

The School Board of Polk County, Florida



2007-2008

Code of Student Conduct

For more information, see www.polk-fl.net/code_conduct

EQUITY STATEMENT

The School Board of Polk County, Florida, shall maintain a learning environment free from discrimination and harassment based on race, color, national origin or language spoken, religion, sex, marital status, age, disability or homelessness, or other basis prohibited by law. Students shall not be excluded from participating in any educational program or activity provided in the public schools of Polk County based on race, color, national origin or language spoken, religion, sex, marital status, age, disability or homelessness, or other basis prohibited by law.

If you have any questions with regard to discrimination or harassment, Title II or Title IX, you may contact Patricia W. Hunter, Senior Coordinator of Equity and Compliance, at (863) 534-0513.

If you have any questions regarding Individuals with Disabilities Education Improvement Act (IDEIA) or Section 504 of the Rehabilitation Act of 1973, you may contact the Director of Exceptional Student Education at (863) 534-0931.

Written questions may be forwarded to the Senior Coordinator of Equity and Compliance at:

The School Board of Polk County, Florida
1907 South Floral Avenue
Post Office Box 391
Bartow, FL 33831-0391

TABLE OF CONTENTS	i
2007-2008 TRADITIONAL SCHOOL CALENDAR FOR STUDENTS.....	iii
NOTIFICATION OF RIGHTS AFFORDED BY THE INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEIA) AND SECTION 504 OF THE REHABILITATION ACT OF 1973.....	iv
NOTIFICATION OF RIGHTS – FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA).....	v
NOTIFICATION OF RIGHTS – STUDENT DIRECTORY INFORMATION.....	vii
NOTIFICATION OF RIGHTS – PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)	viii
TECHNOLOGY ACCEPTABLE USE POLICY	x
PART I – RIGHTS AND RESPONSIBILITIES:	
SECTION 1.01 CODE OF STUDENT CONDUCT’S PURPOSE	1
SECTION 1.02 STUDENTS.....	2
PART II – GENERAL RULES AND REGULATIONS:	
SECTION 2.01 ABSENCE	5
SECTION 2.02 ACADEMIC DISCIPLINE	6
SECTION 2.03 ALTERNATIVE EDUCATION PROGRAMS.....	6
SECTION 2.04 ATTENDANCE REQUIREMENTS.....	6
SECTION 2.05 CHARITABLE DRIVES/FUND-RAISING	7
SECTION 2.06 CHECKING OUT OF CLASS OR SCHOOL.....	7
SECTION 2.07 CHILD ABUSE	8
SECTION 2.08 CLUBS AND ORGANIZATIONS	8
SECTION 2.09 CORPORAL PUNISHMENT	8
SECTION 2.10 DRESS CODE	9
SECTION 2.11 DRIVER LICENSE REQUIREMENTS	13
SECTION 2.12 DRUG-FREE SCHOOLS.....	13
SECTION 2.13 EMERGENCY INFORMATION CARD.....	13
SECTION 2.14 EXCEPTIONAL STUDENTS	13
SECTION 2.15 EXTRACURRICULAR ACTIVITIES	13
SECTION 2.16 FALSE ACCUSATIONS	14
SECTION 2.17 FIELD TRIPS	14
SECTION 2.18 GRADUATION REQUIREMENTS	14
SECTION 2.19 HARASSMENT/DISCRIMINATION	14
SECTION 2.20 INVESTIGATIONS AT SCHOOL	16
SECTION 2.21 MAKEUP WORK	17
SECTION 2.22 MEDICATION.....	17
SECTION 2.23 NO CONTACT ORDER	17
SECTION 2.24 PARENT.....	18
SECTION 2.25 REENTRY	18
SECTION 2.26 SCHOOL CALENDAR FOR STUDENTS.....	18
SECTION 2.27 SCHOOL EMPLOYEE/PERSONNEL/STAFF	18
SECTION 2.28 SEARCHES.....	18
SECTION 2.29 STUDENT	18
SECTION 2.30 STUDENT TRANSPORTATION.....	18
SECTION 2.31 SUBSEQUENT OFFENSES.....	18
SECTION 2.32 TRANSFERS.....	18
SECTION 2.33 TRAVEL	19
PART III – DISCIPLINE AND APPEAL PROCEDURES:	
SECTION 3.01 DISCIPLINARY ACTIONS	20
SECTION 3.02 PROGRESSIVE DISCIPLINE.....	20
SECTION 3.03 LEVELS OF DISCIPLINE.....	21
SECTION 3.04 ADVERSE IMPACT SUSPENSION FOR FELONIES COMMITTED OFF CAMPUS.....	26
SECTION 3.05 SUBSEQUENT OFFENSES.....	27
SECTION 3.06 STAY ORDER	27
SECTION 3.07 APPEAL PROCEDURES FOR NON-ESE STUDENTS	27
PART IV – DISCIPLINE OF IDEIA-ELIGIBLE STUDENTS:	
SECTION 4.01 GENERAL REQUIREMENTS FOR ALL SUSPENSIONS/EXPULSIONS OF IDEIA- ELIGIBLE STUDENTS.....	30
SECTION 4.02 INFORMAL CONFERENCE	31

SECTION 4.03	WHEN SUSPENSION/EXPULSION FOR MORE THAN TEN (10) SCHOOL DAYS IS WARRANTED OR CONTEMPLATED	33
SECTION 4.04	THE NECESSITY FOR COURT RELIEF	34
PART V – 504 DISCIPLINE PROCEDURES:		
SECTION 5.01	SECTION 504 OF THE REHABILITATION ACT OF 1973	35
PART VI – BREACHES OF CONDUCT:		
SECTION 6.01	ABUSIVE LANGUAGE OR CONDUCT IN THE PRESENCE OF OTHERS	36
SECTION 6.02	CHEATING.....	36
SECTION 6.03	DISRUPTIVE BEHAVIOR AND/OR MINOR INFRACTIONS.....	36
SECTION 6.04	FAILURE TO RETURN SCHOOL BOARD PROPERTY	36
SECTION 6.05	GAMBLING.....	36
SECTION 6.06	SCHOOL BUS SAFETY RULES.....	36
SECTION 6.07	SKIPPING CLASS/UNAUTHORIZED AREA.....	36
SECTION 6.08	STUDENT TRANSPORTATION, IMPROPER USE OF	37
SECTION 6.09	TARDY	37
SECTION 6.10	TOBACCO PRODUCTS	37
PART VII – SERIOUS BREACHES OF CONDUCT:		
SECTION 7.01	ABUSIVE LANGUAGE OR CONDUCT DIRECTED AT A SCHOOL BOARD EMPLOYEE.....	38
SECTION 7.02	ARSON.....	38
SECTION 7.03	ASSAULT	38
SECTION 7.04	BATTERY	38
SECTION 7.05	BOMB AND EXPLOSIVE	38
SECTION 7.06	BOMB THREAT.....	38
SECTION 7.07	BULLYING (HARASSMENT)	38
SECTION 7.08	BURGLARY	39
SECTION 7.09	COMPUTER MISUSE.....	39
SECTION 7.10	DRUGS.....	39
SECTION 7.11	EXTORTION	41
SECTION 7.12	FALSE ALARM.....	41
SECTION 7.13	FALSE INFORMATION	41
SECTION 7.14	FELONY CHARGES (OFF CAMPUS).....	41
SECTION 7.15	FIGHTING WITH INJURY OR PHYSICAL RESTRAINT	41
SECTION 7.16	FIGHTING WITHOUT INJURY OR PHYSICAL RESTRAINT	42
SECTION 7.17	GANG ACTIVITY	42
SECTION 7.18	GUNS, WEAPONS, AND DANGEROUS OBJECTS	42
SECTION 7.19	HAZING.....	43
SECTION 7.20	INDECENT EXPOSURE OR CONDUCT	43
SECTION 7.21	INSUBORDINATION	43
SECTION 7.22	INTERFERENCE WITH THE EDUCATIONAL PROCESS	43
SECTION 7.23	LEAVING CAMPUS WITHOUT PERMISSION	43
SECTION 7.24	MOONING	44
SECTION 7.25	OTHER SERIOUS VIOLATIONS OF THE LAW.....	44
SECTION 7.26	ROBBERY	44
SECTION 7.27	SERIOUS MISCONDUCT ON A SCHOOL BUS	44
SECTION 7.28	SEXUAL HARASSMENT.....	44
SECTION 7.29	STUDENT CONFRONTATION WITH A SCHOOL BOARD EMPLOYEE	44
SECTION 7.30	TELEPHONES/WIRELESS COMMUNICATION DEVICES	44
SECTION 7.31	THEFT.....	45
SECTION 7.32	TRESPASSING.....	45
SECTION 7.33	VANDALISM	45
SECTION 7.34	VIOLENCE, INCITEMENT TO.....	45
PART VIII – FORMS TO BE RETURNED TO SCHOOL:		
APPENDIX A	DIRECTORY INFORMATION OPT-OUT FORM	46
APPENDIX B	ACKNOWLEDGMENT FORM	47
APPENDIX C	STUDENT IMAGE AND TECHNOLOGY OPT-OUT FORM	48

*No unpaid training/workdays are to be scheduled before August 13, 2007	
Teacher Workdays (Aug. 13, 16 & 17) (Aug. 14 & 15) – Staff Development Days	Monday-Friday, August 13-August 17, 2007
District Contact Day – ½ day a.m. Teacher School Site Faculty Meeting – ½ day p.m.	Tuesday, August 14, 2007
Student Orientation Day/Paraeducators First Workday	Thursday, August 16, 2007
FIRST DAY OF SCHOOL FOR STUDENTS	Monday, August 20, 2007
Holiday – Student, Teacher (Paid), Paraeducators (Paid)	Monday, September 3, 2007
Staff Development Day/Student/Paraeducator Holiday	Wednesday, September 12, 2007
Interim Report (23 rd Day – September 21, 2007)	Distribute Week of September 17, 2007
FTE Week	Monday-Friday, October 8-12, 2007
Teacher Workday/Student/Paraeducator Holiday	Friday, October 19, 2007
End of 1 st 9-Week Grading Period	Wednesday, October 24, 2007
Grades Due	Friday, October 26, 2007 at noon
Distribute Report Cards (9 Weeks)	Tuesday, November 6, 2007
Holiday – Student, Teacher (Paid 11/22 & 11/23) Paraeducator (Paid 11/22 & 11/23)	Week of November 19-23, 2007
Storm Day (Makeup days, if needed)	Monday & Tuesday, Nov. 19 & 20, 2007
Payday for Employees	Friday, November 30, 2007
Interim Report (23 rd Day – December 3, 2007)	Distribute Week of December 3, 2007
Last School Day Before Winter Holidays	Wednesday, December 19, 2007
Storm Day (Makeup day, if needed)	Thursday, December 20, 2007
Holiday – Student, Teacher (Paid), Paraeducator	Wednesday, December 26, 2007
Staff Development Day (Storm makeup day for students, if needed)	Wednesday, January 2, 2008
Students and Paraeducators Return After Winter Holidays	Thursday, January 3, 2008
End of 1 st Semester/Last Day of 2 nd Grading Period	Thursday, January 17, 2008
Teacher Workday/Student/Paraeducator Holiday	Friday, January 18, 2008
Holiday – Student, Teacher (Paid), Paraeducator (Paid)	Monday, January 21, 2008
Grades Due	Tuesday, January 22, 2008 at noon
Distribute Report Cards (9 weeks)	Thursday, January 31, 2008
FTE Week	Monday-Friday, February 4-8, 2008
FCAT Writing Assessment	Tues. & Wed., February 12 & 13, 2008
Holiday – Student, Teacher (Paid), Paraeducator	Monday, February 18, 2008
Interim Report (23 rd Day – February 22, 2008)	Distribute Week of February 19, 2008
FCAT Testing	March 12-March 25, 2008
End of 3 rd 9-Week Grading Period	Monday, March 24, 2008
Grades Due	Wednesday, March 26, 2008 at noon
SPRING HOLIDAYS	Monday-Friday, March 31-April 4, 2008
Distribute Report Cards (9 Weeks)	Wednesday, April 9, 2008
Interim Report (23 rd Day – May 1, 2008)	Distribute Week of April 28, 2008
Memorial Day/All Staff Holiday	Monday, May 26, 2008
GRADUATION/Final Exams	Monday & Tuesday, June 2 & 3, 2008
End of 4 th 9-Week Grading Period - Last Day for Students and Paraeducators	Tuesday, June 3, 2008
Teacher Workday	Wednesday, June 4, 2008

Storm Makeup Days will be used in the following order: 11/19, 11/20, 12/20, and 1/2/08.

Reminder: Nonrefundable travel tickets should not be purchased in the event that Storm Days are used as Student Attendance Days and/or Teacher Workdays.

**AFFORDED BY THE INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEIA)
AND SECTION 504 OF THE REHABILITATION ACT OF 1973**

The following is a description of the rights granted by federal law to students with handicaps. The intent of this summary is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have the right to:

1. Have your child take part in, and receive benefits from, public education programs and activities without discrimination because of his/her handicapping conditions.
2. Have your child evaluated to determine if he/she is a qualified individual requiring accommodations necessary to provide access to educational programs. You have the right to receive notice in respect to such identification, evaluation, and placement of your child.
3. Review relevant educational records under the Family Education Rights and Privacy Act (FERPA).
4. Have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the School District make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Disagree with the decisions reached by school personnel regarding necessary accommodations for access to educational programs. You may submit a written grievance to the 504 Coordinator or request an impartial hearing. You have the right to be represented by counsel at an impartial hearing.
6. File a complaint alleging any action prohibited under Section 504 of the Rehabilitation Act of 1973 with the U.S. Department of Education Office for Civil Rights ("OCR"). Information regarding the filing of such a complaint is available from the Director of Exceptional Student Education.

If you have any questions regarding the District's compliance with the IDEIA or Section 504, you may contact the Director of Exceptional Student Education at (863) 534-0931.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Dear Parent,

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the students’ educational records. They have the right to:

1. Restrict the release of Directory Information which includes name, address, telephone (if it is a listed number), participation in officially recognized activities and sports, degrees and awards received, and the most recent previous educational agency or institution attended. If you do not want this information released, please complete the Directory Information Opt-Out Form (Appendix A) and return it to the school within thirty (30) days after the first day of classes.
2. Restrict the release of a student’s name, address, and telephone listing to military recruiters and institutions of higher education as required by federal law. This request applies to our students in the senior high schools. The School Board of Polk County, Florida (SBPC) is required to advise you of this requirement and afford you the opportunity to notify the school if you do not want this information disclosed to the military recruiters and institutions of higher learning. If you do not want this information released, please complete the Directory Information Opt-Out Form (Appendix A) and return it to the school within thirty (30) days after the first day of classes.
3. Inspect and review the student’s educational records within thirty (30) days of the day the school receives a request for access. Parents or eligible students should submit a written request to the school principal that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. Copies of records may be requested and obtained.
4. Request the amendment of the student’s educational records that the parents or eligible students believe are inaccurate, misleading, or inappropriate. Parents or eligible students may ask SBPC to amend a record that they believe is inaccurate, misleading, or inappropriate. A written request to the principal should clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the principal decides not to amend the records as requested, the parents or eligible students will be notified of the decision and advised of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parents or eligible students with notification of the right to a hearing.
5. Consent to disclosures of personally identified information contained in the student’s educational records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by SBPC as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel). A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility. Upon request, SBPC discloses educational records without consent to the officials of another school district or postsecondary institution in which a student seeks or intends to enroll.
6. File a complaint with the U.S. Department of Education concerning alleged failures by SBPC to comply with the requirement of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Procedures for accessing student records:

Upon written or verbal request by the parent or adult student to have access or a representative to have access to their Permanent Cumulative Record, these procedures shall be followed:

1. Parent and/or adult student will be given an appointment date and time within fifteen (15) school days of the request. The Parental Permission for Release of Information or Request for Review of Student Information form will be used for this purpose and placed in the cumulative record folder.
2. Parents only have the right to inspect and review records of their child and adult students have the right to inspect and review their own records. If the records include information on other students, the District will attempt to delete information of the other students. If this is impossible, the District will inform the parents of the information requested.

If the parent/guardian of a student or adult student believes that the educational information is inaccurate, misleading, or in violation of their privacy, they shall be provided an opportunity for correcting, deleting, or expunging such information.

Procedures for amendment of records:

1. An informal meeting is scheduled at the school with the proper administration.
2. If agreement is reached at the informal meeting, it shall be reduced to writing and signed by the parent/guardian or adult student and placed in the student's proper school record. This written agreement shall only indicate that the record has been corrected, deleted, or expunged and dated.
3. If the decision is that the records are not inaccurate, misleading, or otherwise in violation of privacy, the parent/guardian or adult student has the right to place in the education record a statement commenting on the information and any reasons for disagreeing with the decision.
4. If no agreement is reached, an appeal may be taken to the Superintendent or his/her designee. The Superintendent will schedule a formal hearing date no later than fifteen (15) school days after receiving the parent's appeal.
5. The parent will be notified in writing of the time, place, and date of the formal hearing at least five (5) days prior to the formal hearing. The parent will be given a full, fair opportunity to present evidence and, at his or her own expense, be represented by one or more individuals including an attorney.
6. The Superintendent or his/her designee shall make a decision in writing within ten (10) days after the formal hearing. This decision will include a summary of the evidence and the reasons for the decision.
7. If no agreement is reached with the Superintendent or his/her designee, the decision may then be appealed to the School Board.

Parents have the right to consent to disclosure of personally identifiable information contained in their student's educational records, except to the extent that FERPA and state statute permits disclosure without consent.

