Inappropriate Dress	<p>Each student is responsible for displaying respect for self and others through appropriate dress that maintains an orderly learning environment. Each student is prohibited from, while on school grounds during the regular school day, wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or in a manner that disrupts the orderly learning environment. A student who violates this dress policy will be subject to the following progressive disciplinary actions:</p> <ol style="list-style-type: none"> 1. For a first offense, the student shall receive a verbal warning, and the principal/designee shall call the student's parent or guardian.

2. 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 shall meet with the student's parent or guardian.

3. For a third or subsequent offense, a student shall 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/designee shall call the student's parent or guardian and send a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities to the parent or guardian.

DISCIPLINARY RESPONSES AND MULTI-TIERED SYSTEM OF STUDENT SUPPORTS

Level 2

Principal/Designee should consider the reasons (function) for the misconduct. Responses should be based on the particular circumstances of the misconduct and may include, but are not limited to:

- Parental contact/conference by Administrator and/or District employee
- Student/employee conference
- Loss of privileges, which may include riding the bus
- Referral for counseling i.e. guidance, peer mediation, Mental Health Collaborative
- Alternate classroom assignment
- Referral to Problem Solving Team
- Functional Behavior Assessment
- Behavior Intervention Plan
- Social Skills Training
- Return of property, payment for same, or restitution for damages
- Behavior Contract
- Special work assignment
- Detention (parental contact required)
- Saturday School
- Temporary or permanent removal from participation in extracurricular/co-curricular program or activity
- In-school suspension
- Behavior Intervention Classroom
- Out of School Suspension
- Confiscation of electronic devices
- Response to Intervention/MTSS – Tier 1 and/or Tier 2. The function of the misconduct should be considered prior to intervention.

LEVEL 3 – DISCIPLINE RESPONSE CODE

Level 3 offenses include but are not limited to: repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety and property of self or others, and other acts of serious misconduct. Such offenses may occur in a classroom, during a school function, extracurricular/co-curricular program or on approved transportation. .

Acts of misconduct must be reported immediately to the school administrator, and may result in immediate removal of the student from the school or extracurricular/co-curricular activity and in the case of criminal act, notification of Law Enforcement or School Board Security.

The Principal/Designee, after review of the student's explanation, investigation, and appropriate intervention(s), will determine the appropriate disciplinary action.

LEVEL 3

- | | | |
|-----------|---|---|
| A3 | Assault Intimidation/Threat of Student | An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or an intentional threat by word or act to use deadly force against another student, whether or not the student has the apparent ability to use such force. |
| B3 | Battery of Student | The actual and/or intentional touching or striking of another student(s) against his/her will. In cases of significant injury, such misconduct may be the basis for expulsion. |
| C3 | Fighting (Mutual Altercation) | Mutual participation in a fight involving physical violence, where there is no one main offender and no major injury. Does not include verbal confrontations, tussles, or other major confrontations. |
| D3 | Forgery | The making of a false or misleading communication whether orally, in writing, or by other medium to 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, together with the intent or effect of depriving any person of property or possessions.
(NOTE: Reported to SESIR as Other Major Misconduct) |
| E3 | Gambling | The act of playing a game for financial gain.
(NOTE: Reported to SESIR as Other Major Misconduct) |

F3	Gross Insubordination	Willful refusal to submit to or comply with authority; exhibiting open contempt or open resistance to direct order.
G3B	Bullying	Bullying is defined in School Board Policy 3.43, Bullying and Harassment, set forth in Appendix A to this Code.
G3H	Harassment	Harassment is defined in School Board Policy 3.43, Bullying and Harassment, set forth in Appendix A to this Code.
H3	Larceny/Theft (\$300.00 or more)	The unauthorized taking, carrying, riding away, or concealing the property (value is \$300.00 or more) of another without the permission of the person and without threat, violence, or bodily harm.
I3	Misuse of Telecommunication Services	<p>Misuse of telecommunication services or networking for illegal, inappropriate, or obscene purposes, or in support of such activities, shall be prohibited. Illegal activities shall include all acts defined as a violation of local, state, or federal laws. Inappropriate use includes any act that violates or is inconsistent with the District's mission, goals, policies, procedures, or curriculum, including, but 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 vehicle. In cases of substantial disruption, such misconduct may be the basis for expulsion.</p> <p>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, e-mailing, etc.), is a violation of School Board policy and may also constitute a crime under state and/or 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 evidence, or criminal misconduct. Any person possessing, taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal images or photographs will be reported to law</p>

enforcement and/or 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 R4 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 be inactivated or "off" (1) while on a school bus and (2) during the school day (from the beginning of classes through final dismissal), unless approval is granted by the school based administrator or his/her designee to allow use for educational purposes.

(b) During prohibited times, the device (1) may not be displayed, held, used, activated, or manipulated in any way. (2) must be stored in a pocket, pocketbook, backpack, device carrier, or other closed or enclosed 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 heading, 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/or 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/designee.

J3	More Serious Misconduct on School Bus or Other School Approved Transportation	More serious misconduct which interferes with the safe orderly and expeditious transportation of students and other authorized rider. Can include, but is not limited to deliberate loud noise, exited or attempted exit out emergency exits or entry door without permission, throwing from the bus window or on the bus any object likely to cause bodily harm or property damage, and/or failure to be silent at railroad crossing.
K3	Other Major Misconduct	Any serious, harmful incident resulting in the need for law enforcement which is not described in any other incident code. This may include but is not limited to obstructing staff members from performing their duties. Such offenses may be the basis for expulsion.
L3	Possession of Contraband Material	<p>Possession, use, and/or distribution of materials or items which are forbidden at school, including but not limited to matches, lighters, ammunition, Class C common fireworks, toy weapons, or laser beam devices. Contraband shall be confiscated and return of such items shall be at the discretion of the Principal/Designee.</p> <p>1. Contraband Generally:</p> <p>Possession, use and/or distribution of materials or items which are forbidden at school, including but not limited to matches, lighters, ammunition, Class C common fireworks, toy weapons, or laser beam devices. Contraband shall be confiscated and return of such items shall be at the discretion of the Principal/Designee.</p> <p>2. Certain Items as Contraband:</p> <p>Possession of a common pocketknife, plastic knives and blunt-bladed table knives or other item that is not designed or constructed for use as an offensive weapon may be considered under this heading if (1) there has been no threatening or intimidating display of the item, (2) the item does not constitute a "concealed weapon" as defined in Section 790.001(3) Florida Statutes, (3) the</p>

item is not a gun or firearm of any type, **and** (4) no criminal charge is filed against the student, as a result of the incident being reported to and investigated by Law Enforcement, as required by this Code.

