



**CALHOUN COUNTY**  
**SCHOOL DISTRICT**

**STUDENT CODE OF  
CONDUCT  
AND DISCIPLINE**

**2018-2019**

**Elementary/Middle/Secondary**

# CODE OF CONDUCT AND DISCIPLINE FOR CALHOUN COUNTY SCHOOL DISTRICT 2018-2019

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Calhoun County School Board  
20859 Central Avenue East, G-20  
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We hereby certify that this Code of Conduct and Discipline Plan  
has been reviewed and approved, June 18, 2018.

Ralph Yoder, Calhoun County School Superintendent

Calhoun County School Board Members

Danny Ryals, *District 1, Chairman*

Ray Howell, *District 2*

Clifford Newsome, *District 3*

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*No person shall, on the basis of race, color, religion, gender, age, marital status, sexual orientation, disability, political or religious beliefs, national or ethnic origin, or genetic information, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practice conducted by this School District, except as provided by law. The district also provides equal access to its facilities to the Boy Scouts and other patriotic youth group, as required by the Boy Scouts of America Equal Access Act.*

## RATIONALE

The primary function of the public schools is to provide an equal educational opportunity for all students. Education cannot take place unless an atmosphere of good order and discipline necessary for effective learning exists. The responsibility for good order and discipline belongs to the entire community -- students, parents, teachers, school administrators, school board and the general public.

Order and discipline may be described as the absence of distractions, frictions and disturbances which interfere with the success of the student, the class or the school. These conditions must be thought of as positive, as helping students to adjust by turning unacceptable conduct into acceptable behavior. While it is apparent that a choice must sometimes be made between the welfare of the majority of students and the desire to modify the behavior of a few students, discipline can be the presence of a friendly, businesslike rapport among students, parents, teachers, and administrators.

As students progress in our public schools it is reasonable to assume that an increase in age and maturity will result in the students assuming greater responsibility for their actions. It is recognized that differences in age and maturity sometimes require different types of disciplinary action.

Students are subject to the rules and regulations of the School Board:

- during regular school hours
- while being transported on school buses or otherwise en-route to or from school
- at such times and places including, but not necessarily limited to, school sponsored events, field trips, athletic functions, and other activities where appropriate school personnel have jurisdiction over students.

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

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

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

## ROLES OF THE HOME, STUDENT, AND SCHOOL

In order for effective instruction to occur, there must be a cooperative relationship between student, parent, and educator. This relationship may be described as follows:

Parents Who:

1. Keep in regular communication with the school authorities concerning their child's progress and conduct.
2. Insure that their child is in class during scheduled times, is in attendance daily and promptly reports and explains an absence or tardiness to school.
3. Provide their child with the resources needed to complete class work.
4. Assist their child in being healthy, neat, and clean.
5. Bring to the attention of school authorities any problem that affects their child or other children of the school.
6. Discuss report cards and work assignments with their child.
7. Maintain up-to-date home, work, and emergency telephone numbers at the school, including doctor and hospital preferences on the student's emergency card. It is the parent's responsibility for the results of miscommunication due to out-of-date contact information.

Students Who:

1. Attend all classes daily and are punctual in attendance.
2. Are prepared to come to class with appropriate working materials.
3. Are respectful to all individuals and property.
4. Refrain from profane or inflammatory statements.
5. Conduct themselves in a safe and responsible manner.
6. Are clean and neat.
7. Are responsible for their own work.
8. Abide by the rules and regulations of the school and each classroom teacher.
9. Realize that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful.
10. Seek changes in an orderly and recognized manner.

Schools That:

1. Maintain an atmosphere conducive to good behavior.
2. Exhibit an attitude of respect for students.
3. Plan a flexible curriculum to meet the needs of all students.
4. Promote effective training or discipline based upon fair and impartial treatment of all students.
5. Develop a good working relationship among staff and with students.
6. Encourage parents to keep in regular communication with the school.
7. Encourage parent participation in affairs of the school.