Parents have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA (Family Educational Rights and Privacy Act of 1974).

Educational records may be disclosed to school officials determined to have a legitimate educational interest. A listing of what constitutes a school official and what constitutes a legitimate educational interest is available from any school.

Records will be forwarded to another school district in which a student seeks to enroll.

Directory Information is defined as the following student (or adult student) information: name, address, telephone number (if it is a listed number), date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and most recent previous educational agency or institution attended.

Directory Information may be released to any individual, agency, or organization without prior consent, unless a parent or eligible student has notified School Board of Polk County (SBPC) in writing that they do not wish the information released. In addition, two (2) federal laws require SBPC to provide military recruiters, upon request, with three (3) Directory Information categories - names, addresses, and telephone listings, unless parents have advised SBPC that they do not want their student's information disclosed without their prior written consent. ***The school must verify that a written request to withhold any or all of the Directory Information is on file at the school site. The Directory Information Opt-Out Form (Appendix A) is to be used for this purpose.*** The Directory Information Opt-Out Form and the Parent Notification Letter (page v) are to be given to parents on a yearly basis in the Code of Student Conduct. Notification of parental objection to release of "Directory Information" must become a part of the student's cumulative record and should be flagged on computer records as appropriate.

If you do not want Directory Information released, you must complete the Directory Information Opt-out Form (Appendix A) and return to school within thirty (30) days.

The **Protection of Pupil Rights Amendment (PPRA)** affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- **Consent** before students are required to submit to a survey that concerns one (1) or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education –
 1. Political affiliations or beliefs of the student or student’s parent.
 2. Mental or psychological problems of the student or student’s family.
 3. Sex behavior or attitudes.
 4. Illegal, anti-social, self-incriminating, or demeaning behavior.
 5. Critical appraisals of others with whom respondents have close family relationships.
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers.
 7. Religious practices, affiliations, or beliefs of the student or parents.
 8. Income, other than as required by law to determine program eligibility.
- **Receive notice and an opportunity to opt a student out of –**
 1. Any other protected information survey, regardless of funding.
 2. Any nonemergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings.
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- **Inspect, upon request and before administration or use –**
 1. Protected information surveys of students.
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes.
 3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under state law.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5901

The **Polk County School District** administers the Polk County Prevention Survey and the Florida Youth Survey each year. All students in grades six through twelve are given the opportunity to participate in the Polk County Prevention Survey. The Florida Youth Survey is administered randomly to students in a limited number of middle and high schools selected by the state. Both surveys are administered in the spring of each year, usually in April. The surveys are important in assessing our School District's needs, monitoring programs, and evaluating prevention program outcomes.

Student participation in both surveys is strictly anonymous. No personally identifiable information is requested as part of the survey or survey process.

As a parent, you have the right to prohibit your child's participation in either or both surveys. Neither you nor your child is required to give a reason for not participating. Students who do participate will not be required to answer all of the questions – only those they choose to answer. Prior to survey administration, an opt-out form will be mailed to the home address on file at the school. If you do not want your child to participate, the opt-out form must be returned as instructed on the form. Parents are responsible for notifying school personnel of any address changes.

You have a right to inspect the survey instruments prior to administration of the surveys if a written request is received by April 1, 2008. The survey instruments will be available for inspection by January 5, 2008. Survey administration is coordinated by the Safe and Drug-Free Schools Office of the School Board of Polk County. A request to inspect the survey instruments may be made by writing to: Manager, Safe and Drug-Free Schools, 611 Post Avenue, S.W., Winter Haven, FL 33880.

Please contact personnel at the Mark Wilcox Center at (863) 291-5355 if you have questions regarding the surveys.

The Polk County School District offers access to network resources and the Internet. The use of the network and the Internet must be in support of educational and professional activities that are consistent with the educational goals and policies of the Polk County School Board. The user is responsible at all times for its proper use. Authorized District personnel may examine files to determine if a user is acting in violation of any District policies. Failure to comply with these policies may result in disciplinary action, legal action and/or cancellation of access. Changes in policies and guidelines will be periodically posted via email. Employees are responsible for all noticed changes.

I. Terms and Definitions:

- A. The network is defined as all computers and other devices that are interconnected to the District local/wide area network and are the sole property of the Polk County School District.
- B. The Internet is defined as a network of libraries, databases, and resources beyond the District local/wide area network.
- C. Electronic communication includes, but is not limited to, email, blogs, podcasts, discussion boards, web sites, video conferencing, and virtual classrooms.

II. Network Use:

- A. Users should take precautions to protect access to their account(s).
 - 1. Passwords must be at least eight (8) characters in length and use three (3) of the following four (4) requirements: upper case letters, lower case letters, numbers, and special characters like @,!,%,or #.
 - 2. Passwords should be changed at least every 90 days.
 - 3. Users must not compromise the privacy of their password by giving it to others or exposing it to public view. However, in the normal course of system administration, the administrator may have to examine user files to gather information to diagnose and correct problems.
 - 4. Users may be required to supply security questions and/or answers that may be used to verify their identity. It is the user's responsibility to ensure that the answers to these questions are confidential. Should a user's password become compromised due to security questions of inadequate quality, he/she will be responsible for any unauthorized activity.
- B. All security issues should be reported to school/district technology personnel immediately.
- C. Prohibited use includes, but is not limited to:
 - 1. Violations of federal, state, and local laws and regulations regarding:
 - a) Copyrighted and/or trademarked material.
 - b) Threatening, obscene, or profane material.
 - c) Licensing agreements.
 - d) Plagiarism.
 - 2. Vandalism, which is defined as malicious attempt to harm or destroy network resources, data of another user, the Internet, or other networks. This includes the creation of, or uploading of, computer viruses on the Internet or host site.
 - 3. Use of the Internet or network for financial gain, illegal activity, expression of political or personal philosophy, or acts of terrorism.

4. Unauthorized use of another individual's network access, including use of another individual's network username and password.
 5. Consuming large amounts of bandwidth, resulting in disruption of the network, including but not limited to:
 - a) Network/Internet games.
 - b) Streaming video and audio.
 - c) Noneducational teleconferencing.
 - d) Downloading very large files without prior approval of technology staff.
 6. Hacking or any attempt to gain access to networks, including but not limited to:
 - a) Browsing networks to obtain IP addresses and other network information.
 - b) Accessing the networks without prior authorization.
 - c) Using network resources or other resources with the intent of preventing or interfering with the transmission of voice, data, pictures, or anything that can be transmitted over the network.
 - d) Trespassing on others' work, files or folders, and attempting to, or taking action to access, modify, harm, or destroy data of another user.
 7. Circumventing proxy servers, firewalls or other filtering software.
 8. Using unauthorized telephone services, including long distance calls.
- D. Student Use - in addition to all of the above:
1. Students have the privilege of using school/district computers, which include the Internet, unless said privilege has been revoked in writing by parental opt-out form or suspension of privileges for violations of the Code of Student Conduct.
 2. Students' access to and use of the school/district computers shall be under the direction of a school staff member and monitored as an educational activity.
 3. Students are responsible for avoiding access to inappropriate material and reporting incidents should they occur.
 4. Disciplinary action shall consist of any combination of consequences as listed in the Student Code of Conduct, Section 7.09 - Computer Misuse, and this policy.

III. Electronic Communication:

- A. Most electronic communication is a matter of public record and should never be considered private or secure.
- B. Unauthorized use includes, but is not limited to:
 1. The creation and exchange of offensive, harassing, obscene, or threatening communication.
 2. The creation and exchange of communication that uses impolite, abusive, or objectionable language.

3. The exchange of privileged, confidential, or sensitive information outside of the organization or outside the defined privileged group.
 4. The creation and exchange of advertisements, solicitations, chain letters, SPAM, and other unsolicited email.
 5. The creation, storage, or exchange of information in violation of copyright laws.
 6. Reading or sending communication from another user's account, except under proper delegate arrangements.
 7. Altering or copying a communication or attachment belonging to another user without the permission of the originator.
 8. The installation and use of Hotbars application and similar third party email enhancements.
 9. Using stationery other than what is currently available in Microsoft Outlook.
 10. Using electronic communication in ways that violate School Board policies, the Code of Student Conduct, or District procedures.
 11. Activities which cause congestion of the network or otherwise interfere with the work of others.
 12. Impersonating any other person, entity, or organization or misrepresenting your affiliation with any other person, entity, or organization.
 13. Representing personal views as those of the Polk County School District.
- C. The principal/supervisor must be notified immediately of any unauthorized use of your account or any other breach of security. Polk County Schools is not liable for any loss you may incur as a result of someone else using your password or account, either with or without your knowledge.
- D. Personal Folders must be established on the user's workstation for the storage of correspondence and materials.
- E. Automatic forwarding of any communication inside Polk County Schools to an outside network is prohibited.
- F. Email addresses should not be sold to or shared with outside sources without proper authorization.

SECTION 1.01. CODE OF STUDENT CONDUCT'S PURPOSE: The School Board of Polk County, Florida, as the governing Board of the School District of Polk County, and the public schools of Polk County exist for the purpose of meeting the educational needs of Polk County's citizens, both youth and adult. The Code of Student Conduct was developed to inform students and parents of acceptable student behavior and the disciplinary alternatives for modifying unacceptable behavior.

- A. **Successful School Management:** One important objective of successful school management is the creation of a safe and nondisruptive environment in which an equal educational offering can be extended to each student. Acceptable student behavior is a key element in the creation and maintenance of such an environment. An integral part of the overall learning process is making positive efforts within a safe and orderly environment to correct students' behavioral mistakes as well as academic mistakes.
- B. **Student Discipline:** Student discipline, when properly administered, reinforces the educational process in a positive manner. Student discipline must be administered in a manner that teaches acceptable social skills and instills within the student a lasting respect for authority.
 - 1. **Due Process:** Student discipline that is properly administered can demonstrate the principles of procedural and substantive due process which are the basic building blocks of an orderly society governed by laws rather than by the whims of man.
 - 2. **Procedures:** In order to assure these concepts, the School Board has provided procedures throughout this handbook which shall be strictly adhered to in all student discipline matters resulting in suspension, expulsion, or assignment to a special placement or an individually designated program.
- C. **Health, Safety, and Welfare:** The School Board has the responsibility to provide for the health, safety, and welfare of all students and employees.
 - 1. **Learning Atmosphere:** The School Board, with the cooperation of students and parents, has the responsibility to provide a proper atmosphere for learning provided by competent administrators and teachers who are enthusiastic, understanding, and fair.
 - 2. **Criminal Liability for Disruption of Educational Institutions:** Pursuant to Section 877.13, Florida Statutes, it is unlawful for any person to disrupt or interfere with the administration or functions of any educational institution, School Board, or activity on School Board property.
- D. **Equity Statement:** The School Board shall maintain a learning environment free from discrimination and harassment based on race, color, national origin or language spoken, religion, sex, marital status, age, handicap, or homelessness. Students shall not be excluded from participating in any educational program or activity provided in the public schools of Polk County based on race, color, national origin or language spoken, religion, sex, marital status, age, handicap, or homelessness.
- E. **Control of Students:**
 - 1. **School Board:** The School Board is authorized to adopt rules and regulations for the control and discipline of students and shall decide all cases in which expulsion is recommended.
 - a. **Code of Student Conduct:** The Code of Student Conduct handbook outlines the rights and responsibilities of the School Board and students with regard to the conduct of students while attending school or a school-sponsored activity, while on school property or a school bus, or at a designated school bus stop. The Code also includes discipline and appeal procedures as well as consequences for violations of the Code of Student Conduct.

- 1). **Instruction and Distribution:** Specific instruction about the Code of Student Conduct is provided to all students, and this handbook is distributed to all students for delivery to their parents at the beginning of each school year.
- 2). **Acknowledgment:** Both parents and students have the responsibility to become familiar with the Code of Student Conduct and to complete and return the Acknowledgment Form (Appendix B) of this document.
- b. **Revisions:** With the exception of administrative revisions mandated by law, the Code of Student Conduct is reviewed every other year by a district-wide committee.
 - 1). **Recommendations:** Recommendations for improvement will always be welcome, but until revised, student conduct will be governed by the contents herein.
 - 2). **Revision Committee:** The next Code of Student Conduct Revision Committee will convene during the 2007-2008 school year.
2. **Superintendent:** The Superintendent has authority to review and modify recommendations for disciplinary actions:
 - a. **Stay Order:** The Superintendent shall have authority to grant a stay whereby the student shall remain in school pending conclusion of the appeal process.
 - b. **Alternative Education Program:** The Superintendent or designee shall have authority to administratively assign a student attending regular school or a suspended or expelled student to an Alternative Education Program.
 - c. **Expulsion:** The Superintendent has authority to make recommendations for expulsion to the School Board. When School Board action on a recommendation for expulsion of a student is pending, the Superintendent may extend the suspension assigned by the principal beyond ten (10) school days if such suspension period expires before the next regular or special meeting of the School Board.
3. **Principal:** The principal or designee may develop school rules and may delegate such responsibility for the control and direction of students to school administrators, instructional staff, resource officers and/or bus drivers or attendants as the principal or designee may consider appropriate.
 - a. **General Welfare of the School Community:** The principal's authority to control students and administer discipline includes all facilities, transportation, and extracurricular activities or functions provided by the Polk County School District. Such authority shall not be confined to the school campus if the act of the student directly affects the education and general welfare of the school community.
 - b. **Disciplinary Actions:** Refer to Part III, Discipline and Appeal Procedures, Section 3.01, Disciplinary Actions.
4. **Teacher:** Each teacher or other members of the school staff are given authority under state law to establish classroom rules of conduct and consequences for infractions of classroom rules, and to have violent, abusive, uncontrollable, or disruptive students removed from the classroom.

SECTION 1.02. STUDENTS: Student rights are not waived or relinquished by a child being enrolled in a public school. In order to progress successfully through Polk County Schools, students must be afforded those rights and responsibilities required by law.

- A. **Access to Education:** Students have the right to a free public education that is not to be denied except by procedural due process. This right applies equally to students beyond the age of compulsory attendance, married students, pregnant students, or students who have children. Students have the responsibility to attend school regularly and to use their educational opportunities to their fullest potential.
- B. **Assembly:** Students have the right to assemble in a nondisruptive manner. Students have the responsibility to plan, gain approval for, and conduct assemblies consistent with educational objectives.
- C. **Conduct:** Students have the right to know the rules which they are expected to follow. Students have the responsibility to observe the rules and are expected to follow an accepted standard of behavior so as not to interfere with the educational process. Failure to comply with the rules will result in the forfeiture of privileges in addition to the penalties set forth herein.
- D. **Counseling:** Students have the right to receive appropriate counseling with regard to personal matters as well as educational programs. Students have the responsibility to schedule appointments in advance in such a way as not to interfere with their academic responsibilities.
- E. **Due Process:** A student cannot be suspended or expelled and thereby deprived of a free education provided in the public schools without due process of the law as guaranteed to every American citizen by the Fourteenth Amendment to the Constitution of the United States of America. Due process requirements guarantee all students the right to fair notice, fair procedures, and a fair hearing. The student and his or her parent or guardian have the responsibility to timely follow the procedures set forth herein in a respectful fashion.
- F. **Free Speech:** Students have the right to free speech, oral and written. Students have the responsibility to express and publicize their opinions and ideas in such a manner so as not to offend, slander or libel others, and to avoid disrupting the orderly process of the school.
- G. **Learning Atmosphere:** Students have the right to a healthy and safe school environment in which to learn. Students have the responsibility and are expected to conduct themselves in such a manner so as not to interfere with the rights of others to learn.
- H. **Activities and Programs:** Students have the right and equal opportunity to participate in school activities and programs. Students have the responsibility to choose their activities and programs and comply with the policies or rules associated with such programs.
- I. **Privacy:**
1. **Personal Possessions:** Students have the right to privacy of personal possessions unless the principal has reasonable suspicion that such possession or possessions are injurious to health or otherwise are prohibited by law or school policy. Students have the responsibility to make certain that personal possessions are not prohibited by law and do not disrupt the educational process.
 2. **Personal Information:** Students have the right to expect professional and ethical treatment of personal information shared with school personnel and the right to be protected by legal provisions that prohibit the release of personally identifiable education records to any unauthorized persons without the consent of the parent or adult student. A school may release student Directory Information in certain situations as described on page vii. Students and parents have the responsibility to provide the school with accurate and current information such as mailing address, medical information, court orders concerning child custody, legal name changes, and other documents pertaining to the release of such information. Parents wishing to record conferences or meetings with teachers or administrators must advise all parties to such conferences or meetings in advance.

- J. **Respect for Persons and Property:** Students have personal and property rights and the responsibility to respect the personal and property rights of others as well as school property entrusted to them. A student's failure to return School Board property entrusted to the student is addressed in Part VI, Breaches of Conduct, Section 6.04, Failure to Return School Board Property.

- K. **School Records:** Students and their parents or adult students have the right to review, question, and have access to all school records of that student. The parent or adult student has the responsibility to give prior notice to school officials of such request for access to school records.

SECTION 2.01. ABSENCE: Also see Attendance, Checking Out of Class or School, Graduation Requirements, and Makeup Work.