NOTE: If a student determines that (s)he is in possession of an item of contraband and voluntarily surrenders the item to a responsible staff member the student encounters following his/her determination of possession, **and** prior to the initiation of any investigation or search of the student that might have uncovered such item, then, the student may be eligible for mitigation, in whole or in part, of the disciplinary response of out-of-school suspension.

M3	Sexual Harassment	Unwelcome statements or physical behavior that have sexual connotations and are severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation, or unreasonably interferes with an individual's school performance or participation, including but not limited to any demand for a sexual favor under threat of physical harm or other adverse consequence.
N3	Tampering with School Safety and Security Equipment	Willful or malicious tampering with school safety and/or security equipment.
O3	Tobacco (possession, use)	The possession, use, distribution or sale of tobacco products on school system property, at a school function or extracurricular/co-curricular activity by any person under the age of 18 years old. NOTE: If student is 18 years old or over use L3 Possession of Contraband.
P3	Trespassing	The act of any persons who enter or remain on campus or school board facility, a school sponsored event off campus, or school transportation after being directed to leave by the chief administrator or designee of the facility, campus or function. This includes any student entering or remaining on campus, at a school sponsored event off campus, or on school transportation while subject to a suspension or expulsion from school.

Q3	Vandalism (\$ 100.00 to \$ 999.99)	Damage or defilement of school system property or the property of others. The willful and/or malicious destruction, damage or defacement of public or private property, real or personal, without the consent of the owner or the person having custody or control of it. This category of misconduct includes graffiti.
R3	Misuse of non-prescription medication	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 and/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.
S3	Possession of Drug Paraphernalia	Possession or purchase of drug paraphernalia. Drug paraphernalia shall be confiscated .

DISCIPLINARY RESPONSES AND MULTI-TIERED SYSTEM OF STUDENT SUPPORTS

Level 3

Principal/Designee should consider the reasons (function) for the misconduct. Responses should be based on the particular circumstances of the misconduct and may include, but are not limited to:

- Mandatory Parental contact/conference by Administrator and/or District employee
- Notify appropriate law enforcement agency in accordance with SESIR (see page 16)
- Confiscation of unauthorized materials/objects/contraband
- Student/teacher conference
- Loss of privileges which may include suspension or expulsion from riding the bus
- Referral for Counseling (i.e. guidance, peer mediation, Mental Health Collaborative)
- Referral to Problem Solving Team
- Behavior Contract
- Functional Behavior Assessment
- Behavior Intervention Plan
- Social Skills Training
- Temporary or permanent removal from participation in extracurricular/co-curricular program or activity
- Temporary or permanent loss of privilege to use the District’s computers and internet access
- Restitution for loss or damage resulting from the misconduct
- Follow Risk Assessment Protocol if appropriate

- Special work assignment
- Referral to alternative school / programs
- Loss of Magnet School/Attractor Program assignment
- Confiscation of electronic devices
- Response to Intervention (RTI)/MTSS Tier 1, 2, or 3 interventions. The function of the misconduct should be considered prior to intervention.
- VOPP (Violation of Probation Prevention) Program
- Saturday School
- In-school suspension/Behavior Intervention Classroom
- Out-of-school suspension
- Possible recommendation of expulsion

LEVEL 4 – DISCIPLINE RESPONSE CODE

Level 4 offenses are those of the most serious category. Any of these acts committed shall be sufficient grounds for recommendation for expulsion, and may result in a suspension of **up to ten days** with recommendation for expulsion. Such offenses may occur in a classroom, during a school function, extracurricular/co-curricular program or on approved transportation.

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

Level 4 offenses may result in the loss of bus riding privileges for the remainder of the semester. If less than 10 days remain, the suspension will carry over to the next semester. A parental conference with transportation and a school administrator is mandatory. A loss of bus riding privileges for more than 10 days must be authorized by the Superintendent.

The Principal/Designee, after review of the student’s explanation, investigation, and appropriate intervention(s), will determine the appropriate disciplinary action

A4 Alcohol

Using, selling, possessing, distributing or being under the influence of alcoholic beverages. The term alcoholic beverage means distilled spirits and all beverages containing 0.5 percent or more alcohol by volume, including, wine, spirituous liquors, and beer and other malt beverages.

B4 Arson	The willful malicious burning of or attempt to burn or use incendiary device to destroy school system property, contents in or on the property, or personal property of others. Includes firecrackers, fireworks, and trash can fire if contributing factors to a damaging fire.
C4 Assault/Intimidation/Threat of Employee or Other Adult	An intentional threat by word or act to do physical harm to a school employee or other adult, coupled with an apparent ability to do so; an intentional threat by word or act to use deadly force against a school employee or other adult, whether or not the student has the apparent ability to use such force.
D4 Battery of Employee or Other Adult	The actual reckless or intentional touching or striking of a school system employee or other adult, against his or her will.
E4 Threat or False Report of Bomb or Other Destructive Device / Explosive	Any threat, false report, or other communication which has the effect of threatening or falsely reporting an explosion with the intent to do damage to school system property, at a school function, or extracurricular/co-curricular activity, to school transportation, or to the persons on or at that property, function, activity or transportation. Preparing, possessing, or igniting explosives (e.g., pipe bomb) on school system property, at a school function, or extracurricular/co-curricular activity, or on school transportation. (NOTE: Reported to SESIR as Disruption on Campus – Major)
F4 Breaking And Entering/Burglary	The unlawful and willful entry or attempted forcible entry of any school system property or the personal property of students and school system personnel.
G4 Disruption On Campus - Major	Disruptive behavior that substantially disrupts the orderly environment and/or poses a serious threat to the health, safety, or welfare of students, staff, and other individuals, including but not limited to the willful act of physical abuse to any animal.