### **PREVENTIVE MEASURES**

A major consideration in the application of the Code of Student Conduct is that the action taken by school personnel be consistent with the disciplinary problem involved. Teachers and administrators should strive to use a variety of informal disciplinary and guidance methods, prior to, during and after formal disciplinary action. These methods may include:

1. Student program adjustment.
2. Referral for group or individual counseling with guidance counselors, peer counseling, psychological evaluations, and such other services deemed appropriate.
3. Conferences and/or contacts between administrators, parents, teachers, and students.
4. Referral to appropriate agencies for specific problems.
5. Timeout or Detention.

### **LEGAL BASIS FOR STUDENT DISCIPLINE**

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

#### **AUTHORITY OF THE BOARD F.S. 1006.07**

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

**CHILD WELFARE** - Provide for the accounting of all children of school age for attendance and control of pupils at school as to health, safety and other matters relating to the welfare of children in the following fields, as prescribed in F.S. 39, 1003, and 1006.

**CONTROL OF PUPILS** - Adopt rules and regulations for the control, discipline, suspension and expulsion of pupils and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of Chapter 120. Expulsion hearings shall be governed by the provisions of F.S. 120.57(2). When corporal punishment is used it must be within the guidelines specified in School Board Policy 5.30.

**CODE OF STUDENT CONDUCT** - Make available to all teachers, school personnel, students, and parents or guardian, at the beginning of each school year, a code of conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be

made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to: specific grounds for disciplinary action; procedures to be followed for acts requiring discipline, including corporal punishment; and an explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

#### **AUTHORITY OF SUPERINTENDENT F.S. 1006.08**

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

**CHILD WELFARE** - Recommended plans to the school board for the proper accounting for children of school age; for the attendance and control of pupils at school, for the proper attention to health, safety, and other matters which will best promote the welfare of children in the following fields, as prescribed in F.S. 1003.21.

**CONTROL OF PUPILS** - Propose rules and regulations of the control, discipline, suspension, expulsion of pupils, review and modify recommendations for suspension and expulsion of pupils and transmit to the school board recommendations for expulsion of pupils. When the superintendent makes a recommendation for expulsion to the school board, he shall give written notice to the pupil and advise the pupil and his parent or guardian of his right to due process as prescribed by F.S. 120.57(2). When school board action on a recommendation for the expulsion of a pupil is pending, the superintendent may, unless prohibited by Federal, State or District guidelines, extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the school board.

Upon receipt of notification from law enforcement, the Department of Juvenile Justice, the office of the State Attorney, or the court system that a public school student has had certain types of contact with the juvenile justice system, the superintendent or designee, within twenty-four (24) hours of such notice, shall provide such information to the school administrator, student services personnel, school resource officer, and the student's immediate teachers (those in whose courses or classroom the student in question is currently enrolled).

#### **AUTHORITY OF THE PRINCIPAL F.S. 1006.09**

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

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

The principal or the principal's designee may recommend to the district school superintendent the expulsion of any student who has committed a serious breach of conduct, including, but not limited to, willful disobedience, open defiance of authority of a member of his or her staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school. A recommendation of expulsion or assignment to a second chance school may also be made for 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, according to the district school board code of student conduct. Any recommendation of expulsion shall include a detailed report by the principal or the principal's designated representative on the alternative measures taken prior to the recommendation of expulsion.

Suspension proceedings, pursuant to rules of the State Board of Education, may be initiated against any enrolled student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents of the student by the principal of the school pursuant to rules adopted by the State Board of Education and to rules developed pursuant to s. 1001.54, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any student who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed 10 days, as determined by the district school superintendent. The suspension shall not affect the delivery of educational services to the student, and the student shall be immediately enrolled in a daytime alternative education program, or an evening alternative education program, where appropriate. If the court determines that the student did commit the felony or delinquent act which would have been a felony if committed by an adult, the district school board may expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the student in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting. Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 may be entitled to a waiver of the discipline or expulsion:

1. If the student divulges information leading to the arrest and conviction of the person who supplied the controlled substance to him or her, or if the student voluntarily discloses his or her unlawful possession of the controlled substance prior to his or her arrest. Any information divulged which leads to arrest and conviction is not admissible in evidence in a subsequent criminal trial against the student divulging the information.
2. If the student commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.