- A. **Daily Report:** Teachers shall notify the principal of all student absences on a daily basis.
- B. **Excused Absences:** An excused absence is defined as an absence that has the sanction of the parent and the school. The following absences are acceptable and will be excused and the student will be allowed to make up work:
 - 1. **Personal Illness:** A student shall be excused for absences caused by personal illness. A note explaining the absence which has been signed by the parent must accompany the student on return to school, or a telephone call from the parent if required by the principal. The principal may request a doctor's certificate.
 - 2. **Illness or Death in the Immediate Family:** A student shall be excused for absences caused by serious illness or death in the immediate family. Immediate family is defined as parent, brother, sister, grandparent, aunt, uncle, legal guardian or person in loco parentis, or member of the household. A note explaining the absence that has been signed by the parent must accompany the student on return to school.
 - 3. **Religious Holidays:** A student shall be excused from attendance in school in grades K-12 on a day or days or particular time of day, and shall be given the opportunity to make up any work missed due to that student's observance of a religious holiday.
 - a. **Prior Notice:** The parent shall give written notice to the principal or teacher not more than five (5) days prior to any absence.
 - b. **Written Excuse:** A written excuse for such absences pursuant to this rule shall not be required upon return to school.
 - 4. **Educational Trips:** Such trips shall be planned by the parent and teacher and prearranged and approved by the school administration. The student shall prepare and submit a written report of the trip to the teacher.
 - 5. **Trips with Parents:** Such trips shall be prearranged and approved by the school administration. If such trips are not prearranged, the absences shall not be excused unless the trip was necessitated by an emergency. The principal or designee will make the final determination.
 - 6. **School Sponsored Activities:** A student shall be excused from attendance at school to participate in school sponsored activities such as athletic functions, band, club trips, etc., if such activities have been prearranged with the school administration. These students are to be counted in attendance at said school for this period of time.
 - 7. **Judicial Actions:**
 - a. **Subpoena/Summons:** A student shall be excused for any absence due to court appearance provided the principal or designee has been furnished a copy of the subpoena or court summons.
 - b. **Juvenile Detention Center:** A student shall be excused for any absence due to placement in the Juvenile Detention Center.
- C. **Unexcused Absence:** An unexcused absence is defined as an absence that does not have the approval of the school. Ordinarily, school assignments missed because of an unexcused absence may not be made up by the student for credit.

SECTION 2.02. ACADEMIC DISCIPLINE: No student shall be disciplined for failure to perform academic assignments such as regular school assignments, homework assignments, or not dressing out in physical education classes. No student's grade shall be affected by misbehavior.

SECTION 2.03. ALTERNATIVE EDUCATION PROGRAMS: The Alternative Education Programs are designed to provide educational services to those students who are unsuccessful in the normal school environment. The Alternative Education Programs described herein are those specifically related to student discipline and do not include various other alternative education opportunities provided by The School Board of Polk County, Florida.

- A. **Exceptional Students:** See Part IV, Discipline of IDEIA-Eligible Students.
- B. **Unsatisfactory Completion of Assignment:** Any student who fails to satisfactorily complete an Alternative Education Program assignment and has withdrawn from school must reenter the Polk County School System through the program they did not complete. This procedure may be waived if so determined by a committee assigned by the Senior Director, Specialized Services.

SECTION 2.04. ATTENDANCE REQUIREMENTS: Also refer to Absence, Checking Out of Class or School, Driver License Requirements, Graduation Requirements, and Makeup Work.

- A. **Compulsory Attendance:** All children who have attained the age of six (6) years by February 1st of any school year, or who are older than six (6) years of age but have not attained the age of sixteen (16) years, are required to attend school regularly during the entire school term unless otherwise exempt under the law.
- B. **Truancy:** Truancy is defined as the absence of a student within the compulsory attendance age without the knowledge, consent, or connivance of the parent. The student may be referred to the circuit court as provided by law; however, the parent and student will be afforded the opportunity to meet with school personnel in an effort to solve the attendance problem before a referral is made.
- C. **Responsibility for Attendance:** The responsibility for attendance of a child within the compulsory age limit rests primarily with the parent, the principal, and the teacher.
 - 1. **Parent:** The responsibility of the parent is to ensure that his or her child attends school daily. The status of an absence (excused or unexcused) or tardiness must be resolved with school personnel within two school days of the student's absence (see Section 2.01 B and C for definitions of excused and unexcused absences).

If the parent of a child within the compulsory school attendance age is found to be responsible for the unexcused nonattendance of that child, criminal prosecution against the parent may be instituted as provided by law.

- 2. **School Administration:** Any student who is absent without an excused absence for more than five (5) days during a nine-week grading period will be reviewed by an Attendance Committee chosen by the principal. The Attendance Committee is responsible for designing and implementing interventions to improve attendance. A referral for social work services or involvement of the Office of the State Attorney may be warranted for truancy.
 - a. **Recommendation to Withdraw from School:** After reviewing the case, the Attendance Committee may make a recommendation that the student be withdrawn from school.
 - b. **Meeting:** The parent and student will be afforded the opportunity to meet with school personnel in an effort to solve the attendance problem before any decision is made.
 - c. **Readmission to School:** Once a student has been withdrawn under this provision, they must apply for readmission.

- D. **Accounting:** Students will be considered in attendance only if they are actually present at school or are away from school on a school day engaged in a school approved educational activity.
1. **Records:** The attendance of all public school students shall be reported and verified by the teacher and recorded at each school in the Automated Student Attendance System as approved by the Division of Public Schools, Florida Department of Education (1985).
 2. **Reports:** The District and school administration shall prepare and submit all reports that may be required by law and School Board Policy.
- E. **Certificates of Exemption:** A student within the compulsory attendance age limit who holds a valid certificate of exemption issued by the Superintendent shall be exempt from attending school.
1. **Term:** A certificate of exemption shall cease to be valid at the end of the school year in which it is issued.
 2. **Conditions:** Students entitled to such certificates and the conditions upon which they may be issued are as follows:
 - a. **Handicapped:** Children within the compulsory attendance ages who are physically or mentally handicapped to such an extent as to render inadvisable their attendance at school may be issued a certificate of exemption by the Superintendent based upon the recommendation of the County Health Officer.
 - b. **Family Need:** Students who have reached the age of fourteen (14) and completed the eighth grade may be issued a certificate for employment by the office of the Superintendent based upon family need if recommended by the student's principal.
 - c. **Juvenile Court:** The Superintendent may issue a certificate of exemption upon receipt of a recommendation from the judge of the Juvenile Court.
 - d. **Student/Parent:** A student who is also a parent may be issued a certificate of exemption by the Superintendent if that student/parent does not have access to child care.
- F. **Unusual Situations:** The school administrator should seek guidance from the office of the Superintendent in unusual situations concerning attendance.

SECTION 2.05. CHARITABLE DRIVES/FUND-RAISING:

- A. **Policy Number 6Gx53-8.004, Charitable Drives/Fund-Raising:** Also refer to School Board Policy Number 6Gx53-8.004, Charitable Drives/Fund-Raising.

ELEMENTARY STUDENTS GRADES K-5 (Section 2.05 ONLY)

- B. **Door-to-Door Solicitation:** Charitable drives are not considered a part of the school program for student participation in elementary schools. Elementary students are not allowed to participate in door-to-door solicitation at any time.

SECONDARY STUDENTS GRADES 6-12 (Section 2.05 ONLY)

- B. **Voluntary Participation:** Student participation in charitable drives shall be limited to voluntary participation of clubs and organizations in secondary schools.

SECTION 2.06. CHECKING OUT OF CLASS OR SCHOOL: Also refer to Absence, Attendance, Emergency Information Card, and Makeup Work.

- A. **Criteria:** The criteria for determining an excused check-out shall be the same as for excused absences.
- B. **Emergency Information Card:** School personnel must rely on the information recorded on the emergency information card at the time of enrollment unless otherwise properly notified.
1. **Authorization:** A student will not be allowed to leave school without proper authorization. Adult, married, or self-supporting students will need only the principal's permission to leave campus.
 2. **Identification:** Individuals authorized to check students out of school must report to the school office. Anyone not personally known to the school office staff must present a picture identification (valid state driver license, state identification card, U.S. military identification card, passport, etc.).
- C. **Legal Custody:** Schools are not in a position to make determinations regarding legal custody of a child.
1. **Custody Dispute:** If the school is aware that a custody dispute exists but has not been properly notified of a judicial determination, the enrolling parent shall control physical access of the student during school hours.
 2. **Change in Custody:** It shall be the responsibility of the custodial parent to furnish a certified copy of the court document awarding custody of a child for purposes of access as well as any change in residence.
 3. **Visitation:** Visitation with a student during school hours on school campus must be approved by the principal.
- D. **Doctor/Dentist Appointments:** If at all possible, these appointments should be made after school hours. If this is not possible, the appointment must be cleared with the principal's office.
- E. **Law Enforcement Authorities:** Rules relating to a law enforcement agent's access to students are referenced in Part II, Section 2.20, Investigations At School.

SECTION 2.07. CHILD ABUSE: When child abuse and/or neglect is suspected by school personnel, the law requires that the suspected child abuse and/or neglect be reported immediately to the Florida Abuse Registry, 1-800-962-2873.

SECTION 2.08. CLUBS AND ORGANIZATIONS: All secret societies and kindred organizations are prohibited, forbidden, and excluded from the public schools of Polk County, Florida. No student shall be permitted to join or be connected with any such club or organization.

SECTION 2.09. CORPORAL PUNISHMENT:

ELEMENTARY STUDENTS GRADES K-5 (Section 2.09 ONLY)

Corporal punishment may be administered at the elementary grade level upon written request of the parent and at the discretion of the principal.

- A. **General Definition:** Corporal punishment in the general sense is the inflicting of a penalty for an offense and administered as a means of changing the student's behavior when other means of seeking cooperation from the student have failed.
- B. **Guidelines:** Punishment alone is not effective in changing behavior. An intervention which is educational in nature should be employed in conjunction with the administration of corporal punishment.

1. **Parental Request:** Corporal punishment will only be administered upon receipt of written request of the parent at the beginning of each school year, or when necessary during the school year.
2. **Student Rights:** The student should clearly understand the seriousness of the offense and reason for the punishment and shall be afforded the right to respond to adverse witnesses and in some cases shall be afforded the opportunity to question adverse witnesses.
3. **School Personnel:** School personnel should realize the personal liabilities if the student is physically injured and must confer with the principal or designee who shall determine the necessity of corporal punishment and designate the time, place, and person to administer said punishment.
 - a. School personnel shall administer corporal punishment kindly, in a timely manner, in the presence of another adult, and under appropriate conditions so as not to cause ridicule, shame, or undue anxiety for the student.
 - b. No instrument shall be used that might produce physical injury to the student, no part of the body above the waist or below the knees may be struck, and the number of strokes and severity thereof shall be reasonable and moderate.

SECTION 2.10. DRESS CODE: Students are required to wear appropriate clothing according to the situation and the grade level involved. Inappropriate clothing and appearance are disruptive to the school program and principals will enforce adherence to this policy by those under their jurisdiction. Each school may provide for more specific dress code requirements within the scope of this district-wide dress code and shall provide each student with a copy of their school's dress code. *School administrators have final authority to decide if clothing complies with District rules.*

- A. **Section 6.03, Disruptive Behavior and/or Minor Infractions:** Repeated violations of the dress code shall be treated as disruptive behavior under Section 6.03 herein. However, dress code violations shall not carry over on the student's discipline record to subsequent semesters.
- B. **General Dress Code Requirements:**
 1. **Shirts and Blouses:** Shirts or blouses shall be tucked into the waistband of the pants or skirt. Exceptions will be allowed in individual cases based upon the discretion of the principal or designee.
 2. **Pants:** Pants with belt loops shall be worn with a belt that is properly fastened. Pants shall be worn so that the waistband is worn at the waist and not below the waist.
 3. **Skirts and Dresses:** The hem of girls' skirts or dresses shall be no shorter than mid-thigh as determined by the principal or designee in the exercise of his or her judgment.
 4. **Appropriate Sizes:** Students shall wear clothing of appropriate size as determined by the principal or designee exercising his or her judgment.
- C. **Unacceptable Attire:** Students are not allowed to wear clothing, jewelry (including body piercing jewelry and "grills"), buttons, haircuts, tattoos, or other attire or markings which are offensive, suggestive, disruptive, or indecent such as:
 1. Clothing associated with gangs.
 2. Clothing encouraging the use of tobacco, drugs, alcohol, or violence.
 3. Clothing associated with discrimination on the basis of age, color, handicap, national origin, marital status, race, religion, or sex.

4. Clothing exposing the torso or upper thighs such as see-through garments, mini-skirts or mini-dresses, halters, backless dresses, tube tops or tank tops without overblouses or shirts, spaghetti strap garments without overblouses or shirts, bare midriff outfits, or shirts or blouses tied at the midriff.
 5. Clothing not properly fastened or with tears.
 6. Clothing or outer garments traditionally designed as undergarments such as boxer shorts, bloomers, tights, hosiery, sleepwear.
 7. Clothing or footwear that is construed by the principal or designee as hazardous or dangerous to the health of the student or others.
 8. Overalls – any bibbed pants or shorts (with an inseam).
- D. **Shorts:** All students may wear hemmed walking shorts or Bermuda shorts and female students may wear skorts, provided that such shorts or skorts are no shorter than mid-thigh as determined by the principal or designee exercising his or her judgment.
1. **Unacceptable Shorts:** Athletic shorts including spandex-style "bicycle" shorts, cut-off jeans, frayed jeans or pants, cut-off sweat pants, short shorts, running shorts, and see-through boxer-type shorts are not allowed.
 2. **Career Centers:** For safety and employment training purposes, students enrolled at the career centers will not be allowed to wear shorts.
 3. **Revocation of Shorts Privilege for Excessive Violations:** If an individual school's School Advisory Council ("SAC") determines that too many students have abused and violated the shorts policy, the SAC and principal may request that the School Board revoke the shorts privilege at that particular school so that the entire student body will not be allowed to wear shorts to school during the next semester. In such cases, the School Board may elect to prohibit wearing shorts to school at that particular school during subsequent semesters or school years or reinstate the privilege of wearing shorts to school as the School Board may deem appropriate. The principal may revoke the shorts privilege of any student who violates the provisions of the shorts policy twice in one semester.

STUDENTS GRADES K-8 (Section 2.10, Item E ONLY)
--

- E. **Uniform Dress Code:** Subject to the terms and conditions set forth below, the School Board has adopted this policy providing for a uniform dress code pertaining to all students **in grades kindergarten through eighth** as follows:
1. **Findings:** Based upon evidence presented to the School Board in public meeting and a public hearing, the recommendations of the Superintendent and his/her staff, and the opinions of parents/guardians, educators and others with knowledge, experience and expertise regarding student behavior and discipline, the School Board finds that public schools in Polk County are experiencing increasingly disruptive and violent behavior by a substantial number of students; an increase in student membership in gangs and student participation in gang activities, including the wearing of gang colors or symbols promoting and encouraging violent, disruptive and unlawful behavior; increasing use and possession of illegal drugs, alcoholic beverages, weapons and other contraband articles by a growing number of younger students; a decreasing level of self-control and self-discipline by a growing number of students; and numerous distractions that interfere with students' academic performance. The Board also finds that, in those Polk County Public Schools that have employed voluntary student uniform dress codes or policies and in those Polk County magnet schools that have mandated that students wear a school uniform, there has been a significant reduction in student disciplinary actions and referrals; a reduction in violent, disruptive and distracting behavior; improved school spirit

with students having greater pride in their school's appearance and greater respect for the school facilities resulting in reduced vandalism, a decrease in incidents of student violence and students being in possession of weapons; a decrease in student drug use and possession; the virtual elimination of gang clothing and insignia; and a substantial reduction in peer pressure among students to acquire and wear the latest fashions.

2. **Purpose and Intent:** In adopting this policy, it is the School Board's purpose and intent to enable all of the public elementary and middle schools in Polk County to experience the same improvements in student behavior and discipline as those described in paragraph 1. above.
3. **Scope:** This policy shall apply to all students in **kindergarten through eighth grade** except for students attending the following schools or centers:
 - a. Fort Meade Middle-Senior High School.
 - b. Frostproof Middle-Senior High School.
 - c. Gause Academy.
 - d. Teen Parent Program.
 - e. Roosevelt Academy.
4. **Magnet Schools:** Magnet school student uniform requirements shall take precedence over the uniform dress code described herein.
5. **Basic Uniform Clothing:** At each school to which this uniform dress code applies, the principal shall confer with the school's SAC to develop and publish a school dress code that will contain the following basic uniform requirements as to the styles and colors of clothing.
 - a. **Girls' Basic Uniform:** The basic uniform clothing for girls in **kindergarten through eighth grade** shall consist of a long or short-sleeved navy blue or white collared blouse or polo shirt with a dark blue, black or khaki (tan) skirt, walking shorts, slacks, skorts, jumper, or similar clothing. The skirt, shorts, slacks, skorts, and jumpers may be of denim, corduroy, or twill fabric.
 - b. **Boys' Basic Uniform:** The basic uniform clothing for boys in **kindergarten through eighth grade** shall consist of a long or short-sleeved navy blue or white collared shirt, such as a polo, oxford or dress shirt, and a dark blue, black or khaki (tan) pair of long pants, or walking shorts. The pants or shorts may be of denim, corduroy, or twill fabric.
 - c. **Additional Uniform Alternatives:** In addition to the basic uniform clothing specified in paragraphs a. and b. above, at the discretion of the principal, a school may include in the school's uniform dress code the following alternatives:
 - 1). One additional specified color may be allowed for the collared shirt or blouse. Colored trim, stripes, or decorations will not be allowed. A small logo is acceptable.
 - 2). Skirts, shorts, slacks, skorts, and jumpers must be a solid color (traditional blue jean colors are acceptable) with no stripes, decorations, or embroidery. One specified plaid will be allowed. A small logo is acceptable.
 - d. **Considerations:** In selecting such alternatives, if any, the principal and SAC shall take into consideration the availability, affordability, and practicality of the alternative.