H4	Drugs/Use/Possession Excluding Alcohol (prohibited drug possession or use)	<p>The use, or possession, of drugs as defined in this Code. Possessing or being under the influence of drugs at school, at school-sponsored events, or on school transportation.</p> <p>NOTE: if a student determines that (s)he is in possession of drugs and voluntarily surrenders the item to a responsible staff member the student encounters following his/her determination of possession, and prior to the initiation of any investigation or search of the student that might have uncovered such item, then, the student may be eligible for mitigation, in whole or in part, of the disciplinary response of out-of-school suspension.</p>
I4	Extortion	<p>The willful or malicious threats of harm, injury, or violence to the person, property or reputation of another with the intent to obtain money, information, services or items of material worth. (NOTE: Reported to SESIR as Larceny/Theft)</p>
J4	False Fire Alarm	<p>The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire. (NOTE: Reported to SESIR as Disruption on Campus – Major)</p>
K4	False Accusation Against Employees	<p>The intentional making of a false accusation that jeopardizes the professional reputation, employment, or professional certification of a teacher or other employee.</p>
L4	Felony Suspension	<p>A Principal/Designee may initiate suspension proceedings against any pupil enrolled as a student who is formally charged with a felony, or a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which occurred off school property and which has an adverse impact on the educational program, discipline, or welfare in the school. See Felony Suspension Procedures in this Code.</p>

M4	Inciting, Leading or Participating in a Major Disorder	The willful act of inciting, leading, or participating in a major student disorder; major disruption or disturbance which significantly interferes with the educational process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others.
N4	Manipulating Computer Data	The changing, erasing, removing or otherwise manipulating computer data through unauthorized entry.
O4	Most Serious Misconduct on School Bus or Other School Approved Transportation	Serious misconduct which substantially interferes with the safe and orderly transportation of students or other authorized riders. Can include: throwing from the bus window or on the bus, any object causing bodily harm or property damage.
P4	Robbery	The act or attempted act of taking money, property, or possessions from another, against his/her will through the use of force, violence or fear.
Q4	Sexual Battery	Any sexual act or attempt directed against another person, forcibly and/or against the person's will or where the victim is incapable of giving consent because of his/her youth or because of temporary or permanent mental incapacity.
R4	Sexual Offenses	This is unlawful sexual intercourse, sexual contact or other unlawful behavior or conduct intended to result in sexual gratification without force or threat and where the victim is capable of giving consent. Included in this category are indecent exposure (exposure of private body parts to the sight of another person in a lewd or indecent manner in a public place), and obscenity (conduct by which the community standards is deemed to corrupt public morals by its indecency and/or lewdness such as phone calls or other communication; unlawful manufacture, publishing, selling, buying, or possessing materials such as literature or photographs).

- T4 Weapons Possession** The possession, use, or control of any instrument that could be used to (1) cause harm, injury, or death to or subdue or (2) incapacitate another person, regardless in either case whether such instrument is designed, used or intended for offensive or defensive purposes. Weapons include but are not limited to any firearm or weapon as defined in Chapter 790, Florida Statutes, knives, box cutters, razors, clubs, brass knuckles, explosive, tear gas guns, chemical weapons or devices, 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.
- X4 Drug Sale/Distribution Excluding Alcohol (sale or distribution of prohibited drugs)** The manufacture, cultivation, sale, or distribution of prohibited drugs as defined in this Code.
- Z4 Vandalism (\$ 1000.00 or more)** Damage or defilement of school system property or the property of others. The willful and/or malicious destruction, damage or defacement of public or private property, real or personal, without the consent of the owner or the person having custody or control of it. This category of misconduct includes graffiti.

DISCIPLINARY RESPONSES AND MULTI-TIERED SYSTEM OF STUDENT SUPPORTS

Level 4

Principal/Designee should consider the reasons (function) for the misconduct. Responses should be based on the particular circumstances of the misconduct and may include, but are not limited to:

Mandatory parental contact/conference by Administrator and/or District employee

- Notify appropriate law enforcement agency in accordance with SESIR (see page 16)
- Confiscation of unauthorized materials/objects/contraband
- Loss of privileges which may include suspension or expulsion from riding the bus
- Referral for counseling (i.e. guidance, peer mediation, Mental Health Collaborative)
- Referral to Problem Solving Team
- Functional Behavior Assessment
- Behavior Intervention Plan
- Temporary or permanent removal from participation in extracurricular/co-curricular program or activity
- Temporary or permanent loss of privilege to use the District's computers and internet access
- Restitution for loss or damage resulting from the misconduct.
- Loss of Magnet School/Attractor Program assignment
- Confiscation of electronic devices
- Referral to Alternative School/Program
- RTI (Response to Intervention)/MTSS Tier 1, 2, or 3 interventions. The function of the misconduct should be considered prior to intervention.
- VOPP (Violation of Probation Prevention) Program
- Follow Risk Assessment Protocol if appropriate
- Saturday School
- Suspension from school for up to 10 days with recommendation for expulsion

REPORTS TO LAW ENFORCEMENT AGENCIES

The School Board views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts shall 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. Homicide
8. Kidnapping
9. Larceny/Theft
 - a. Extortion
 - b. Motor Vehicle Theft
10. Other Major
 - a. Forgery
 - b. Gambling
11. Robbery
12. Sexual Battery
13. Sexual Offenses (Other)
14. Threat/Intimidation
15. Trespassing
16. Vandalism (\$ 1000.00 or more)
17. Weapons Possession

Incidents which must be reported to SESIR and by School Board policy **to law enforcement are:**

1. Fighting (Mutual Altercation)
2. Sexual Harassment
3. Harassment/Bullying (incidents involving physical or emotional harm to the victim)

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)

Any student who is determined to have brought a firearm or weapon, as defined in Chapter 790, Florida Statutes, to school, any school function, or on any school-sponsored transportation 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. Any student who is determined to have made a threat or false report, as defined by Section 790.162 and Section 790.163, Florida Statutes, respectively, 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 one full year and referred for criminal prosecution. If a student committing such an offense is a student with a disability, the District shall comply with the procedures for students with disabilities.