School officials shall ensure that local law enforcement authorities are notified as soon as possible when an offense of a violent nature is committed on school property, on school sponsored transportation, or during a school sponsored activity. Additionally, if the offense involves a victim, school officials shall notify the victim and the parents or legal guardian if the victim is a minor, of the offense and of the victim's right to press charges against the offender.

#### **AUTHORITY OF THE TEACHER F.S. 1003.32**

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

1. The use of corporal punishment shall be approved in principle by the principal before it is used, but approval is not necessary for each specific instance in which it is used.
  2. A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student's presence, of the reason for the punishment.
- F.S. 1003.32(1)(k)

3. A teacher or principal who has administered punishment shall, upon request, provide the pupil's parent or guardian with explanation of the reason for the punishment and the name of the other adult witness who was present. F.S. 1003.32(1)(k)
4. The authority of the teacher and other instructional personnel to discipline violent and disruptive students shall be consistent with the provisions of the Code of Ethics (Rule 6B-1.001 FAC.), and the Principles of Professional Conduct of the Education Profession in Florida Rule (6B-1.006 FAC.), the **Code of Student Conduct and Discipline for Calhoun District Schools**, and schools' policies. Within these parameters, the teacher and other instructional personnel shall have the authority, as well as the responsibility, (Rules 6B-1.001, 6B-1.006, FAC) to undertake various alternatives and techniques in managing student behavior and in ensuring the safety of all students in their classes and schools.

Pursuant to **F.S. 1003.32** and Calhoun County School Board Policy 5.33, a student may be removed from a teacher's classroom for repeated disruptive behavior or a violent incident. The guidelines as outlined in the school board policy must be applied.

#### **AUTHORITY OF THE SCHOOL BUS DRIVER F.S. 1006.10**

The principal shall delegate to the school bus driver such authority as may be necessary for the control of pupils being transported to and from school, or school functions at public expense. Any pupil who persists in disorderly conduct on a school bus shall be reported to the principal by the driver of the bus and may be suspended by the principal of the school he attends from being transported to and from school, and school functions at public expense.

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

#### **PUPILS SUBJECT TO CONTROL OF SCHOOL F.S. 1003.31**

Subject to law and rules and regulations of the State Board and of the School Board, each pupil enrolled in a school shall, during the time he is attending school, and during the time he is on the school premises, be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the State Board or the District School Board may, by rules and regulations, subject each pupil to the control and direction of the principal or teacher in charge of the school during the time he is otherwise en-route to or from school or is presumed by law to be attending.

#### **SCHOOL FACILITIES/LIABILITY**

**F.S. 1003.31** provides that students are considered under the control and supervision of the school when they are on the premise during a reasonable time before and after school and while attending or participating in a school-sponsored activity at the school site. Reasonable time is defined as 30 minutes before and after school.

#### **LIABILITY OF TEACHER OR PRINCIPAL F.S. 1006.11**

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



## **PHILOSOPHICAL BASIS**

Following are the philosophical basis upon which the student's responsibilities and rights exist:

1. Schools must make available written rules of conduct to students and parents. Students and parents must assume responsibility for knowing and observing both school rules and state laws that govern student conduct.
2. School Administrators have an obligation under State Law to enforce compulsory school attendance laws. Students have an obligation to avail themselves of the opportunity for a free education.
3. Schools should provide an educational program based upon the needs of students and society. Students have the responsibility to utilize the educational experiences.
4. Schools should provide opportunities for participation in extracurricular activities. Students should avail themselves of participation in those activities that are of interest to them and for which they qualify.
5. Schools should provide an environment that assures respect for persons and property. Students have an obligation to respect the persons and property of others.
6. Schools have a responsibility to insure the privacy rights of students as specified by law.
7. Schools should provide opportunities for student groups to meet in accordance with rules and scheduled use of facilities.
8. Schools have an important role in providing effective avenues for student expression in a wide variety of ways. Students should try to understand the attitudes and viewpoints of the entire school community.