- e. **School T-Shirts:** In addition to the shirts and blouses described in subparagraphs a., b., and c. above, each school may include in its uniform dress code the option of allowing students to wear a school-sponsored T-shirt (which may have a crew neck rather than a collar).
 - f. **Outer Garments:** The uniform dress code shall not prohibit students from wearing coats, jackets, sweaters, or other appropriate outer garments when necessary due to weather conditions or for other legitimate reasons. Sweatshirts (hoodless) or solid sweaters of appropriate school color may be worn over appropriate uniform shirt or blouse.
 - g. **District-wide Dress Code:** All other aspects of student dress and appearance not covered by this uniform dress code policy shall be governed by the remaining provisions of this section and any related school rules pertaining to student appearance.
6. **Financial Considerations:**
- a. **Financial Hardships:** No student shall be denied attendance at school or be otherwise penalized for failing to wear clothing that complies with the uniform dress code if such failure is due to financial hardship.
 - b. **Assistance:** Each school's principal and SAC shall develop procedures and criteria to offer assistance to students who would have or are having difficulty complying with their school's uniform dress code due to financial hardships and shall develop a program to provide for donations of clothing or financial assistance, consignment shops, or reuse of uniform clothing or similar program that would alleviate such financial hardships.
7. **New Students:** Students entering the Polk County Public School System during the school year shall be granted a grace period of one (1) month before being required to comply with the uniform dress code.
8. **Alternative Education Programs:** Students in **grades kindergarten through eighth** assigned to an Alternative Education Program shall be required to dress in accordance with the uniform dress code in effect at the school in which they were enrolled before their assignment to the Alternative Education Program.
9. **Exceptions:** Exceptions to the uniform dress code shall be permitted when:
- a. A student wears a uniform of a nationally recognized youth organization, such as the Boy Scouts or Girl Scouts, on regular meeting days.
 - b. A student wears a button, armband, or other accouterment to exercise the right of free speech guaranteed by the United States and Florida Constitutions, unless the button, armband, or other accouterment signifies or is related to gangs, gang membership, or gang activity, or would otherwise violate the dress code policy.
 - c. A student wears a costume or special clothing necessary for a school play or other school-sponsored activity as permitted by the principal.
 - d. The wearing of clothing in compliance with the uniform dress code violates a student's sincerely held religious belief.
10. **Breach of Conduct, Section 6.03:** Repeated violations of the uniform dress code shall be treated as disruptive behavior under Part VI, Section 6.03, Disruptive Behavior and/or Minor Infractions.

SECTION 2.11. DRIVER LICENSE REQUIREMENTS: Any student who is eligible (age 15, 16, or 17) to obtain a restricted or regular Florida driver license must also be in compliance with and obtain verification of school attendance requirements of Section 322.091, Florida Statutes, prior to applying for a Florida driver license.

SECTION 2.12. DRUG-FREE SCHOOLS: The School Board is responsible for maintaining an environment in which students are protected from drugs and drug-related activities. The community rightfully expects the school to exercise this responsibility to prevent drug problems from arising.

- A. **Florida Law:** The use, possession, or distribution of illicit drugs or alcohol is unlawful and harmful.
1. **Students:** Students are subject to the laws regarding the use, possession, and distribution of illicit drugs or alcohol on school campus as well as elsewhere and have the responsibility to obey these laws.
 2. **Employees/Failure to Report a Violation:** Failure by any employee to report a known violation shall be in violation of Florida law and the expressed policy of this Board and would constitute an act of gross insubordination and willful neglect of duty.
- B. **Policy:** It is the expressed policy of this Board that the use, possession, distribution, or overt act in connection with any controlled substance, counterfeit controlled substance, alcoholic beverage, or model glue, as defined by law, by any student enrolled in the Polk County Public School System would result in immediate disciplinary action as outlined in Part VII, Section 7.10, Drugs, and will also be referred to the appropriate law enforcement agency.
- C. **Searches:** See Part II, General Rules and Regulations, Section 2.28 Searches.

SECONDARY STUDENTS GRADES 9-12 (Section 2.12, Item D ONLY)

- D. **Athletic Drug Testing:** Any student athlete subject to athletic drug testing who is confirmed positive for prohibited drugs by the School Board of Polk County Medical Review Officer shall be reassigned to the substance abuse assessment program at the Mark Wilcox Center for assessment and drug education. The student shall be suspended from interscholastic athletics and remain in his/her school until such time as he/she can be enrolled at the Mark Wilcox Center.

Upon successful completion at the Mark Wilcox Center and initiation of all recommendations, the suspension from interscholastic athletics shall be lifted. If participation in the recommendations is terminated prior to successful completion, the student shall be deemed ineligible to participate in interscholastic athletics for the remainder of the sports season and until participation in the recommendations is successfully completed.

In the event the student does not successfully complete the assigned assessment program at the Mark Wilcox Center, he/she will be assigned to an alternative education program. He/she shall not be eligible to participate in interscholastic athletics until release from the alternative education program, completion of a substance abuse assessment through the Mark Wilcox Center, and participation in the recommendations resulting from the assessment.

SECTION 2.13. EMERGENCY INFORMATION CARD: School personnel must rely on the information recorded on the emergency information card at the time of enrollment unless otherwise properly notified (also refer to Section 2.06, Checking Out of Class or School).

SECTION 2.14. EXCEPTIONAL STUDENTS: For purposes of this Code of Student Conduct only, all references to "exceptional" students shall not include "gifted" students unless gifted students are expressly mentioned.

SECTION 2.15. EXTRACURRICULAR ACTIVITIES: Extracurricular activities are defined as those activities that are not part of the regular course of study such as club meetings, sport events, graduation exercises, drama performances, field trips, band and marching performances, dances, proms, etc.

SECTION 2.16. FALSE ACCUSATIONS: The principal or the principal's designee may recommend the expulsion or assignment to a second chance school of any student found to have intentionally made false accusations that jeopardize the professional reputation, employment, or professional certification of a teacher or other member of the school staff.

SECTION 2.17. FIELD TRIPS: Refer to Absence/Educational Trips and Trips with Parents, Extracurricular Activities, Field Trip Manual, Transportation, and Travel.

SECTION 2.18. GRADUATION REQUIREMENTS:

- A. **Attendance Requirements:** Students must complete a minimum of 120 hours of instruction in a particular course consistent with the Southern Association of Colleges and Schools Standard 3.40 Granting Credit before they are eligible to demonstrate mastery of the student performance standards in that course.
- B. **Credit:** A student that does not meet Southern Association of Colleges and Schools Standard 3.40 as determined by the principal and the Principal's Review Committee will be required to pass an end of the course test (final exam) in order to receive credit, provided that the student's average is 70 or above on all course work completed before the final.

SECTION 2.19. HARASSMENT/DISCRIMINATION: The School Board of Polk County, Florida, forbids and affirmatively commits to preventing discrimination or harassment against any person, including students on the basis of sex, race, national origin, language spoken, color, marital status, homelessness, or disability, or other basis prohibited by law. All persons involved in any activity of the School Board have the right to an environment free from discrimination and harassment.

The Board will not tolerate harassment/discrimination by any of its employees or students, or nonemployee volunteers who work under the control of school authorities. Discrimination and harassment threaten the safety, security, and well-being of not only those against whom such actions are directed, but everyone who has an interest in our schools. For these reasons, the School Board has adopted this policy as its commitment to requiring and ensuring that all School Board activities will take place without harassment or discrimination being directed against any person.

Any substantiated violation of this policy will be deemed a serious violation and shall be addressed accordingly. All administrators, managers, and supervisors are expected and required to ensure that this policy is fully implemented and vigorously enforced.

- A. **Definition: *Discrimination*** is conduct which deprives the victim of the proper opportunity to participate in employment, educational programs or activities, School Board or school-sponsored activities, or in any other activities offered or provided by the School Board on account of race, color, national origin, language spoken, homelessness, sex, disability, marital status, age, religion, or any other basis prohibited by law.
- B. **Definition: *Harassment*** is a form of discrimination. It is conduct directed by a person or persons against another person on account of race, color, national origin, language spoken, homelessness, sex, disability, marital status, age, religion, or any other basis prohibited by law which is severe, persistent, pervasive, and objectively offensive to the point that the prohibited conduct substantially impairs the victim's participation in his/her employment, educational programs, school-sponsored activities, or any other activities offered or provided by the School District as more specifically defined below.
- C. **Sexual Harassment:** Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, nonverbal, written, graphic, or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment, an individual's education, or participation in any School Board function.

2. Submission to or rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting that individual.
 3. Such conduct substantially interferes with an employee's work performance or student's academic performance, or creates an intimidating, hostile, or offensive work or school environment.
 4. Harassment/Discrimination, as defined above, may include, but is not limited to, the following:
 - a. Verbal, nonverbal, graphic, and written harassment or abuse.
 - b. Pressure for sexual activity.
 - c. Repeated remarks to a person with sexual or demeaning implications.
 - d. Unwelcome or inappropriate touching.
 - e. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's employment.
 5. It is harassment/discrimination for a School Board employee or nonemployee volunteer to use his or her authority to solicit sexual favors or attention from subordinates or students, including but not limited to incidents when the subordinate's or student's failure to submit will result in adverse treatment, or when the subordinate's or student's acquiescence will result in preferential treatment.
- D. Racial Harassment: Racial harassment consists of verbal, nonverbal, graphic, written, or physical conduct that denigrates or shows hostility or aversion toward any person based upon race when such conduct has the purpose or effect of creating an intimidating, hostile or offensive work or school environment; or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or any school activity. Racial harassment, as defined above, may include, but is not limited to, the following conduct which is based upon race:
1. Epithets and slurs.
 2. Negative stereotyping.
 3. Threatening, intimidating, or hostile acts.
 4. Written or graphic material that shows hostility or aversion toward an individual group.
 5. It is racial harassment for a School Board employee, nonemployee volunteer or student to create or be responsible for a racially hostile environment—i.e., harassing conduct that is sufficiently severe, pervasive or persistent so far as to interfere with or limit the ability of an employee or student to participate in or benefit from services, activities, or privileges provided by the District.
- E. Disability Harassment: Disability harassment is oral, written, graphic or physical conduct, or any act as relating to an individual's disability that is sufficiently severe, pervasive, or persistent so as to limit or interfere with the ability of the individual to participate in or benefit from District programs or activities; harassment that has the effect of unreasonably interfering with an employee's performance or creating an intimidating, hostile, or offensive working or school environment. Disability harassment, as defined above, may include, but is not limited to conduct directed at the characteristics of a person's disabling condition such as:
1. Imitating manner of speech.

2. Interfering with necessary equipment.
 3. Negative stereotyping.
 4. Threatening, intimidating, or hostile acts.
 5. Written or graphic material that shows an aversion or hostility towards an individual or group with disabling attributes.
 6. It is disability harassment when a School Board employee, nonemployee volunteer or student seeks to involve a student or employee with a disability in antisocial, dangerous, or criminal activity where the student or employee, because of disability, is unable to comprehend fully or consent to the behavior.
- F. Procedures:
1. Any student who alleges harassment/discrimination by another student or employee may use the District's complaint procedure found in the School Board Policy or the Equity Handbook or may complain directly to his or her principal or teacher.
 2. Filing of a complaint or otherwise reporting harassment/discrimination will not affect the student's status, extracurricular activities, future grades, or work assignments.
 3. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the Board's legal obligations to investigate all allegations of harassment/discrimination and take corrective action when such conduct has occurred.
 4. In determining whether alleged conduct constitutes harassment/discrimination, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The principal or designee has the responsibility of investigating complaints of harassment/discrimination and reporting his or her findings to the Superintendent or designee and should seek the assistance of the Superintendent or designee in resolving complicated factual situations.
 5. A substantiated charge of harassment/discrimination against a student shall subject that student to disciplinary action, including but not limited to suspension or expulsion, consistent with other provisions contained herein as determined by the Superintendent or designee. Such disciplinary actions shall be subject to the applicable appeal procedures set forth in Part III, Discipline and Appeal Procedures, and Part IV, Discipline of IDEIA-Eligible Students.

SECTION 2.20. INVESTIGATIONS AT SCHOOL:

Criminal - If a student is a suspect in a criminal investigation by a law enforcement agency that may result in arrest or criminal charges, an administrator will make an effort to contact the parent before the police officer begins questioning. If the parent cannot be located, the law enforcement agency may go ahead with questioning. If contacted, the law enforcement agency may allow the parent to be present during questioning.

Administrative - If a student is suspected of violating the Code of Student Conduct, school officials can question the student without first contacting the parent. Students do not have a right to have parents present or a right to an attorney when questioned.

Victim or Witness - If a student is a victim or a witness, the law enforcement agency or administrative investigators are allowed to question the student without first contacting the parent. If the investigation involves child abuse, the official conducting the investigation will decide who can be present during the interview.

When the initial interview with the student is conducted at school, the Department of Children and Families (DCF) or law enforcement agency may allow a school staff member who is known by the student to be present if: (a) the school staff member could enhance the success of the interview by his/her presence, *and* (b) the student requests or consents.

NOTE: *Parents shall not be notified in cases where such legal authorities are investigating allegations of child abuse or neglect by the parent and/or guardian.*

Removal of Student from School Property - If a student is being **interviewed as a witness**, the law enforcement agency cannot remove the student from school property without a subpoena or first obtaining the consent of the parent.

If **subject to arrest**, with or without a warrant, the officer can remove the student without parental consent or the consent of school officials. The administrator will try to notify the parent before the student is removed or as soon after removal as possible.

If a student needs to be taken into **protective custody**, the law enforcement agency can remove him/her. Anytime a student is taken from school by the officer, the officer must sign a Release to Law Enforcement form.

All notification calls shall be documented. When parents cannot be reached, school administrators will call all telephone numbers listed on the student's emergency information card in an effort to notify the parent.

NOTE: *All law enforcement officers must be properly identified before access is given to students or student records.*

SECTION 2.21. MAKEUP WORK: Makeup work should be appropriate instructional assignments consistent with the Student Progression Plan.

- A. **Students' Rights:** Students have the right to make up work missed because of excused absences or work missed because of the student's first three (3) days of suspension during a semester (appropriate to the school scheduling module), notwithstanding the fact that an absence caused by an out-of-school suspension is an unexcused absence.
- B. **Students' Responsibilities:** Students have the responsibility to request makeup work from their teachers within a reasonable period of time, not to exceed the first class meeting upon return to school.

SECTION 2.22. MEDICATION: Students are not allowed personal possession of any medication while at school.

- A. **Definition:** Medications (over-the-counter or prescription) used in the treatment of a physical condition and/or illness, which shall include but not be limited to all forms of pills, tablets, capsules, lozenges, liquids, creams, etc., that may be taken internally or applied to the body.
- B. **Requirements:** An adult must bring all medications to school that are to be administered to students by school personnel. Medication must be in the original labeled container prepared by a pharmacist (prescription) or the manufacturer (nonprescription) accompanied by a completed Authorization for Medication form. The physician/mid-level practitioner and the parent/guardian must complete this form.
- C. **Drug-Free Schools:** Students found to be in personal possession of medications while at school may be in violation of Part VII, Section 7.10, Drugs. If a student brings medication on school premises and takes an overdose with the intent to commit suicide, the student should be referred to the medical and mental health services available in the community rather than being subjected to a violation of the Code of Student Conduct.
- D. **Exception:** Students requiring asthma or Epi-pens/Ana-kits may carry their inhaler/Epi-pen if the physician documents it on the Authorization for Medication form. Additional requests will be handled on a case-by-case basis. Lip balm, sunscreen, and saline for contact lenses are not considered to be medications and may be carried by the student without an Authorization for Medication form.

SECTION 2.23. NO CONTACT ORDER: A circuit court judge may deny a perpetrator contact with the victim, or siblings of the victim, if they attend the same school or ride the same school bus. If a No Contact Order is issued, the perpetrator will be given the option of attending another school (transportation at expense of the parents) or attending an Alternative Education Program. If the victim/sibling contact is on the bus, the perpetrator will be transported at the expense of the parents.

SECTION 2.24. PARENT: For purposes of this Code of Student Conduct, "parent" shall mean the parent or parents or the guardian or guardians of a student enrolled in the Polk County Public Schools.

SECTION 2.25. REENTRY: Any student who is placed in a juvenile detention facility, county jail, commitment facility, or substance abuse treatment program may reenter the Polk County School System only after approval from the appropriate hearing officer.

SECTION 2.26. SCHOOL CALENDAR FOR STUDENTS: All schools must operate for a term of at least nine (9) months each year, one hundred eighty (180) actual teaching days. The Polk County Traditional School Calendar for the 2007-2008 school year is provided herein for future reference.

SECTION 2.27. SCHOOL EMPLOYEE/PERSONNEL/STAFF: For purposes of this Code of Student Conduct, "school employees," "school personnel," or "school staff members" shall mean and include school administrators, teachers, paraeducators, school resource officers, secretaries, bus drivers and attendants, cafeteria workers, custodians, school volunteers or adult chaperones, and any other person authorized to supervise or monitor students.

SECTION 2.28. SEARCHES: A student's locker, vehicle, purse, backpack, and other personal possessions can be searched if there is a reasonable belief any of them contain drugs, weapons, contraband, or other items not permitted on campus. Trained sniff-screening dogs are allowed in the schools to prevent drugs and weapons. The routine checks by dogs are not considered a search by law. These are safety precautions to provide a safe and healthy school in which to learn.

SECTION 2.29. STUDENT: For purposes of this Code of Student Conduct, "student" shall mean a student or students in grades kindergarten through twelfth enrolled in the Polk County Public Schools.