SEARCH OF STUDENT BY SCHOOL STAFF

Any instructional or administrative staff member shall be authorized to detain and question a student temporarily under circumstances which reasonably indicate that such student has committed, is committing, or is about to commit a violation of Florida Statutes or School Board rules. 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 violation of school rules, 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. Depending upon the basis for the reasonable suspicion, 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. Items subject to search on reasonable suspicion include, but are not limited to, book bags, back packs, notebooks, purses, coats and jackets, telecommunications devices (mobile phones, etc.), computers, and other electronic devices capable of storing or communicating information. If the student refuses, the administrator may call the appropriate law enforcement agency and/or the student's parents.

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 and/or by item searches including, but not limited to, book bags, back packs, purses, coats, and jackets.

SEARCH OF STUDENT LOCKERS

Student lockers and other storage areas are subject to search, upon reasonable suspicion, for prohibited or illegally possessed drugs substances, or objects.

METAL DETECTORS; CANINE SEARCHES; SURVEILLANCE DEVICES

Metal detectors or specially trained animals may be used in the course of a search for prohibited or illegally possessed drugs, substances, or objects. Surveillance devices may be used to locate prohibited or illegal drugs, substances, contraband, weapons, or objects and to obtain information on other disciplinary infractions.

Persons using public school campuses and other School Board property, including but not limited to buildings, parking areas, and athletic and recreational areas, have a lessened expectation of privacy in or around such property.

Student operation of automobiles, trucks, vans, and other means of transportation on School Board property is a privilege, and students shall have a lessened expectation of privacy in or around such vehicles when located on School Board property.

Student Transportation Responsibilities and Safety Rules

1. The responsibilities of pupils transported at public expense shall be to:
 - a. Occupy the seat assigned by the driver, wear 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/Designee 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 place in the morning and after school, ready to board the bus at the prescribed time.
 - e. Walk to the bus stop in accordance with pedestrian laws and practices, and to 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 his/her 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/Designee must be issued before implementation of the requested change.
 - j. Students are prohibited from disembarking at other than the assigned bus stop unless authorized in advance by the school Principal/Designee.
 - k. A temporary bus pass may be obtained if capacity is available.

Bus Safety Rules

Students must abide by the following:

1. Classroom conduct is to be observed.
2. Students must sit in their assigned seats and belts must be worn at all times the bus is in motion if so equipped. Cooperate and refrain from unnecessary conversation with the driver while the bus is in motion.
3. Students must ride their assigned bus and each student must board and depart at a designated bus stop. Students must present a written request from the parent/guardian, receive approval from, the Principal/Designee for any changes.
4. 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.
5. Students will stand off the roadway and exhibit appropriate behavior while waiting for the bus. **Parents/Guardians are responsible for students prior to boarding and after departing from the bus.**
6. Students will board, depart and cross the roadway as per instructions from the bus driver.
7. The bus driver must assign seats and students will sit in their assigned seats at all times.
8. No portions of the body are permitted outside bus windows.
9. Reptiles, bugs, animals or marine life (dead or alive) are not permitted on the bus.
10. Smoking, and use of tobacco products and use or possession of prohibited or illegally possessed drugs or other mood modifying substances is strictly prohibited.
11. Objects that impair the driver's vision, impact safety or seating capacity are prohibited on the school bus.
12. Inappropriate gestures, obscenities, vulgarity or profanity will not be permitted.
13. Eating, drinking or chewing gum is not permitted on the bus.
14. Students shall not throw any item in/out of the bus, shout, whistle or gesture from the bus window.
15. Students who are responsible for vandalism will be required to make restitution.
16. Students must be absolutely quiet at railroad crossings and when the dome lights are on. Excessive noise is prohibited at all times.
17. Any behavior that adversely affects the safety or well-being of others is prohibited.

Student Responsible Computer, Network and Internet Use Policy

Overview

The 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 District Policy is intended to promote the most effective, safe, productive, and instructionally sound uses of networked information and communication tools. The District also makes a good faith effort to protect its students from exposure to internet materials that are harmful or explicit. The 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 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 District's technology resources is expected to be ethical, respectful, academically honest, and supportive of the school'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 District policy. No user of the District's networks shall have an expectation of privacy in his/her use. Users should not expect that electronic communications made or received on District networks, internet searches on 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 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 and/or services may not be installed or downloaded on school devices without prior approval of the Superintendent or designee.
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 and/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 hereto, is strictly prohibited.
9. Student internet interpersonal communications (e.g., chat room, instant messaging, blogging, Wiki) requires authorization of a teacher or administrator.
10. Users may be held personally and financially responsible for malicious or intentional damage done to network software, data, user accounts, hardware and/or unauthorized costs incurred.
11. Files stored on District-managed networks are the property of the 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. **Some violations may constitute criminal offenses and may result in legal action.** The School District will cooperate with law enforcement officers in investigations related to illegal activities conducted through its network.

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/classroom procedures for administering discipline in areas not covered by these specific procedures are encouraged. **The Principal/Designee may at times be represented by designated representative(s) when consistent with Florida Statutes and School Board Policy.**

DUE PROCESS PROCEDURES FOR SUSPENSION FROM SCHOOL/TRANSPORTATION PRIVILEGES

A student accused of serious misconduct that, in the opinion of the Principal/Designee would require suspension from school/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/Designee 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/Designee takes this action when they have exhausted informal disciplinary and Positive Behavior Support 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, and/or Student Support Team. Subsequent suspensions may lead to additional interventions, school-based strategies and/or consideration for alternative placement.