## **STUDENTS' RESPONSIBILITIES AND RIGHTS**

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

### **RESPONSIBILITIES**

1. Students are responsible for knowing and observing school rules.
2. Students have the responsibility to take advantage of their educational opportunity by attending all classes daily and on time.
3. Students have a responsibility to:
  - a. Take advantage of the appropriate school programs and not infringe on the rights of others to learn.
  - b. Involve themselves in the classes in which they are enrolled through participation as directed by the teacher.
  - c. Involve parents and school personnel in making certain curriculum choices.
4. Student organization officers and representatives are to be alert to needs of the school, the concerns of the student body and to work toward the satisfaction of these needs and concerns to the best of their ability.
5. Students have the Responsibility to:
  - a. Respect the persons and property of other students and the school staff.
  - b. Take care of the property of the school system.
  - c. Failure of a student to pay for lost or damaged instructional materials will result in suspension of the student from participation in extracurricular activities.
6. Parents, guardians, or eligible students have the responsibility of informing the school and individuals of agencies who are working actively and constructively for the benefit of the student, of any information that may be useful in making appropriate educational decisions.
7. Students have the responsibility to plan, seek approval, and conduct those activities that are consistent with the educational objectives and responsibilities of the school.
8. Students have the responsibility to accept the rights of other individuals, to have differing viewpoints and to express themselves on those issues in which they disagree in a manner which does not infringe upon the rights of others, or interfere with the orderly educational process of the school, and is not obscene or libelous or in violation of school rules.

## **RIGHTS**

1. Students have a right to expect clear and understandable rules and regulations to be furnished by the school. They may expect these rules, regulations and laws to be enforced fairly with the right of due process afforded.
2. Students have the right to clearly defined information on School Board Rules and individual school policies dealing with attendance.
3. Students have the right under the direction of a faculty advisor to:
  - a. Form and operate within their respective schools, appropriate student organizations.
  - b. Seek offices and participate in activities and organizations regardless of race, sex, color, creed, or political beliefs.
4. Each student has the right to expect:
  - a. That his person and property will be respected by other students and the school staff.
  - b. The school property to be safe, clean, attractive and well maintained.
5. Students have the right to:
  - a. Be protected by legal provisions that prohibit the release of personally identifiable information as provided by law.
  - b. Privacy in their personal possessions unless the principal has a reasonable cause to believe that the student is concealing material, which possession of, is prohibited by law.
6. Students have the right to assemble peacefully on school grounds or in school buildings. Exercise of this right shall be denied when it substantially and directly endangers physical health and safety, damages property or disrupts the school program.
7. Students have the right to express themselves and to petition and survey student opinion in accordance with these established procedures.

## **DISCIPLINARY PROCEDURES**

We strongly urge that each classroom teacher attempt to deal with general classroom disruption by taking in-class disciplinary action, by making a personal call to the parent, and when the action taken by the teacher is ineffective, or the disruption is sufficiently severe, then the student should be referred to the principal or his/her designee.

Depending on the seriousness and frequency of the misconduct, certain disciplinary procedures will be followed. For those behaviors that are less serious the following action will be taken.

1. Teacher/pupil conferences
2. Teacher/parent communication
3. Withdrawal of privileges that are under the teacher's jurisdiction
4. Counseling by teachers, student service personnel, and, or administrators
5. Assigned warnings
6. Corporal Punishment
7. Administrators will be involved in all cases as needed

Repeated occurrences of less serious behaviors may be dealt with in the same manner as misconduct of a more serious nature. The following are considered in addition to any of the above mentioned actions.

1. Corporal punishment
2. Assignment to detention
3. In-school Suspension (ISS)
4. Out-of-school suspensions (OSS)
5. CARE Program (Grades 6-12)
6. Recommendation for expulsion
7. Expulsion by School Board

Some of the violations of school rules are also violations of the laws in the Criminal Code of the State of Florida. If students violate these laws not only will they be subject to suspension from school, but also

local law enforcement officials will be contacted and the student's misconduct will also be handled by these authorities.

The illegal use, possession, distribution, or sale of weapons, alcohol, drugs or other controlled substances (as defined in Chapter 893, Florida Statutes), or the illegal use or display of electronic telephone pagers or cell phones, by any student while such student is upon school property or in attendance at a school function is grounds for suspension and/or recommended expulsion by the school board.