SECTION 2.30. STUDENT TRANSPORTATION:

- A. **Rules and Regulations Governing Behavior for Students who Ride a School Bus:** A student's violation of School Board transportation policies, including Part VI, Breaches of Conduct, Section 6.06, School Bus Safety Rules and Part VII, Serious Breaches of Conduct, Section 7.27, Serious Misconduct on a School Bus, and disruptive behavior on a school bus or at a designated school bus stop may be grounds for suspension of the student's *privilege* of riding on a school bus, in-school suspension, out-of-school suspension, expulsion, or any other appropriate disciplinary action recommended by the principal and approved by the School Board, and may also be reported to law enforcement officials with the possibility of criminal penalties being imposed.
- B. **Motor Vehicles Owned or Operated by the School Board:** When the School Board provides transportation other than by a school bus, such transportation is limited to passenger cars with no more than eight (8) designated seating positions. The occupant crash protection system provided by the vehicle manufacturer shall be used except under those conditions when a student's physical condition prohibits such use.
- C. **Privately Owned Motor Vehicles:** The principal acting as the School Board's designee, may approve transporting students in privately owned motor vehicles on a case-by-case basis, subject to the provisions of 6Gx53-7.001, STUDENT TRANSPORTATION.

SECTION 2.31. SUBSEQUENT OFFENSES: See Part III, Discipline and Appeal Procedures, Section 3.05, Subsequent Offenses.

SECTION 2.32. TRANSFERS: Out-of-zone transfers may be authorized under the following conditions:

- A. **Availability:** Student transfers shall be limited to the following:
1. **Magnet School Transfers:** A student who has been admitted to a magnet school will be granted a transfer.
 2. **Exceptional Student Transfer:** An exceptional student may require special placement in accordance with the Special Programs and Procedures for Exceptional Students as adopted by the Board.
 3. **Majority-to-Minority Race Transfer:** A student whose race is considered in the majority at the sending school may transfer to a school where the student's race is in the minority, provided:
 - a. Space is available in the receiving school.
 - b. The parent is able to provide transportation.
 - c. Such transfer will bring both the sending and receiving schools closer to the district-wide enrollment proportions at the specific grade level.
 4. **Hardship Transfer:** A transfer may be granted for medical, emotional, or psychiatric conditions.
 - a. **Evidentiary Hearing:** The parent must present testimony from the treating physician at an evidentiary hearing.
 - b. **Continuation of Transfer:** At the beginning of each semester, the treating psychologist, psychiatrist, or physician must provide a written update of the student's progress and need, if any, to continue the reassignment.
 - c. **Day Care:** Availability of day care will not be considered as a basis for a hardship transfer.
- B. **Term:** Except for magnet school attendance, student transfers shall be granted for a period of one (1) school year. Renewals will not be automatic but shall require reapplication for each school year. If the transfer was based on a medical condition, the parent must provide a medical update each semester.

SECTION 2.33. TRAVEL:

- A. **School Sponsored:** School-sponsored travel involves travel or field trips which have been properly approved by school officials in accordance with School Board Policy and which have both educational and recreational value to the students.
- B. **Privately Sponsored:** Privately sponsored travel involves travel or activities that have not been properly approved by the school officials and should not be construed to be school related.

SECTION 3.01. DISCIPLINARY ACTIONS: A student who is accused of misbehavior or a breach of this Code of Student Conduct will be presented to the principal or designee by the person having knowledge of the misbehavior or breach of conduct.

- A. **Written Referral:** Violations shall be presented in written form and should be specific, indicating details of the incident which have been seen, heard, or experienced.
- B. **Student Notification:** The student will be placed on notice of the violation by the principal or designee and afforded an opportunity to explain.
- C. **Initial Conference:** An initial conference shall be conducted by the principal or designee at each level of discipline.
 - 1. **Charges and Evidence:** The principal or designee shall confer with the student, explain the charges and evidence against the student, and allow the student an opportunity to present his or her side of the story prior to taking disciplinary action.
 - 2. **Parental Assistance:** A good faith effort shall be made by the principal or designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions that require immediate suspension or in the case of a serious breach of conduct as defined under Part VII, Serious Breaches of Conduct.
- D. **Parental Notification:**
 - 1. **By Telephone:** The principal or designee shall make a good faith effort to notify the parent by telephone of the student's misconduct and the proposed disciplinary action.
 - 2. **By Written Notice:** Regardless of whether there has been communication with the student's parent by telephone, the principal or designee shall, within twenty-four (24) hours of taking disciplinary action, send written notice to the parent describing the disciplinary action imposed and the reasons thereof. For Levels 1 through 3, the notice may be forwarded to the parent via the student; however, for Levels 4 through 8, the parent shall be notified by written notice via U.S. regular mail.

SECTION 3.02. PROGRESSIVE DISCIPLINE: When deciding what disciplinary action should be taken, the principal or designee shall consider the student's age, exceptionality, previous conduct, probability of a recurring violation, intent, attitude, and severity of the offense and, whenever possible, shall impose disciplinary action in a progressive manner.

- A. **Levels 1 through 6:** The principal or designee has authority to impose disciplinary action beginning at Levels 1 through 6.
- B. **Levels 7 and 8:** The principal or designee may recommend the following levels of discipline for those offenses deemed by the principal or designee to seriously disrupt the educational process:
 - 1. **Level 7 - Alternative Education Program:** A recommendation for assignment to the Alternative Education Program is subject to the approval of the Superintendent or designee. Any student who violates the Code of Student Conduct while attending the Alternative Education Program may be subject to more severe disciplinary actions than those outlined in Part V, Breaches of Conduct, and Part VII, Serious Breaches of Conduct, of the Code of Student Conduct, including expulsion.
 - 2. **Level 8 – Expulsion:** A recommendation to expel a student from the Polk County School District is subject to the approval of the Superintendent, who upon granting approval, would then present a recommendation to the School Board for final approval.

- C. **Referral to Law Enforcement:** The principal has the responsibility to immediately notify the appropriate law enforcement agency when any student under his or her jurisdiction violates the law. The principal shall notify the Senior Director, Specialized Services, if police are called to the school campus and must attempt to notify the parent of the involved student and document such attempts to notify the parent.

SECTION 3.03. LEVELS OF DISCIPLINE:

ELEMENTARY STUDENTS GRADES K-5 (Section 3.03, Items A-G)

- A. **Level 1 – Parental Assistance:** The teacher shall communicate with the student and the student’s parent in an attempt to solve the discipline problem.
- B. **Level 2 – Office Intervention:** The principal or designee may intervene to address student disciplinary matters in situations where the teacher’s efforts in the classroom and with the parents are deemed unsuccessful by such administrator in resolving the student’s misconduct.
- C. **Level 3 – Detention or Work Detail Programs:** Detention is a form of discipline whereby the student is placed in a controlled educational setting before, during, or after school hours. Detention served in the classroom will be at the discretion of the teacher. Work detail is a form of discipline involving a manual work program and requires parental consent. If the parent does not wish his or her child to participate in a work detail program or if the student fails to participate in a work detail assignment, the principal may impose an alternative method of discipline including an out-of-school suspension.
- D. **Level 4 – In-School Suspension:** In-School Suspension is a form of discipline involving the student’s temporary removal from his or her regular school program and placement in an Alternative Education Program at the student’s regularly assigned school and denial of the privilege of participating in school activities. This program is not offered at all Polk County Schools.
- E. **Level 5 – Out-of-School or Bus Suspension – Short-Term:** Out-of-School Suspension – Short-Term is a form of discipline involving the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, or from the school bus for a period not to exceed three (3) school days.
1. **Notice of Suspension:** The principal or designee will determine the facts and if a suspension is justified, shall make a good faith effort to contact the parent by telephone.
 - a. **Requirements:** If the parent cannot be contacted, the student is not to be sent home during the school day.
 - b. **Parental Notice:** The principal or designee shall complete the Notice of Out-of-School or Bus Suspension form and give a copy of the notice to the student for delivery to the parent, and forward a copy of the notice by United States regular mail to the parent within twenty-four (24) hours of the decision to suspend the student.
- F. **Level 6 – Out-of-School or Bus Suspension - Long Term:** Out-of-School Suspension - Long Term is a form of discipline involving the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, or from the school bus, for a period not to exceed ten (10) school days. The principal or designee shall follow the procedures set forth above (Level 5).
- G. **Level 7 – Alternative Education Programs (Grades Kindergarten through Fifth):** The Alternative Education Program is a form of discipline involving assignment and transfer to an Alternative Education Program designed to meet the needs of students who violate the Code of Student Conduct. Students may be assigned to such a program for up to ninety (90) days. An assignment beyond ninety (90) days requires recommendation of the Treatment Team. Students

assigned to Alternative Education Programs will be denied participation in extracurricular activities sponsored by any school or by the District (except extracurricular activities in the assigned Alternative Education Program).

1. **Out-of-School Suspension:** When a student is assigned to an Elementary Alternative Education Program, an out-of-school suspension shall first be imposed to temporarily remove the student from the school until the assignment is processed.
2. **Release Criteria:** Students assigned to the Elementary Alternative Program will be considered for dismissal from the program only after completing the following criteria:
 - a. An assignment of ninety (90) school days in the program.
 - b. Documented demonstration of responsible behavior.
 - c. A review of attendance records, academic performance, and discipline record by the BEST Center Child Study Team.

SECONDARY STUDENTS GRADES 6-12 (Section 3.03, Items A-G)

- A. **Level 1 – Parental Assistance:** The principal or designee shall meet with the student and the student's parent in an attempt to solve the discipline problem.
- B. **Level 2 – Detention:** Detention is a form of discipline whereby the student is placed in a controlled educational setting before, during, or after school hours. Detention served in the classroom will be at the discretion of the teacher.
- C. **Level 3 – Work Detail Program:** Work detail is a form of discipline involving a manual work program and requires parental consent. If the parent does not wish his or her child to participate in a work detail program or if the student fails to participate in a work detail assignment, the principal may impose an alternative method of discipline including an out-of-school suspension.
- D. **Level 4 – In-School Suspension:** In-School Suspension is a form of discipline involving the student's temporary removal from his or her regular school program and placement in an Alternative Education Program at the student's regularly assigned school and denial of the privilege of participating in school activities. This program may include work detail (manual work on the part of the student). It is not offered at all Polk County Schools.
- E. **Level 5 – Out-of-School or Bus Suspension - Short-Term:** Out-of-School Suspension - Short-Term is a form of discipline involving the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, or from the school bus for a period not to exceed three (3) school days.
 1. **Notice of Suspension:** The principal or designee will determine the facts and if a suspension is justified, shall make a good faith effort to contact the parent by telephone.
 - a. **Requirements:** If the parent cannot be contacted, the student is not to be sent home during the school day.
 - b. **Parental Notice:** The principal or designee shall complete the Notice of Out-of-School or Bus Suspension form and give a copy of the notice to the student for delivery to the parent, and forward a copy of the notice by United States regular mail to the parent within twenty-four (24) hours of the decision to suspend the student.
- F. **Level 6 – Out-of-School or Bus Suspension - Long Term:** Out-of-School Suspension - Long Term is a form of discipline involving the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, or from the school bus, for a period

not to exceed ten (10) school days. The principal or designee shall follow the procedures set forth above (Level 5).

G. **Level 7 – Secondary Alternative Education Programs (Grades Sixth through Twelfth):** The Secondary Alternative Education Programs are a form of discipline designed to meet the needs of students who violate the Code of Student Conduct. Students assigned to Alternative Education Programs will be denied participation in extracurricular activities sponsored by any school or by the District (except extracurricular activities at the assigned Alternative Education Program).

1. **Out-of-School Suspension:** When a student is assigned to a Secondary Alternative Education Program, an out-of-school suspension shall first be imposed to temporarily remove the student from the school and to allow the assignment to be processed.
2. **Terms:** The term of assignment to a Secondary Alternative Education Program shall equal, at a minimum, the majority of a semester.

If a student is assigned to a Secondary Alternative Education Program before the end of the first nine-week grading period of any semester, the student will be eligible to return to his or her regular school at the end of the semester in which he or she was assigned.

3. **Release Criteria:** A student's attendance, participation, and progress while assigned to the Secondary Alternative Education Program will be reviewed by the Site Administrator to determine if the student has met release criteria. The Superintendent may release a student from the Secondary Alternative Education Program before the normal length of stay. The early release shall be based on a recommendation of the Administrative Review Committee.

ALL STUDENTS (Section 3.03, Item H ONLY)

H. **Level 8 - Expulsion from School or Bus:** Expulsion is a form of discipline involving the removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, or from the school bus only for the balance of the semester or school year plus an additional semester or school year, if appropriate.

1. **Parental Notice:** Upon review and/or investigation of an incident which could result in a student being expelled from school or school bus transportation, the principal or designee shall complete and sign the Notice of Suspension and Recommendation for Expulsion form and give a copy of the notice to the student to be delivered to the parent, and forward a copy by United States regular mail to the parent within twenty-four (24) hours of the notice of suspension.
2. **Superintendent's Approval:** The principal or designee shall send a copy of the Notice of Suspension and Recommendation for Expulsion to the Superintendent of Schools; School Board Attorney; and Senior Director, Specialized Services, for their review and approval within twenty-four (24) hours of the violation or as soon as possible thereafter.
3. **Report of Previous Alternative Measures:** The copy of the Notice of Suspension and Recommendation for Expulsion shall include or be accompanied by a detailed written report by the principal or designee on the alternative measures taken prior to the recommendation for expulsion.
4. **Basis for Extension:** If, and only if, School Board action on an expulsion recommendation is pending and the ten (10) day suspension period would expire before the next regular or special meeting of the School Board, the Superintendent may extend the suspension through the date of the next regular or special meeting of the School Board.
5. **Educational Status:** The student who is the subject of the expulsion recommendation shall remain on suspension or, if applicable, be assigned to an Alternative Education Program or

other program as deemed appropriate by the Superintendent, until the School Board takes final action on the expulsion recommendation at its next regular or special meeting.

6. **Alternative Educational Disciplinary Program for Expelled Students:** The expelled student may be eligible to attend an Alternative Education Program for Expelled Students. Any student expelled from any other school, school district, or school system must have the expulsion rescinded by that district prior to entering the Polk County School System and must enter through one of the Alternative Education Programs for Expelled Students.
 - a. **Final Order:** The parent shall be notified that his or her child may be eligible to participate in the Alternative Education Program for Expelled Students upon receipt of a copy of the Final Order adopted by the School Board.
 - b. **Administrative Review Committee:** Upon request to enroll in the Alternative Education Program for Expelled Students, the Superintendent or designee shall appoint an Administrative Review Committee to review the student's disciplinary record and other school records relating to the performance of the student.
 - 1). **Considerations:** The Committee shall consider the student's violation resulting in expulsion, the student's previous conduct, the student's academic standing, and the probability of a recurring violation.
 - 2). **Recommendation:** After considering the above factors, the Committee shall submit a written recommendation to the Superintendent or designee.
 - c. **Superintendent's Recommendation:** After reviewing the Committee's recommendation, the Superintendent or designee shall submit a written recommendation to the Senior Director, Specialized Services.
 - d. **Parental Notification of Eligibility:** The Senior Director, Specialized Services, shall notify the parent of the Superintendent's recommendation and, if appropriate, explain the enrollment procedures.
7. **Early Reentry Program for Expelled Students:** The School Board, in its sole discretion and acting upon the recommendation of the Superintendent, may rescind a previous expulsion based upon the student's satisfactory completion of an Early Reentry Plan.
 - a. **Final Order:** The parent shall be notified that his or her child may be eligible to participate in the Early Reentry Program for Expelled Students upon receipt of a copy of the Final Order adopted by the School Board.
 - b. **Administrative Review Committee:** Upon such request, the Superintendent shall appoint an Administrative Review Committee to review the student's disciplinary record and other school records relating to the performance of the student. The Committee shall include a representative of the Superintendent's Office, a representative of the Student Services Department, a representative of the principals' group, and any other appropriate school personnel.
 - 1). **Consultation:** The Committee shall consult with appropriate personnel concerning the grounds for expulsion and circumstances leading to the recommendation for expulsion, as well as the opinions of appropriate school personnel concerning the probability of the success of an Early Reentry Plan.
 - 2). **Hearing:** The Senior Director, Specialized Services, shall schedule a hearing to consider an Early Reentry Plan.

- a). **Attendance:** The staffing shall include the members of the Administrative Review Committee and other appropriate school personnel, as well as the expelled student and his or her parents.
- b). **Considerations:** The Committee shall consider any adverse impact the expelled student's presence at school would have on the health, safety, and welfare of other students and the orderly conduct of the school, as well as the best interest of the expelled student.
- c). **Written Plan:** The Committee shall develop a written plan that shall detail the conditions for reentry.
 - 1). **Conditions:** The plan must be reasonable, realistic, and achievable by both the school and the student.
 - 2). **Criteria:** The criteria developed in the hearing shall include requirements to assure that the misconduct leading to the expulsion will not recur which may include, but are not limited to, the following:
 - a). Evaluation.
 - b). Counseling.
 - c). Special academic assignments.
 - d). Community service.
 - e). Referral to community agencies.
 - f). Other requirements as may be deemed reasonable.
- d). **Written Agreement:** The student shall agree, in writing, in his or her own words that he or she will follow the conditions established by the Early Reentry Plan and the rules and regulations of the Code of Student Conduct.
 - 1). **Resources:** The written agreement shall include the resources that the school will utilize to assist the student in reentering school.
 - 2). **Failure to Comply:** The written agreement shall also inform the student that failure to comply with the conditions established by the Early Reentry Plan shall be grounds to immediately enforce the original expulsion.
- e). **Satisfactory Completion of Early Reentry Plan:** Following satisfactory completion of the Early Reentry Plan and upon recommendation of the principal and other school personnel, the Administrative Review Committee shall submit the results of the Early Reentry Plan along with its recommendation to the Superintendent for review.
- f). **School Board Action:** Upon approval the Superintendent shall submit the results of a student's Early Reentry Plan along with a recommendation to the School Board for consideration.
 - 1). **Approval:** Upon consideration of the Superintendent's recommendation, the School Board may rescind the expulsion and the student will be allowed to reenter the Polk County School System.
 - 2). **Parental Notification:** The Senior Director, Specialized Services, shall notify the parent of School Board action:

- a). **Enrollment Procedures:** The parent shall also be informed of the enrollment procedures for reentering the Polk County School System.
 - b). **Failure to Comply:** The parent and student shall also be notified that the student's failure to comply with the conditions established by the Early Reentry Plan and the rules and regulations of the Code of Student Conduct shall be grounds to reinstate and enforce the original expulsion.
- g. **GED Testing Program for Expelled Students:** Students who have attained the age of sixteen (16) or older may sit for the General Education Development Test.