A. Investigation and Informal Hearing with Principal/Designee; Suspension Review

1. The accused student should be presented to the Principal/Designee by the person(s) having knowledge of the alleged misbehavior or infraction.

2. The Principal/Designee shall conduct an informal hearing to determine the facts as presented by the accusing person(s), the accused student, and any witnesses that may have knowledge of the incident(s). The Principal/Designee shall determine if there is sufficient reason to suspend a student.
3. The accused student shall be given an opportunity to be heard at the school level. He/she shall be advised which provision(s) of the *Code of Student Conduct* were allegedly violated and what specific conduct constituted the violation, including an explanation of the evidence against him/her.
4. The student shall be given an opportunity to present his/her side of the story (version of the incident) and to give written or oral information in support.
5. The Principal/Designee may suspend a student immediately if the student has committed a breach of conduct which poses an immediate danger to students or staff members 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, he/she shall nonetheless be entitled to an informal hearing before the Principal/Designee (that is, oral or written notice of the charges, including an explanation of the basis of suspension, and an opportunity to present his or her side);
6. **The suspension may be shortened if and when the Principal/Designee can be assured that the pupil is willing to conform to regulations of the school.** If the student or parent(s) desire a review of the suspension he/she/they should contact the school office so that one may be arranged as soon as possible.

B. Notifications

1. The Principal/Designee shall make a good faith effort to immediately inform a student's parent by telephone of a student's suspension and the reasons for the suspension. The Principal/Designee shall prepare an appropriate *Suspension Notice*. The charge(s) should be specific, indicating the misconduct for which the suspension is being issued and the *Code of Student Conduct* violation. Each suspension shall be reported in writing within twenty-four (24) hours to the student's parent(s) or guardian(s) and the Superintendent/Designee.
2. When a student is suspended for possessing, transferring, or selling a drug or weapon or is under the influence of a drug, parents or guardians and law enforcement officials and the Superintendent *will* be notified immediately.

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

PROCEDURES FOR REMOVAL FROM PARTICIPATION IN EXTRACURRICULAR/CO-CURRICULAR PROGRAMS

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

DUE PROCESS PROCEDURES FOR EXPULSION FROM SCHOOL

A Principal/Designee may request the Superintendent to 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 one additional year. This is the most serious disciplinary measure available to the school Principal/Designee.

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.

A. Investigation and Informal Hearing with Principal/Designee

In addition to the Due Process Procedures for Suspension from School/Transportation Privileges, the following additional procedures are followed when a Principal/Designee recommends expulsion from school.

- The Principal/Designee shall prepare in written form a 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/Designee’s office.

The decision to recommend expulsion of 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.

Once a decision is made to recommend expulsion of a student, it should be made at the earliest possible date subsequent to the incident.

Every effort shall be made by the Principal/Designee to immediately contact the parent(s) or guardian(s) to inform them that the student is being suspended and recommended for expulsion and the reason for the action. The parent(s) or guardian(s) shall be informed that *Principal's Notice of Suspension and Recommendation for Expulsion* has been sent to the Superintendent.

B. Principal/Designee Recommendation for Expulsion

- The Principal/Designee shall send to the Assistant Superintendent of Student Services and Exceptional Student Education, a recommendation for expulsion.

C. District Review Committee Action

- The Assistant Superintendent of Student Services and Exceptional Student Education or designee shall convene the review committee consisting of Assistant Superintendent of Student Services and Exceptional Student Education or designee, and the Principal/Designee whose recommendation for expulsion is to be reviewed. This Review Committee will review each packet for completeness and compliance with the *Code of Student Conduct* and statutory requirements.
- During the process of review, alternate forms of discipline, possible student reassignment, formal evaluation, behavior contract, professional counseling and other recommendations that may be acceptable to the Principal/Designee will be explored. The Assistant Superintendent of Student Services and Exceptional Student Education will inform appropriate parties as to the Review Committee's decision. The District Review Committee may recommend that expulsion proceedings continue or institute a more appropriate alternative.
- In appropriate cases, the District Review Committee may offer the parent/student 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.

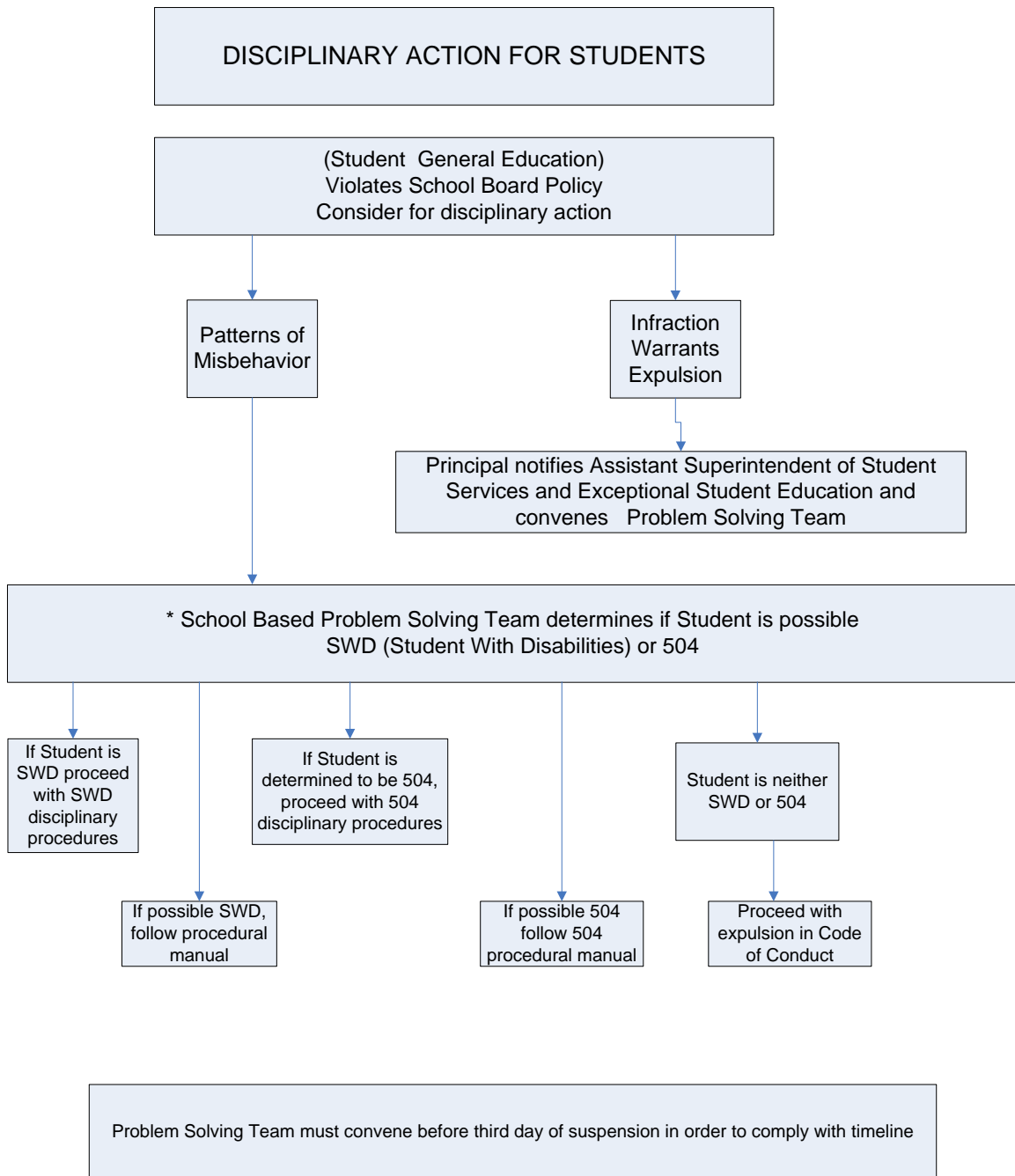
D. Superintendent's Recommendation for Expulsion, Hearing and School Board Action

- If the Superintendent approves the Principal's/Designee's request for expulsion, a notice of intent to expel will be delivered to the parent(s) or guardian(s) of the student setting forth the charges against the student and

advising the student and his/her 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 prepared by the Placement Review Specialist and delivered by certified mail. The notice will specify the date/time and location of the expulsion hearing before the Hearing Officer.

- In the hearing before the Hearing Officer, the parent/student has the right to due process as prescribed by Florida Statutes. 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 of the Principal/Designee and will also have the right to cross examine the school's witnesses. A Recommended Order will be developed by the Hearing Officer for the School Board.
- The student and their parent/guardian will be scheduled before the School Board at which time a Final Order will be developed. Although the appearance before the School Board is not an evidentiary hearing, the parent/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/student will receive a copy of the School Board's Final Order.

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



DISTRICT DISCIPLINARY PROCEDURES FOR STUDENTS WITH DISABILITIES

DISCIPLINE

The 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/Designee and the Exceptional Student Education (ESE) teacher may develop a plan for the provision of services to the student.

EXPULSION

Expulsion of an identified 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/Designee shall contact the Assistant Superintendent of Student Services and Exceptional Student Education or designee of the 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 meeting of the IEP team, 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.

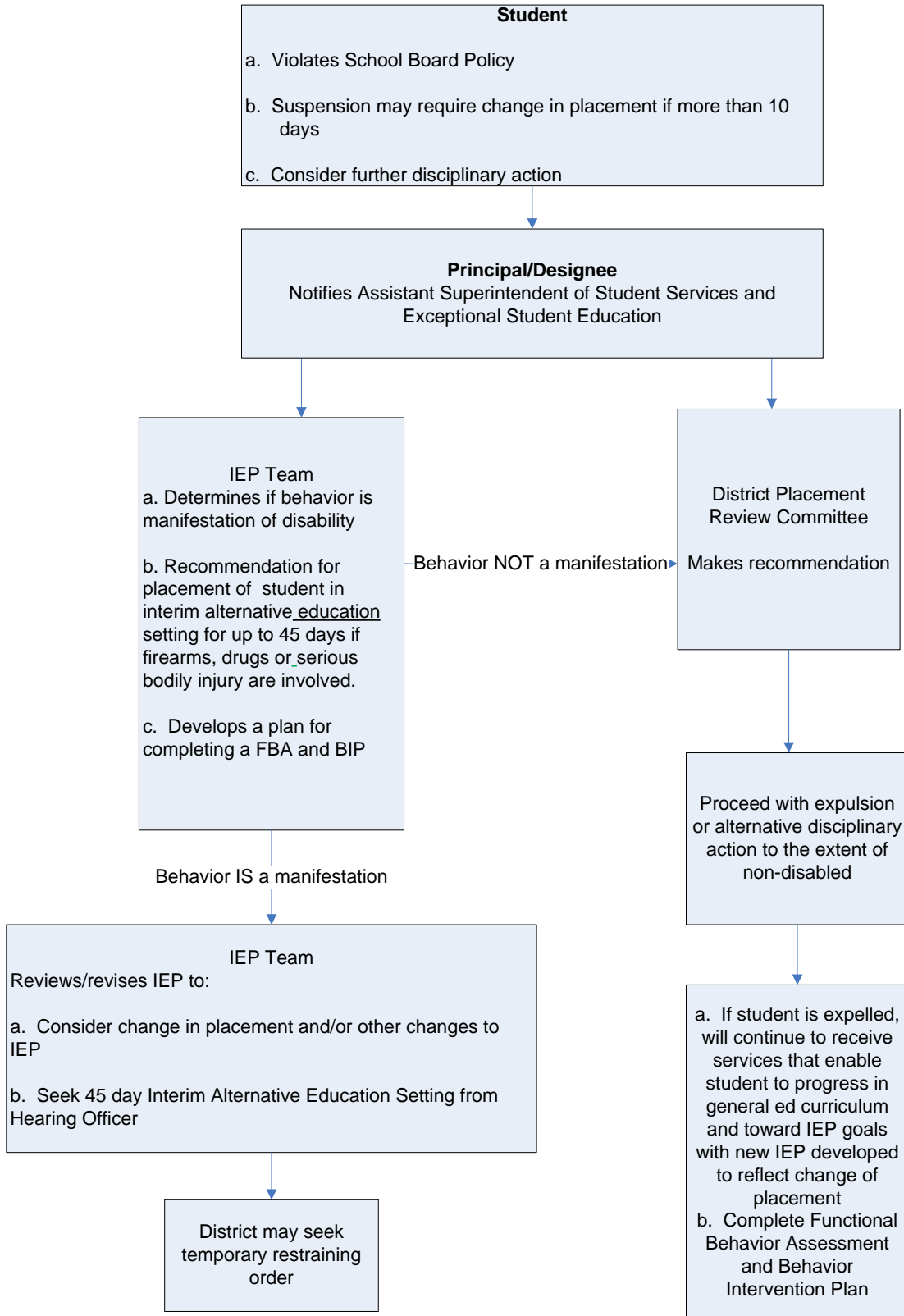
5. The IEP team must also determine if the offense(s) is a manifestation of the student's disability. See Fla. Admin. Code Rule 6A-6.03312(3). See, also, 34 CFR 300.530(e). The team must consider all relevant information including:
 - a. Description of offense and discipline referral;
 - b. Discipline history/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 /diagnostic results; and
 - g. Other pertinent information.