SECTION 3.04. ADVERSE IMPACT SUSPENSION FOR FELONIES COMMITTED OFF CAMPUS: An out-of-school suspension may be imposed against a student who is formally charged by the State Attorney or other prosecuting attorney with a felony, or with a delinquent act which would be a felony if committed by an adult, for an incident which allegedly occurred on property other than public school property if that incident is shown in an administrative hearing (described below) to have an adverse impact on the educational program, discipline, or welfare of the school where that student is enrolled. NOTE: A student arrested for an off-campus felony cannot be suspended pursuant to this section unless and until the student is formally charged by the State Attorney or other proper prosecuting attorney.

- A. **Notice of Adverse Impact Hearing:** Prior to an adverse impact suspension and alternative education assignment being imposed, the principal shall immediately notify the student's parent, in writing, of the specific charges against the student and of the student's right to a hearing as provided under Section 1006.09(2), Florida Statutes.
1. **Legal Requirements:** The notice of hearing shall also stipulate a date and time for the hearing which shall be not less than two (2) school days nor more than five (5) school days from the postmarked or hand-delivered date of said notice. If applicable, the notice shall also advise the parent of the conditions under which a waiver of suspension may be granted.
 2. **Attendance at Hearing:** The student, the parent, the student's representative or attorney, and any witnesses required by the student or the principal may attend the hearing.
 3. **Temporary Suspension:** Pending said hearing, the student may be temporarily suspended by the principal. Such suspension shall not exceed five (5) school days.
 4. **Hearing Officer:** The Senior Director, Specialized Services, shall serve as the hearing officer and shall not be bound by rules of evidence or any other courtroom procedure and no transcript of the Adverse Impact Hearing shall be required.
 5. **Recommendation:** Following said hearing, the Senior Director, Specialized Services, shall submit a recommendation to the Superintendent with a copy to the principal and to the student's parent.
- B. **Superintendent's Determination:** The Superintendent or designee shall review the recommendation and shall provide the student and parent with a decision in writing.
1. **Judicial Proceeding:** If it is determined that the student's presence would not have an adverse impact, the student shall remain in his or her school pending the outcome of the judicial proceeding.
 2. **Educational Services:** If it is determined that the student's presence would have an adverse impact, the student shall remain on suspension. Such 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 Adult School Program if the student has reached sixteen (16) years of age pending the outcome of the judicial determination.

- C. **Judicial Determination:**
1. **Not Guilty:** If the student is found not guilty, the suspension and assignment to an Alternative Education Program shall be terminated immediately.
 2. **Guilty:** If the student is found guilty of a felony, the Superintendent shall have the authority to determine if a recommendation for expulsion shall be made to the School Board in accordance with the expulsion procedures as outlined in Part III, Discipline and Appeal Procedures, Section 3.03, Levels of Discipline.
- D. **Crime of Violence:** If such delinquent act or violation of law involves a crime of violence or a crime in which a deadly weapon was used, the arresting authority shall immediately notify the Superintendent or designee.
1. **Confidential Information:** Except to the extent necessary to protect the health, safety, and welfare of other students and staff, the information shall be held confidential and exempt from the provisions of the Public Records Act and shall not be disclosed except to appropriate school personnel.
 2. **Permanent Records:** The information furnished by the law enforcement agency shall not be placed in the student's permanent record and shall be removed from all school records no later than nine (9) months after the date of the arrest.

SECTION 3.05. SUBSEQUENT OFFENSES: In determining whether to apply the discipline levels described in Part VI, Breaches of Conduct, or Part VII, Serious Breaches of Conduct, for subsequent offenses, the principal or designee may consider the following:

- A. **Part VI Offenses:** If a student commits any new violation described in Part VI, Breaches of Conduct, and if that student has previously, in the same school year, committed any violation listed in Part VI described above or Part VII, Serious Breaches of Conduct, then such new violation may be deemed a subsequent offense regardless of whether that particular new violation had been previously committed by that student.
- B. **Part VII Offenses:** If a student commits any new violation described in Part VII, Serious Breaches of Conduct, during the same school year, and if that student has previously committed a violation listed in Part VII, then such new violation may be deemed a subsequent offense regardless of whether that particular new violation had been previously committed by that student.
- C. **Students Assigned to an Alternative Education Program:** Any student who violates the Code of Student Conduct while attending an Alternative Education Program may be subject to more severe disciplinary actions than those outlined in Part VI, Breaches of Conduct, and Part VII, Serious Breaches of Conduct, including expulsion.

SECTION 3.06. STAY ORDER: If the parent does not agree with the disciplinary action imposed and intends to appeal such action, the parent may file a written request directed to the Superintendent for a stay order. Stay orders will not be allowed for three (3) day suspensions or less.

- A. **Grant:** If the stay is granted, the student shall remain in school pending conclusion of the appeal proceedings.
- B. **Deny:** If the stay is denied, the student shall remain on suspension or assignment to an Alternative Education Program; however, the parent may proceed with the appeal proceedings.

SECTION 3.07. APPEAL PROCEDURES FOR NON-ESE STUDENTS: If the parent does not agree with the disciplinary action imposed, the parent may appeal as follows:

- A. **Step 1 - Principal's Hearing - Levels 1 through 8:** The written notice of disciplinary action shall inform the parent of a scheduled appeal hearing to be conducted by the principal within five (5) days of the notice (if requested by the parent).
1. **Request for Hearing:** If the parent does not confirm, reschedule, or appear at the scheduled hearing, it shall be assumed that the parent is in agreement with the disciplinary action imposed. The hearing will be cancelled and any further appeal will not be granted except in emergency situations.
 2. **Attendance:** The student and parent must attend the hearing and may have one (1) person in attendance at the hearing to represent them. Any witness directly involved in the incident may also be present at the hearing or may submit a written statement with the permission of his or her parent.
 3. **Written Recommendation:** The principal or designee will affirm, cancel, or modify the disciplinary action and shall provide the parent with a written explanation of his or her decision within three (3) days of the hearing.
 4. **Final Appeal:** The principal's hearing shall constitute the final appeal for Levels of Discipline 1 through 6.
- B. **Step 2 – Administrative Hearing - Levels 7 and 8:** If placement in an Alternative Education Program (Level 7) or Expulsion (Level 8) has been recommended and the parent does not agree with the decision at Step 1, the parent may continue the appeal as follows:
1. **Written Request:** The parent may request an administrative hearing to be conducted by the Senior Director, Specialized Services, or his designee. Such requests should be in writing, directed to the Senior Director, Specialized Services, and must be received within two (2) days of the prior hearing.
 2. **Notice of Hearing:** Upon receipt of such request, the Senior Director, Specialized Services, or designee shall contact the parent and arrange a time and date for said Step 2 hearing which shall be conducted within a reasonable period of time subsequent to such request. Such notice shall be confirmed in writing and provided to the parent by hand delivery or U.S. regular mail.
 3. **Written Recommendation:** The Senior Director, Specialized Services, or designee shall review the prior recommendation, receive written and oral statements presented by the student, parent, and witnesses, and shall affirm, cancel, or modify the principal's recommendation. Such decision shall be documented in written form and provided to the parent by hand delivery or U.S. regular mail.
- C. **Step 3 – School Board Review - Level 8:** If expulsion has been recommended and the parent does not agree with the decision at Step 2, the parent may continue the appeal as follows:
1. **Written Request:** The parent may request a hearing to be conducted by a licensed attorney appointed by the School Board to serve as a hearing officer. Such requests should be in writing, directed to the School Board Attorney, and must be received within two (2) days of the prior hearing.
 2. **Notice of Hearing:** Upon receipt of such request, the parent and hearing officer shall be contacted to coordinate a time and date for said hearing. Such notice shall be confirmed in writing and provided to the parent by hand delivery or U.S. regular mail.
 3. **Hearing:** The hearing officer shall review the prior proceedings and receive written and oral statements presented by the student, parent, and witnesses.

4. **Recommended Order:** The hearing officer shall submit his or her recommendation to the School Board Attorney in the form of a Recommended Order. District personnel shall provide the parent with a copy of the Recommended Order by hand delivery or U.S. regular mail.
 - a. **Notice of Final Action:** The parent will also be notified that the Recommended Order will be placed on the agenda for the next scheduled School Board meeting for final action by the School Board, and shall also be informed of the time and date of said meeting.
 - b. **Hearing - Sections 120.569 and 120.57, Florida Statutes:** The parent will also be notified of the right to request the School Board to review the proceedings as provided in Sections 120.569 and 120.57, Florida Statutes, and of the right to an open or closed forum. Such request must be in writing and filed with the School Board Attorney no later than one (1) day prior to the scheduled School Board meeting.
5. **Final Order:** A Final Order shall be presented to the School Board for approval. Action taken by the School Board shall conclude the appeal procedures at the administrative level and any further appeal must be filed with the District Court of Appeal, Second District, Lakeland, Florida.
 - a. **Parental Notification:** A copy of the Final Order adopted by the School Board shall be forwarded to the parent by U.S. regular mail.
 - b. **Alternative Education Program for Expelled Students:** The parent will also be notified that his or her child may be eligible to participate in one of the Alternative Education Programs for Expelled Students.

Under the Individuals with Disabilities Education Improvement Act (IDEIA), students who have been identified as educationally disabled and are receiving ESE services are subject to additional disciplinary guidelines that are different than those for nondisabled students. The following procedures are designed to **supplement** the disciplinary procedures for nondisabled students found in the Code of Student Conduct. The disciplinary guidelines contained herein are for explanatory purposes only and are not intended to impose any obligations on Polk County Schools other than those contained in federal or state law. In the event that this document conflicts with state or federal law, the state or federal law shall control.

Except as set forth herein, ESE students may not be excluded from educational programming on the basis of behavior that is a manifestation of their disabilities. In addition, ESE students cannot be excluded from school without following the specific "change in placement" procedures as provided under the law. **ESE students cannot be removed from school until all of the procedures set forth below have been followed.**

It is the responsibility of the LOCAL EDUCATIONAL AGENT (LEA) at all IEP meetings to ensure that the rights of students and parents are not violated. It is important that the opinions of all team members involved are considered in the decision-making process.

SECTION 4.01. GENERAL REQUIREMENTS FOR ALL SUSPENSIONS/EXPULSIONS OF IDEIA-ELIGIBLE STUDENTS: Administrators may not suspend ESE students for more than ten (10) school days (consecutively or cumulatively) in a school year without following the procedures set forth below. The law provides that suspension or expulsion of a student for more than ten (10) consecutive school days in a school year is a "change of placement" that can only be made by following the procedures set forth in the IDEIA. The IDEIA also provides for significant procedural safeguards for students who are suspended for more that ten (10) cumulative school days.

- A. **Accurate Record: An accurate record must be maintained as to the number of days that ESE students are suspended from school during each school year and each school must input the required suspension data on the appropriate Genesis screen.** Prevention strategies should be considered including, but not limited to, the following:
1. Positive, warm, and supportive classroom environment.
 2. Instructional strategies based upon the individual needs and present level of functioning.
 3. Positive classroom behavior management plan that includes systematically reinforcing the student for demonstrating appropriate behaviors.
 4. Crisis Management Plan.
 5. Direct instruction in social skills/replacement behaviors based on the needs of the student.
 6. Collaboration with family, school support staff, and community support staff.
- B. **Alternatives to Suspension:** Administrators should also consider alternatives to out-of-school suspension for students. This list includes but is not limited to the following:
1. Modifications to the IEP including Positive Behavioral Intervention Plan (PBIP) in current placement.
 2. Parental assistance.
 3. Office intervention.
 4. Referral to guidance or other student services.
 5. Behavior agreement with student and/or parents.

6. Detention.
7. Work detail.
8. In-school suspension.

SECTION 4.02. INFORMAL CONFERENCE: When suspension for ten (10) school days or less is contemplated or warranted under school policy, the requirement for an informal conference, as is held with nondisabled students, must be followed. The following steps must be taken before the short-term suspension of an ESE student can occur:

- A. **Previous Suspension History:** The principal/designee must obtain the previous suspension history of the student for the school year to determine the number of days the student has already been suspended during that school year.
- B. **Determination of Suspension:** If it is found that the student is guilty of the offense, a short-term suspension may be warranted. However, the process for imposing a suspension will be different depending upon the number of days the student has already been suspended during the school year.
 1. **Suspensions of Less than the Ten (10) Day Maximum:** If suspension of the student has not already exceeded ten (10) days for the school year, the student may be suspended for the remaining days. At this juncture, the student and the student's parent(s)/guardian(s) must be informed in writing of the disciplinary action that will be taken and all other procedures must be followed as required for short-term suspension of nondisabled students. **In addition, once the student has reached suspension day ten (10) in a school year, the school must conduct a Functional Behavior Assessment (FBA) and, based upon the FBA data, develop a Positive Behavioral Intervention Plan (PBIP) for the student.** Furthermore, even if a student has not reached ten (10) cumulative days of suspension, but behavior is interfering with learning, then the school must conduct a Functional Behavior Assessment (FBA) and based upon the FBA data, develop a Positive Behavioral Intervention Plan (PBIP) for the student.
 2. **Suspensions Have Already Exceeded or Will Exceed Ten (10) Cumulative School Days in a School Year:** Beginning on the eleventh (11) cumulative school day of removal in a school year, the School District must provide services to a student with a disability, consistent with the following:

The School District must provide services to such a student to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals on the student's IEP.

If the removal is not for more than ten (10) consecutive school days in the school year and is not considered a change in placement, [a series of removals can constitute a change of placement when the series of removals constitutes a pattern because the removals cumulate to more than ten (10) school days in a school year and because of factors such as the length of each removal, the total time the student is removed and the proximity of the removals to one another] school personnel, in conjunction with the student's special education teacher shall determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the student's IEP goals.
- C. **IEP Review:** A review of the student's IEP must occur if a suspension that will result in an excess of ten (10) days during the school year is contemplated. The IEP review meeting is convened as any other IEP meeting would be and all appropriate procedures must be followed for convening the Team.
 1. **Prior Written Notice Must be Provided to the Parents:** Reasonable written notice of the meeting must be provided to the parent(s)/guardian(s). Because disciplinary IEP meetings may need to be held more quickly than a typical IEP meeting, "reasonable notice" could include

telephone contact with the parent(s)/guardian(s) to obtain their agreement to attend, followed immediately with the written notice.

2. **Manifestation Determination:** A manifestation determination must be made any time disciplinary procedures result in a change of placement. The IEP team must make a determination as to whether the behavioral incident at issue was a manifestation of the student's disability. This is required because an ESE student cannot be excluded from school for more than ten (10) consecutive days in a school year on the basis of behavior that is caused by his/her disability or be subject to a series of removals which constitutes a pattern because the removals cumulate to more than ten (10) school days in a school year and because of factors such as the length of each removal, the total time the student is removed, and the proximity of the removals to one another. When determining manifestation, the IEP committee:
 - a. **Reviews the incident:** Considers the situation surrounding the incident. (A student being restrained who kicks or hits a teacher is very different from a student walking up to a teacher and hitting him/her.) Obtains details of the incident.
 - b. **Reviews the file and history of the student which includes:**
 - 1). All evaluation and diagnostic results, including information the parent provides.
 - 2). Observations and impressions of the student.
 - 3). Student's previous IEPs and placements.
 - 4). Consideration of medications, diagnosis, discipline records, counseling history, Functional Behavior Assessment (FBA), grades, and other information that may be pertinent to the student. (Even if behavior problems are not documented on the IEP or there are no behavior goals for a student with a history of behavior problems, the committee can determine a behavior/incident is a manifestation of the disability.)
 - 5). Determination if the IEP/Placement is appropriate in relationship to behavior and a Free Appropriate Public Education is available.
 - 6). Consideration of whether specially designed instruction, related services, and supplementary aids were provided consistent with the IEP.
 - 7). Consideration if behavioral interventions were provided consistent with the IEP.
 - 8). Consideration if the student's disability impaired his or her ability to understand the impact and consequences of his/her behavior.
 - 9). Consideration whether the student's disability impaired his/her ability to control his/her behavior.

If the IEP team determines that the student's behavior was not related to the disability, the student may be disciplined as students without disabilities; however, the student must continue to receive Free Appropriate Public Education (FAPE).

If the IEP team determines that the student's behavior was a manifestation of the disability, school personnel cannot change the student's placement as a disciplinary intervention. However, the IEP team may determine that a change of placement is necessary to provide the student Free Appropriate Public Education (FAPE) in the least restrictive environment.