The team must then complete the "Manifestation Determination Form" addressing if:

- 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 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 District shall arrange for an expedited hearing, if requested by the parent. The Administrative Law Judge shall then determine whether the 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 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 District agree otherwise. An expedited hearing may be requested by the 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



DISTRICT DISCIPLINARY PROCEDURES FOR STUDENTS QUALIFIED UNDER SECTION 504

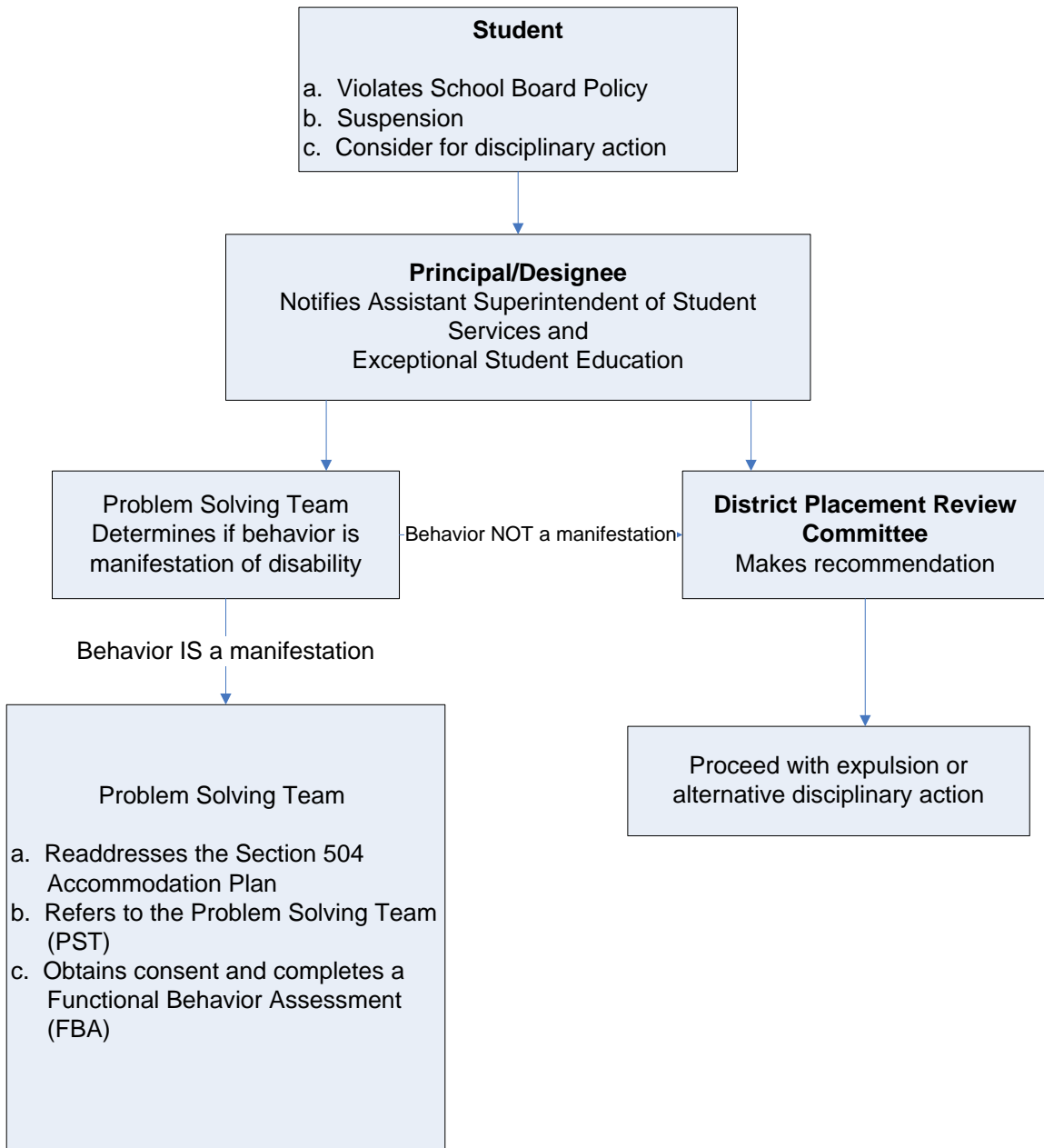
Expulsion

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

1. The Principal/Designee shall contact the Assistant Superintendent of Student Services and Exceptional Student Education or designee of his/her 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 offense(s). 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/anecdotal, if available;
 - c. Student's 504 Accommodation Plan;
 - d. Functional Behavior Assessment, if available;
 - e. Behavior Intervention Plan, if available;
 - f. Evaluation/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 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 with the District Hearing Officer. 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 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 of St. Lucie County, Florida has expelled a student, that student has no right to attend any public school in St. Lucie County, Florida, unless the School Board, at its discretion, acting upon the recommendation of the Superintendent, 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 by a proper prosecuting attorney for an incident that allegedly 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/Designee 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 his or her guilt or innocence, or the dismissal of the charge.

The following procedures shall apply when the Principal/Designee 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/Designee shall immediately notify the parent or guardian, 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. Waiver of suspension may be granted:

(i) If the student divulges information leading to the arrest and conviction of the person who supplied the drug to him or her,

(ii) If the student voluntarily discloses his or her prohibited or unlawful possession of the drug prior to his or her arrest, or

(iii) If the student commits himself or herself, or is referred by the court in lieu of sentence, to 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/Designee.

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

1. The student may speak in his or her own defense, may present any evidence indicating his or her eligibility for waiver of disciplinary action, and may be questioned on his or her testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify.

2. In conducting the hearing, the Principal/Designee 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/Designee shall provide the student and parent with a decision, in writing, as to whether or not suspension will be made.

1. In arriving at this decision, the Principal/Designee 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 he or she 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/Designee, based upon conclusive evidence, that a felony charge has been formally filed against the student by a proper prosecuting attorney.

3. Any suspension pending adjudication of guilt shall be made only upon a finding by the Principal/Designee that the alleged incident for which the student is charged has had an adverse impact on the educational program, discipline, or welfare in the school. In determining "adverse impact," the Principal/Designee 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/Designee 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/Designee 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 on public school grounds during regular classroom hours. The suspension shall not affect the delivery of educational services to the student, and the student shall be immediately enrolled in a daytime alternative education program, or an evening alternative education program, where 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 or extracurricular/co-curricular program, or on District transportation while suspended or expelled from school is subject to further disciplinary action or arrest for trespassing.

DEFINITIONS

When used in this Code of Student Conduct, the listed terms shall have the following meanings:

1. **Alcoholic Beverage:** Distilled spirits and all beverages containing 0.5 percent or more alcohol by volume, including wine, spirituous liquors, and beer and other malt beverages.
2. **Behavior Contract:** A contract either oral or written developed between the student and teacher, the Principal, and/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/Designee. Parents or guardians are to be notified that the student will be detained. Responsibility for transportation is that of the parent/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:** The term "drugs" 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, and/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, and/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 of attendance.

13. Extracurricular/Co-curricular 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. Section 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/Co-Curricular Program or Activity: Removal from such program or activity for the remainder of the school year.

24. Positive Behavior Support: (PBS) 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. PBS is the Tier 1 intervention within RtI:B.

25. Principal/Designee: 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.

26. 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).

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).

27. 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

28. School/Classroom Behavior Management Plans: Individual schools and/or teachers may develop structured discipline plans and/or programs to encourage appropriate behaviors.

29. Section 504: Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794.

30. SESIR: School Environmental Safety Incident Report.

31. 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/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.

32. 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.

33. 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.

34. Staff Member: Any and all employees and volunteers of the District, whether regularly based at or assigned to one or more schools or other District facilities, including, but not limited to all transportation employees.

35. 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.

36. Suspension/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.

37. SWD: Students With Disabilities.

38. Temporary Removal from Extracurricular/Co-Curricular Program or Activity: Removal from such activity as disciplinary action warrants.

APPENDIX A

BULLYING AND HARASSMENT 3.43

CHAPTER 3.00 - SCHOOL ADMINISTRATION 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 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 such as sex, religion, race/ethnicity, or disability
- (ix) Public humiliation
- (x) Destruction of property

(b) 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.

(c) 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. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.

(ii) Perpetuation of conduct listed in the definition of bullying 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.

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

(e) 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.

(f) Violent criminal offense means any felony offense listed in Section 1006.13(6)(a), Fla. Stat.

(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 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; or

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

(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 be disciplined 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, anyone who witnessed the bullying, and anyone who has credible information that an act of bullying 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. 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, 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, and
- (ii) A written final report to the principal/designee.

(f) The investigation shall be concluded and a written final report submitted to the Principal/Designee 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 Letter from the United States Department of Education, Office of Civil Rights, dated October 26, 2010, addressing bullying and harassment, available at <http://www2.ed.gov/about/offices/list/ocr.letters/colleague-2010.html>, as a guide to 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 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 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 incident about the Unsafe School Choice Option (No Child Left Behind Act, Title IX, Part E, Subpart 2, Section 9532) that 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.”

(13) Procedure for preventing recurrence of 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 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/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

(ii) Interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management) 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 s. 1006.09(6).

(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 with recommendations regarding such incidents.

(c) The School District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, to report incidents of bullying or harassment and to report unsubstantiated incidents of bullying or harassment.

(d) If a bullying and/or harassment incident occurs then it will be reported in SESIR with 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 of bullying or harassment or unsubstantiated bullying or harassment. Those incidents are:

- (i) Arson
- (ii) Battery
- (iii) Breaking and Entering
- (iv) Disruption on Campus
- (v) Major Fighting
- (vi) Homicide
- (vii) Kidnapping
- (viii) Larceny/Theft
- (ix) Robbery
- (x) Sexual Battery
- (xi) Sexual Harassment
- (xii) Sexual Offenses
- (xiii) Threat/Intimidation
- (xiv) Vandalism
- (xv) Weapons Possession
- (xvi) 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 incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.

(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.

(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. 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 in schools.

(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 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), Fla. Stat., 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/designee 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 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; 11/23/10, 09/13/2011; 06/12/12

FORMERLY: New

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
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:

ASSISTANT SUPERINTENDENT 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.