If the IEP team determines that the student's IEP or placement was not appropriate or not being implemented, or that services, accommodations, modifications, and positive behavior interventions consistent with the student's IEP were not being implemented, then the behavior subject to disciplinary action must be considered a manifestation of the student's disability.

- D. **Appropriate Alternatives:** Some examples of appropriate alternatives that would allow a student to continue to receive FAPE may include the following:
1. Modification of the IEP including Positive Behavioral Intervention Plan (PBIP) in current placement.
 2. In-School Suspension.
 3. Assignment to Alternative Education.
 4. ESE County-Wide Program.
 - a. Functional Behavioral Assessment (FBA) and Positive Behavioral Intervention Plan (PBIP) documentation (6 weeks).
 - b. Review Functional Behavior Assessment (FBA) and Positive Behavioral Intervention Plan (PBIP).
- E. **Prior Written Notice of the IEP Team's Recommendations Must be Provided to the Parents:** At the IEP meeting, the opportunity for parent participation in the decision-making process is essential. However, if the parents do not attend, a copy of any minutes and other documentation created by the IEP team shall be provided to the parents. In addition, documentation sufficient to provide written notice of the IEP team's decisions must be provided to the parents, along with the Procedural Safeguards form. Once the parents have received notice of the IEP team's decisions and the Procedural Safeguards, the IEP team's recommendations may be implemented.

SECTION 4.03. WHEN SUSPENSION/EXPULSION FOR MORE THAN TEN (10) SCHOOL DAYS IS WARRANTED OR CONTEMPLATED:

- A. **When Long Term Removals Are Contemplated:** When removal for more than ten (10) school days is warranted or contemplated under school policy, the procedures below must be followed.
1. The school must notify the parent of the removal decision and provide the parent a copy of Procedural Safeguards on the same day of the removal decision.
 2. An IEP meeting must be held immediately [no later than ten (10) school days after the removal decision] to conduct a manifestation determination.
 3. Services must be continued to allow the student to progress in the general curriculum and progress in the IEP goals.
 4. Either before or not later than ten (10) business days after either removing a student for more than ten (10) school days in a school year or beginning with a removal that constitutes a change of placement, the IEP team must meet to conduct a functional behavioral assessment (FBA) and implement a positive behavior intervention plan (PBIP) or review/revise an existing plan.
- B. **When Weapons, Drugs, or Serious Bodily Injury Offenses Occur:** Disciplinary removal of an ESE student for more than ten (10) consecutive school days is considered under the law to be a "significant change in placement" for the student, even where the student has engaged in an expellable offense. No matter how dangerous or disruptive a student may be, any change in placement must be implemented pursuant to the IDEIA and the IEP process.

1. The principal/designee should determine if the student is an immediate danger or a threat to the safety of self or others. If so, the principal/designee should proceed as follows:
 - a. If the dangerous behavior included the carrying of or possession of a weapon to school or a school function; involved knowing possession, use, sale, or the solicitation of the sale of a controlled substance at school or at a school function; or if a student inflicts serious bodily injury (as defined by law) upon another person while at school, on school premises, or at a school function, the student may be removed immediately to an appropriate interim alternative educational setting for not more than forty-five (45) school days. An IEP team meeting must be held immediately to determine the appropriate services in the alternative placement to offer the student Free Appropriate Public Education (FAPE).
 - b. When the student's behavior did not involve a weapon, drugs, or serious bodily injury, but was an immediate danger or threat to the safety of self or others, the student may be removed immediately for no more than ten (10) school days. An IEP team meeting must be held immediately following the removal in order to conduct an IEP review. The IEP team may change the student's placement to a more restrictive setting based on the danger or threat the student poses.
- C. **Prior Written Notice of the IEP Team's Recommendations Must Be Provided to the Parents:** At the IEP meeting, the opportunity for parent participation in the process is essential. However, if the parents do not attend, a copy of any minutes and other documentation created by the IEP team shall be provided to the parents. Documentation sufficient to provide written notice of the IEP team's decisions must be provided to the parents, along with the Procedural Safeguards form. The appropriate Prior Written Notice Form must be provided to the parents. Once the parents have received notice of the IEP team's decisions and the Procedural Safeguards, the IEP may be implemented immediately.

SECTION 4.04. THE NECESSITY FOR COURT RELIEF: In most cases, it is expected that school officials and parents, through the IEP team process, will be able to resolve change in placement issues. However, when parents disagree with the IEP team decision, the IEP team shall implement its decision after providing the appropriate Prior Written Notice and a copy of Procedural Safeguards to the parents, despite their objections to the IEP team decision, unless the parents request a due process hearing. When the ten (10) day limit for suspension has been reached, or a forty-five (45) day alternative placement has expired and the parents have filed for a due process hearing and will not agree to a change in the current placement through the IEP process, the student will remain in the current setting pending the outcome of the due process. In addition, the alternative placement suggested by school officials must be appropriate to meet the student's educational needs.

SECTION 5.01. 504 DISCIPLINE PROCEDURES: Students covered under Section 504 of the Rehabilitation Act of 1973 cannot be denied services based solely on their disabilities. Such a student may not be suspended from school for more than ten (10) consecutive school days or a series of suspensions within a school year that exceeds ten (10) cumulative days (if it is determined that a pattern of exclusions creates a change of placement) without following the change of placement procedures. A student with a 504 Plan must have a Behavior Intervention Plan and a Manifestation Determination Meeting before being reassigned to an alternative site for a disciplinary incident.

- A. The school-based 504 Team should review all pertinent data and hold a manifestation determination meeting regarding the student prior to any disciplinary removal for more than ten (10) days.
 - 1. If the behavior is caused by the disability, the student may not be removed for more than ten (10) consecutive school days (unless the behavior is drug/alcohol related).
 - 2. If the behavior was not a manifestation of the disability, the student may be disciplined the same way the student without disabilities is disciplined.
- B. For a student who is currently engaged in the illegal use of drugs or alcohol, school personnel may take the same disciplinary action as is taken for students without disabilities. No manifestation determination or behavior intervention plan is required.

THE FOLLOWING DESCRIBED ACTS OR VIOLATIONS IN THIS PART VI SHALL CONSTITUTE BREACHES OF CONDUCT AND INCLUDE ACTS OR CONDUCT OCCURRING AT SCHOOL OR AT SCHOOL-SPONSORED ACTIVITIES, OR ON SCHOOL PROPERTY, A SCHOOL BUS OR AT A DESIGNATED SCHOOL BUS STOP, AND SHALL NOT BE CONFINED TO ACTS OR CONDUCT OCCURRING ON THE SCHOOL CAMPUS IF SUCH ACT OR CONDUCT DIRECTLY AFFECTS THE EDUCATIONAL PROCESS OR WELFARE OF THE SCHOOL COMMUNITY.

SECTION 6.01. ABUSIVE LANGUAGE OR CONDUCT IN THE PRESENCE OF OTHERS: A student who uses or engages in abusive, profane, obscene, or vulgar language or conduct in the presence of another person or possesses sexually explicit pictures, literature, or material at school, is guilty of unacceptable conduct punishable as follows:

First Offense: Levels 1 – 6

Subsequent Offenses: Levels 5 – 7

SECTION 6.02. CHEATING: In addition to the academic ramifications for cheating, a student who participates in using, copying, or providing another student with any test answers or answer keys or another person's work representing it to be his or her own work, is guilty of unacceptable conduct punishable as follows:

First Offense: Levels 1 – 8

SECTION 6.03. DISRUPTIVE BEHAVIOR AND/OR MINOR INFRACTIONS: A student who engages in unacceptable behavior or conduct which is disruptive to the educational process, including deliberately pushing, pulling, shoving, or striking another student, unless said behavior constitutes a fight, battery, or other serious breach of conduct, or who violates policies determined by the principal to be minor in nature, including repeated dress code violations and inappropriate use of laser pointers, is guilty of unacceptable conduct punishable as follows:

First Offense (Elementary): Levels 1 – 4

Subsequent Offenses: Levels 4 – 6

First Offense (Secondary): Levels 1 – 5

SECTION 6.04. FAILURE TO RETURN SCHOOL BOARD PROPERTY: A student is responsible for taking care of and returning school property entrusted to his or her care such as textbooks, library books and other educational materials or equipment, in a timely manner. Failure to return or damage to such property may result in the student or parent being required to reimburse the school for the value of the property or the student may receive monetary credit toward such reimbursement by participating in a work detail program as described in Part III, Discipline and Appeal Procedures, Section 3.03, Levels of Discipline, at the rate of five dollars (\$5) per hour.

SECTION 6.05. GAMBLING: A student who participates in games of chance or skill for money or profit is guilty of unacceptable conduct punishable as follows:

First Offense: Levels 1 – 4

Subsequent Offenses: Levels 2 – 4

SECTION 6.06. SCHOOL BUS SAFETY RULES: A student who refuses to obey school bus safety rules by not standing in a safe location while waiting for the bus at a designated bus stop; placing his or her head, hand, arm, foot, or leg out of the bus window; not crossing in front of the bus when access to the opposite side of the road is necessary; throwing objects inside or from or at a bus; talking at a railroad crossing; moving from seat to seat while the bus is in motion or refusing to sit in a seat assigned by the principal, bus driver, or attendance; eating or drinking while on the bus; tampering with the emergency door and/or using it for ordinary loading and unloading; talking other than ordinary conversation, (classroom conduct is to be observed); disregarding driver's instructions; bringing animals, pets, etc., onto the bus, not standing back from the edge of the pavement when conditions are foggy; failing to move away from the bus as soon as students unload; delaying the bus in any way including late arrival is guilty of unacceptable conduct punishable as follows:

First Offense: Levels 1 – 4

Subsequent Offenses: Levels 4 – 6

SECTION 6.07. SKIPPING CLASS/UNAUTHORIZED AREA: A student who, during school hours, enters or remains in a building or area on the school campus where the student is enrolled without authorized permission or who,

during school hours, skips any portion of a class or an entire class or classes, without authorized permission, but remains on campus, is guilty of unacceptable conduct punishable as follows:

First Offense: Levels 1 – 3

Subsequent Offenses: Levels 3 – 4

SECTION 6.08. STUDENT TRANSPORTATION, IMPROPER USE OF: A student who improperly uses any means of transportation on a school campus is guilty of unacceptable conduct punishable as follows:

First Offense: Levels 1 – 3

Subsequent Offenses: Levels 3 – 4

SECTION 6.09. TARDY: Punctuality is necessary for the student to take full advantage of available educational opportunities. Tardies will not be carried over into the next semester. Students who are tardy are subject to the following:

Levels 1 – 4

SECTION 6.10. TOBACCO PRODUCTS: A student who is in possession of tobacco products while on a school campus is guilty of unacceptable conduct punishable as set forth below. Tobacco products are defined as the dried leaves of a tobacco plant prepared in various ways for smoking, chewing, or as a snuff (e.g., cigars, cigarettes, chewing tobacco, pipe tobacco). School personnel shall confiscate and destroy any tobacco products found in a student's possession while on the school campus and make referral to law enforcement as appropriate:

First Offense: Levels 1 – 4

Subsequent Offenses: Levels 1 – 6

THE FOLLOWING DESCRIBED ACTS OR VIOLATIONS IN THIS PART VII SHALL CONSTITUTE SERIOUS BREACHES OF CONDUCT AND INCLUDE ACTS OR CONDUCT OCCURRING AT SCHOOL OR ON SCHOOL PROPERTY, A SCHOOL BUS OR AT A DESIGNATED SCHOOL BUS STOP, AND SHALL NOT BE CONFINED TO ACTS OR CONDUCT OCCURRING ON THE SCHOOL CAMPUS IF SUCH ACT OR CONDUCT DIRECTLY AFFECTS THE EDUCATIONAL PROCESS OR WELFARE OF THE SCHOOL COMMUNITY.

SECTION 7.01. ABUSIVE LANGUAGE OR CONDUCT DIRECTED AT A SCHOOL BOARD EMPLOYEE:

A student who uses or engages in abusive, profane, obscene, or vulgar language or conduct directed at a School Board employee as defined in Part II, General Rules and Regulations, Section 2.27, School Employee/Personnel/Staff, is guilty of a serious breach of conduct punishable as follows:

First Offense: Levels 1 – 6

Subsequent Offenses: Levels 5 – 7

SECTION 7.02. ARSON: A student who willfully, by fire or explosion, damages or attempts to damage any building, structure, vehicle, or other property owned or maintained by the School Board is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:

First Offense: Levels 7 – 8

Subsequent Offenses: Level 8

SECTION 7.03. ASSAULT: A student who intentionally threatens, by word or act, to strike or cause bodily harm to another person, has the apparent ability to carry out such threat, and causes the other person to have a well-founded fear that he or she is about to be struck or about to suffer such bodily harm is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:

First Offense: Levels 4 – 7

Subsequent Offenses: Levels 7 – 8

SECTION 7.04. BATTERY: A student who intentionally strikes another person against the will of the other person or intentionally causes bodily harm to another person is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:

First Offense: Levels 4 – 8

Subsequent Offenses: Level 8

SECTION 7.05. BOMB AND EXPLOSIVE: A student who is in possession of a bomb, explosive device, or substance or materials intended for use in a bomb or explosive device or substance while at school or a school-sponsored activity, on School Board property or a school bus (unless the material or device is being used as part of a legitimate school-related activity or science project conducted under the supervision of an instructor with the knowledge and consent of the principal), is guilty of a serious breach of conduct punishable as follows:

First Offense: Expulsion (for not less than one full year)

SECTION 7.06. BOMB THREAT: Any student who reports a bomb or explosive at any school building, on school property or a school-sponsored activity where no bomb exists, will be guilty of a serious breach of conduct and is punishable as follows:

First Offense: Expulsion (for not less than one full year)

Nothing in this rule shall be construed as penalizing any student who, in good faith, makes a report concerning illegal activity, even if such report later proves to be unfounded.

SECTION 7.07. BULLYING (HARASSMENT): A student or group of students who **repeatedly** use offensive or inflammatory words, symbols, gestures, or physical conduct to belittle, demean, disparage, mock or ridicule another person is guilty of bullying. This includes conduct such as:

Physical aggression including, but not limited to: hitting; pushing; kicking; taking or damaging belongings; extortion; and unwanted sexual contact.

Verbal aggression including, but not limited to: mocking; name-calling; making remarks that are insulting or threatening; making fun of another's appearance, mannerisms, or intelligence; sexually abusive comments; or taunts and slurs directed toward another's race, ethnicity, or religion.

Psychological aggression including, but not limited to: spreading harmful rumors; isolating another through exclusion from a peer group; tormenting; or stalking.

A student who participates in this activity is guilty of a serious breach of conduct and is punishable as follows:

First Offense: Levels 1 – 8

Subsequent Offenses: Levels 5 – 8

Note: The punishment for this offense should reflect the severity of the misconduct.

SECTION 7.08. BURGLARY: A student who enters or remains in a building, structure, conveyance, or vehicle owned or maintained by the School Board with the intent to commit theft, vandalism, or some other criminal offense therein, is guilty of burglary unless the premises are at the time open to the public or the student is legally authorized to enter or remain in such building, structure, conveyance, or vehicle. However, the fact that the premises may be open to the public or that the student may be authorized to enter or remain will not excuse any other offense, violation, or other breach of conduct committed by that student while therein. Burglary is a serious breach of conduct that shall be reported to the proper law enforcement agency and is punishable as follows:

First Offense: Levels 5 – 7

Subsequent Offenses: Level 8

SECTION 7.09. COMPUTER MISUSE: The inappropriate use of a computer includes, but is not limited to, violation of the Technology Acceptable Use Policy found in Preface page x, 6Gx53-9.001 in this Code of Student Conduct. Violations of this policy will be punishable as follows:

Levels 1 - 8

SECTION 7.10. DRUGS: Also refer to Medication under Part II, General Rules and Regulations, Section 2.22, Medication.

- A. **Sale, Distribution, or Possession with Intent to Sell or Distribute:** A student who sells or distributes, or attempts or conspires with someone else to sell or distribute, or possesses with intent to sell or distribute an intoxicating or controlled beverage, narcotic, any mood modifying prescription drug, over-the-counter mood modifying drug or any mood modifying substance or drug, or other controlled substances as defined by Florida law, or sells, distributes, or possesses with intent to sell or distribute any substance represented as any of those mentioned above or solicits someone else to purchase or receive such substances is guilty of a very serious breach of conduct which shall be referred to the proper law enforcement agency and could result in criminal penalties. In all such cases the student shall be recommended for expulsion. If the student is expelled by the School Board, before he/she may reenter the School System following completion of the expulsion, the student must first be assigned to, and successfully complete, the Safe and Drug-Free Schools Assessment Program. With the permission of the Senior Director, Specialized Programs, the student may attend the Safe and Drug-Free Schools Assessment Program prior to entering the Expulsion School. This violation is punishable as follows:

First Offense: Level 8

- B. **Use or Possession:** A student who uses or is under the influence of or is in possession of or solicits for an intoxicating or controlled beverage, narcotic, any mood modifying prescription drug, over-the-counter mood modifying drug or any mood modifying substance or drug, or controlled substances as defined by Florida law, or represents any substance as any of those mentioned above, or accepts or is in possession of any substance believed by the student to be or represented to be any of those mentioned above, or is in possession of drug paraphernalia is guilty of a very serious breach of conduct which shall be referred to the proper law enforcement agency and could result in criminal penalties. For purposes of this section, drug paraphernalia is defined as all equipment, products, and

materials of any kind which are used, intended for use, or designed for use in injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined by Florida law. In determining whether a particular item is drug paraphernalia, the school administrator should consider related evidence to determine whether a student intends to use the item as drug paraphernalia rather than for a legitimate purpose.

- C. **Exception:** If a student brings medication on school premises and takes an overdose with the intent to commit suicide, the student should be referred for medical and/or mental health services rather than being subjected to a violation of the Code of Student Conduct.

A violation of this subsection is punishable as follows:

ELEMENTARY STUDENTS GRADES K-5 (Section 7.10, Items 1-3)

1. **First Offense:** The student shall receive an out-of-school suspension - long term {four (4) to ten (10) school days} and upon return to school will undergo a Drug-Free Schools Program assessment. If the assessment is refused, the principal shall assign the student to an Elementary Alternative Education Program (Level 7) if space is available.
2. **Second Offense During the Same School Year:** The principal shall assign students who are repeat offenders (during the same school year) to the Elementary Alternative Education Program. It is important to note that repeated offenses require more severe disciplinary action.
3. **Subsequent Offenses During the Same School Year:** Any subsequent offenses shall result in Level 8 - Expulsion. Before reentering the school system following completion of the expulsion, the student must first be assessed by the staff of the Drug-Free Schools Assessment Program.

SECONDARY STUDENTS GRADES 6-12 (Section 7.10, Items 1-3)

1. **First Offense:** The student shall receive an out-of-school suspension - long term {four (4) to ten (10) school days} and assignment to the Drug-Free Schools Program. If the offense constitutes a felony, the Principal shall assign the student to the Drug-Free Schools Assessment Program and to an Alternative Education Program. In such cases the student shall report to the Drug-Free Schools Assessment Program prior to reporting to the Alternative Education Program.

Note: Referrals to the Drug-Free Schools Assessment Program should be made by telephoning the Mark Wilcox Drug-Free Schools Center at 291-5355.

- a. **Assessment Program:** The student shall attend school at the Mark Wilcox Drug-Free Schools Program Center where he or she must complete ten (10) days of satisfactory participation in the program.
 - b. **Satisfactory Participation:** The student must attend, obey program rules, and participate in the program.
 - c. **Unsuccessful Participation:** If a student does not complete ten (10) days of satisfactory participation in the program, that student shall be assigned to the Alternative Education Program and shall be subject to the same attendance requirements in that program as any other student attending the same program. If an Alternative Education Program is not available, the student shall be suspended for a period of ten (10) days.
2. **Second Offense During the Same School Year:** The principal shall assign students who are repeat offenders (during the same school year) to a Secondary Alternative Education Program. It is important to note that repeated offenses require more severe disciplinary action.

3. **Subsequent Offenses During the Same School Year:** Any subsequent offenses shall result in Level 8 - Expulsion. Before reentering the school system following completion of the expulsion, the student must first be assessed by the staff of the Drug-Free Schools Assessment Program.
4. **Third Offense During School Career:** Upon a student's third violation of Section 7.10 B any time during his/her school career, the student shall be assigned to an Alternative Education Program. If an Alternative Education Program is not available, the student shall be suspended for a period of ten (10) days. In addition, the student may be subject to a recommendation of expulsion. The student will be assessed by the staff of the Drug-Free Schools Assessment Program within fifteen (15) days of the offense.

Upon a student's third violation of Section 7.10 B any time during his/her school career, the student may be subject to a recommendation of expulsion and will be referred to the office of the Senior Director, Specialized Services.

ALL STUDENTS (Section 7.10, Item D ONLY)

- D. **Nonmood Modifying Drugs:** A student who uses, is in possession of, solicits, sells, or distributes a nonmood modifying over-the-counter drug or medication, including herbal medications, without meeting the requirements of Part II, General Rules and Regulations, Section 2.22, Medication, herein is in violation of the Code of Student Conduct and shall be punished as described below. If the drug, medication, or substance is represented as or implied to be one which is mood modifying, the case shall be processed under paragraphs A or B of this section.

First Offense: Levels 1 – 4

Subsequent Offenses: Levels 2 – 5

SECTION 7.11. EXTORTION: A student who obtains money or property from an unwilling person by force, threat of force, or other means of coercion is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:

First Offense: Levels 4 – 7

Subsequent Offenses: Levels 7 – 8

SECTION 7.12. FALSE ALARM: A student who activates a fire alarm system in any school building or on school property or reports a fire where no fire exists is guilty of causing a false alarm which is a serious breach of conduct which may require referral to the proper law enforcement agency and is punishable as follows:

First Offense: Levels 4 – 7

Subsequent Offenses: Levels 7 – 8

SECTION 7.13. FALSE INFORMATION: A student who knowingly and intentionally reports or gives false or misleading information, either oral or written, which may injure another person's character or reputation or disrupt the orderly process of the school, is guilty of a serious breach of conduct punishable as follows:

First Offense: Levels 1 – 7

Subsequent Offenses: Level 8

SECTION 7.14. FELONY CHARGES (OFF CAMPUS): If a student is formally charged by the State Attorney or other proper prosecuting attorney with a felony or delinquent act which would be a felony if committed by an adult for an incident which allegedly occurred on property other than public school property, the student may be temporarily suspended from his or her regular school, but must be immediately assigned to the a daytime Alternative Education Program in accordance with the procedures outlined in Part III, Discipline and Appeal Procedures, Section 3.04, Adverse Impact Suspension for Felonies Committed Off Campus.

SECTION 7.15. FIGHTING WITH INJURY OR PHYSICAL RESTRAINT: A student who deliberately engages in or provokes a physical fight or violent confrontation with a person, who is not a School Board employee, that results in personal injury or requires physical restraint, is guilty of a serious breach of conduct punishable as follows:

First Offense: Levels 4 – 7

Subsequent Offenses: Levels 6 – 8

OPTIONAL AT DISCRETION OF PRINCIPAL

Any student suspended for fighting, battery, assault, or other confrontation **may** be furnished a Conflict Resolution Student Study Packet at the time of the suspension. The study packet may be obtained from the Mark Wilcox Center. This study packet must be satisfactorily completed by the student during the suspension and returned to the administrator or dean responsible for the initial disciplinary action. If the student satisfactorily completes the study packet prior to the end of the suspension period, the suspension may be reduced by the administrator or dean subsequent to a meeting with the student and parent. The parent has the responsibility to request the meeting. If the student fails to satisfactorily complete the study packet, he/she shall be assigned to the school Student Intervention Center until it is completed. In addition, the students involved in the fight shall be referred to peer mediation or, if peer mediation is deemed inappropriate, a staff facilitation mediation.

SECTION 7.16. FIGHTING WITHOUT INJURY OR PHYSICAL RESTRAINT: A student who deliberately engages in or provokes a physical fight or violent confrontation with a person, who is not a School Board employee, that does not result in personal injury or require physical restraint, is guilty of a serious breach of conduct punishable as follows:

First Offense: Levels 1 – 5

Subsequent Offenses: Levels 4 – 6

SECTION 7.17. GANG ACTIVITY: A student who takes part in a “gang related incident” as defined in Section 874.03, Florida Statutes, or engages in oral, written, or visual communications or other behavior that promotes or encourages (1) participation in a “gang-related” incident; or (2) membership in a “criminal street gang” as defined by Section 874.03, as such conduct is construed by the principal or designee in consultation with the school resource officer or other law enforcement officer, is guilty of a serious breach of conduct punishable as follows:

First Offense: Levels 4 – 7

Subsequent Offenses: Levels 7 – 8

SECTION 7.18. GUNS, WEAPONS, AND DANGEROUS OBJECTS:

- A. **Guns:** Any student who brings a gun to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a gun at school, at any school function, or on any school-sponsored transportation, shall be expelled for at least one (1) full year and will be referred to the criminal justice or juvenile justice system. **This provision also applies to guns located in vehicles on property owned or leased by the District.** Guns are defined as any weapons (whether operable or inoperable), including starter guns, which will fire a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or silencer, any destructive device, or any machine gun. Guns also include any weapons which are designed to or may readily be converted to such purpose.

Level 8 {minimum of one (1) calendar year}

- B. **Weapons:** Any student who brings a weapon to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a weapon at school, at any school function, or on any school-sponsored transportation, shall be expelled for at least one (1) full year and will be referred to the criminal justice or juvenile justice system. **This provision also applies to weapons located in vehicles on property owned or leased by the School District.** Weapons are defined as dirks, metallic knuckles, slungshots, slingshots, billies, tear gas guns, chemical weapons or devices, knives or other deadly weapons, **except** guns and common pocketknives with a blade of three (3) inches or less.

Level 8 {minimum of one (1) calendar year}

- C. **Dangerous Objects:**

1. *With Intent to Do Harm or for Self-Defense:* Any student who brings a dangerous object to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a dangerous object at school, at any school function, or on any school-sponsored transportation, **with the intent of doing harm to others or for self-defense**, will be recommended for expulsion. Dangerous objects include, but are not limited to, common pocketknives with a blade of three (3) inches or less, ice picks, razor blades, box cutters, air guns or spring guns of any sort (whether operable or inoperable), etc.

Level 8

2. *Without Intent to Do Harm or for Self-Defense:* Any student who brings a dangerous object to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a dangerous object at school, at any school function, or on any school-sponsored transportation, **without the intent of doing harm to others or for self-defense**, is guilty of a serious breach of conduct punishable as follows:

First Offense: Levels 4 – 8

Subsequent Offenses: Level 8

Any offense involving air guns or spring guns of any sort (whether operable or inoperable) is punishable as follows:

Level 8

SECTION 7.19. HAZING: There shall be no type of hazing in any club, organization, or class within the school. Hazing shall be defined as any action or situation for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of the school which recklessly or intentionally endangers a student's mental or physical health or safety.

First Offense: Levels 1 – 8

SECTION 7.20. INDECENT EXPOSURE OR CONDUCT: A student who exposes or exhibits his or her sexual organs in the presence of others in a lewd or indecent manner and not in the course of the student's appropriate use of a restroom, dressing room, or shower facilities, or who intentionally and willingly engages in behavior which is considered lewd, indecent or obscene, is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:

First Offense: Levels 6 – 7

Subsequent Offenses: Levels 7 – 8

SECTION 7.21. INSUBORDINATION: A student who refuses to carry out reasonable and lawful directions of authorized school personnel is guilty of a serious breach of conduct punishable as set forth below. For purposes of this subsection, truancy, skipping, or leaving the school campus without permission are not to be construed as insubordination.

First Offense: Levels 4 – 6

Subsequent Offenses: Levels 6 – 7

SECTION 7.22. INTERFERENCE WITH THE EDUCATIONAL PROCESS: A student who is guilty of willful disobedience, open defiance of the authority of the principal or any member of the school staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school or the school's educational process is guilty of a serious breach of conduct punishable as follows:

First Offense: Levels 6 – 7

Subsequent Offenses: Level 8

SECTION 7.23. LEAVING CAMPUS WITHOUT PERMISSION: A student who leaves the school campus without authorized permission is guilty of a serious breach of conduct which shall not be construed to be truancy and is punishable as follows:

First Offense: Levels 4 – 6

Subsequent Offenses: Level 6

SECTION 7.24. MOONING: A student who exposes his or her buttocks in the presence of others other than in the course of the student's appropriate use of a restroom, dressing room, or shower facilities is guilty of a serious breach of conduct punishable as follows:

First Offense: Levels 6 – 7

Subsequent Offenses: Level 8

SECTION 7.25. OTHER SERIOUS VIOLATIONS OF THE LAW: A student who commits an act, not specified in this Code, that constitutes a misdemeanor or felony as defined by Florida Statute is guilty of a serious breach of conduct punishable as follows:

First Offense: Levels 3 – 8

Subsequent Offenses: Levels 3 – 8

SECTION 7.26. ROBBERY: A student who takes money or other property belonging to another person from another person by the use of force, violence, assault, or threatened use of force or violence is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:

First Offense: Level 8

SECTION 7.27. SERIOUS MISCONDUCT ON A SCHOOL BUS: A student who refuses to obey the bus driver's or bus attendant's reasonable instructions or creates a disturbance which would distract the bus driver from safely operating the bus, or who throws an object at or from a school bus is guilty of a serious breach of conduct punishable as follows:

First Offense: Levels 5 – 6

Subsequent Offenses: Level 8

SECTION 7.28. SEXUAL HARASSMENT: A student who subjects another student to unwelcome conduct of a sexual nature by unwelcome sexual advances, requests for sexual favors, verbal harassment or abuse, pressure for sexual activity, repeated remarks with sexual or demeaning implications, unwelcome or inappropriate touching, or suggestions or demands for sexual involvement accompanied by implied or explicit threats is guilty of a serious breach of conduct. The procedures outlined in Part II, General Rules and Regulations, Section 2.19, Harassment/Discrimination, shall be followed for the investigation of alleged sexual harassment by the principal or designee. Please refer to the Equity Handbook and contact the Office of Equity and Compliance. If such investigation results in a determination that the student is guilty of sexual harassment, disciplinary action shall be taken as determined by the Superintendent or his/her designee consistent with discipline procedures outlined in Part III, Discipline and Appeal Procedures.

Levels 1 – 8

SECTION 7.29. STUDENT CONFRONTATION WITH A SCHOOL BOARD EMPLOYEE: A student who strikes, pushes, pulls, shoves, fights, injures, or engages in a violent confrontation involving a School Board employee as defined in Part II, Section 2.27, School Board Employee/Personnel/Staff, is guilty of a serious breach of conduct punishable as follows:

First Offense: Level 8

SECTION 7.30. TELEPHONES/WIRELESS COMMUNICATION DEVICES: Wireless communication devices shall not be activated or used during school hours or on school buses. Wireless communication devices will be confiscated if they are seen or heard and will be returned to the student's parent/guardian at a mutually agreed upon time. Any student who violates the provisions of this section is guilty of a breach of conduct punishable as below.

No student may have in his or her possession any wireless communication device or any other item that records, stores, or transmits data during any standardized testing (FCAT, SSS, NRT, etc.).

First Offense: Levels 1 – 8

NOTE: Any student who uses a wireless communication device in committing a criminal act at school, during school hours, on a school bus, or at a school function is guilty of a serious breach of conduct and is punishable as follows:

First Offense: Levels 4 – 8

Students who choose to bring wireless communication devices to school do so at their own risk. Cell phones and other wireless communication devices are small and easily lost. There is also a high incidence of theft of these devices. The School Board of Polk County will not be responsible for wireless communication devices lost by or stolen from students.

SECTION 7.31. THEFT: A student who takes from another person money or other property belonging to the other person with the intent to permanently deprive the victim of such property is guilty of a serious breach of conduct which may be reported to the proper law enforcement agency and is punishable as follows:

First Offense:**Misdemeanor/Petit Theft: Levels 4 – 6****Felony/Grand Theft: Levels 6 – 7****Subsequent Offenses:****Misdemeanor/Petit Theft: Levels 6 – 7****Felony/Grand Theft: Levels 7 – 8**

SECTION 7.32. TRESPASSING: A student who enters or remains in a school building or on school property other than on the campus of the school in which the student is enrolled without authorized permission is guilty of trespassing. A student who enters or remains in any school building or on any school property after it is closed to the public without authorized permission is guilty of trespassing. Trespassing is a serious breach of conduct which may be reported to the proper law enforcement agency and is punishable as follows:

First Offense: Levels 1 – 5**Subsequent Offenses: Levels 5 – 8**

SECTION 7.33. VANDALISM: A student who willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti or other acts of vandalism, on school property, a school bus, or during a school function, is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:

First Offense: Levels 4 – 8**Subsequent Offenses: Levels 7 – 8**

SECTION 7.34. VIOLENCE, INCITEMENT TO: A student who commits an act of violence or, by words or actions, threatens others with violence, directly or indirectly, or incites others to do violence or bodily harm or to fight is guilty of a serious breach of conduct punishable as follows:

First Offense: Levels 4 – 8**Subsequent Offenses: Levels 7 – 8**

Violators of the above section may be referred to an appropriate mental health professional for an evaluation before returning to school.

If you do not want the School Board of Polk County, Florida (SBPC), to disclose from your child’s educational records in accordance with federal law¹, please mark the appropriate statements below and return this form to your child’s school within the next thirty (30) days.

Student’s Name: _____ Birth Date: _____

ID#: _____

Directory Information is defined as the following student information: name, address, telephone number (if it is a listed number), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees and awards received, and most recent previous educational agency or institution attended.

- DO NOT DISCLOSE** my child’s Directory Information without my prior permission.

- DO NOT DISCLOSE** my child’s name, address, and telephone number to the entities checked below without my prior permission:
 - _____ U.S. Military (Army, Navy, Air Force, Marines, etc.)

 - _____ Colleges and other educational institutions

I understand that by completing and submitting this form, SBPC will restrict the disclosure of this type of information from my child’s educational records and that SBPC has no further obligation to contact me on a case-by-case basis to request my consent for the disclosure of Directory Information.

Parent/Guardian Name

Signature

Date

¹ The *Family Educational Rights and Privacy Act* (20 U.S.C. § 1232 g.), Section 9528 of the *Elementary and Secondary Education Act* (20 U.S.C. 7908), as amended by the *No Child Left Behind Act of 2001* (P.L. No. 107-110), and the *National Defense Authorization Act for Fiscal Year 2002*, (P.L. 107) U.S.C. 503, as amended by Section 544.

STUDENT ACKNOWLEDGMENT: I have received a general overview and specific instruction of the contents of the Polk County Public School's Code of Student Conduct. I have also been informed that compliance with the Code is mandatory.

Signature of Student

Name of Student (Please Print)

Name of School

ID #

PARENTAL ACKNOWLEDGMENT: I/we are aware of the contents of the Polk County Public Schools' Code of Student Conduct and have been informed that compliance with the Code is mandatory.

Signature of Parent

Name of Parent (Please Print)

Date