### **SPECIFIC GROUNDS FOR DISCIPLINARY ACTION**

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

Any student who commits a serious breach of conduct, or who is a chronic discipline problem, as determined by the principal, may be referred for screening for possible placement in CARE, the district's discipline-based alternative education program.

In-school-suspension is a temporary removal of a student from his/her regular school program to the CARE program for a designated period of time. Students assigned to ISS are not given the option of out-of-school suspension and may not return to school without the completion of their ISS punishment.

Any student who is assigned out-of-school suspension or expulsion from the Calhoun County School System shall not be allowed to attend or participate in a school-sponsored activity or function, nor be allowed on school property during the duration of the suspension or expulsion.

Missed work shall be made up for all absences, including suspension, except when out-of-school suspension results from in-school-suspension (see page 20). It is the student's and/or parent's responsibility to request and pick up assignments during the suspension period. Work is due upon return to school after the suspension. Each student shall receive full credit for such work.

It is understood that, in dealing with the following violations of the conduct code, the principal and his/her designee shall hear the student's explanation, and consult further with the teacher, if necessary, before determining the disciplinary action. Due process procedures are adhered to in all investigations of a discipline problem. Following is a non-exhaustive list of behaviors for which disciplinary action of some type will be taken.

1. Absences
2. Abusive language
3. Assault and battery; obscene language
4. Cheating and lying
5. Cutting class
6. Damage to school plant and grounds
7. Damage to personal property of students and staff members
8. Defiance
9. Disrespect for the teacher
10. Disruption of class or school activities
11. Distribution of unauthorized materials and other items
12. Failure to follow bus rules for safety and order
13. Failure to follow instructions
14. Fighting
15. Intimidation, bullying or threats of violence
16. Libelous statements
17. Loss or damage of school materials
18. Physical or verbal abuse on students or staff members
19. Possession and/or use of any tobacco product
20. Possession/use of unauthorized substances, including alcohol
21. Profanity
22. Stealing
23. Tardiness
24. Teasing and horseplay
25. Unauthorized assembly
26. Use of or possession of weapons
27. Use of **ANY** electronic devices during the school day without the Principal's permission. Devices may include,

but not be limited to: smart phones, tablets, laptop computers, photo cameras, video cameras or audio recording or playing devices

28. Vandalism

29. Visible or audible display and/or use of an electronic communication device during the school day without the Principal's permission

### Energy Drinks

Beginning with the 2013-2014 school year, "Energy Drinks" will not be allowed to be brought to school or consumed at anytime during the school day, school sponsored activities, and/or athletic events. If seen, the energy drink will be confiscated. Unopened drinks may be picked up by the parent. Bringing such drinks to school will be seen as defiance of the school's authority and will be disciplined as such.

### **The following acts of misconduct may be considered serious enough to warrant immediate suspension, expulsion, or change in placement before other alternatives are attempted:**

1. Activating a fire extinguisher
2. Arson -- willful and malicious burning of any part of a building or its contents.
3. Assault and battery on student -- actually and intentionally touching or striking another student against the will of the other; or intentionally causing bodily harm to an individual.
4. Assault on student -- the intentional, unlawful threat by word or act to do violence to another student coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in the person that such violence is imminent.
5. Bomb threats -- It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction as defined in s. **790.166**, or concerning the use of firearms in a violent manner against a person or persons. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. **775.082**, s. **775.083**, or s. **775.084**.
6. Bullying or Harassment- Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to: unwanted teasing; social exclusion; threat; intimidation; stalking; physical violence; theft; sexual, religious, or racial harassment; public humiliation; or destruction of property. Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that (1) places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property; (2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or (3) has the effect of substantially disrupting the orderly operation of a school. Bullying or harassment of students or K-12 employees through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of a public K-12 educational institution, as well as bullying or harassment through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. Cyberbullying means bullying through the use of technology or any electronic communication. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the condition enumerated in the definition of bullying as defined in s.1006.147, F.S. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by on or more persons. **F.S. 1006.147**

7. Contraband -- any student who possesses, uses, handles, transmits, or deals with contraband is subject to suspension and expulsion. Contraband is any article or articles of property which if possessed, used, handled, transmitted, or otherwise dealt with could interfere with or tend to interfere with the normal, orderly, peaceful, and efficient conduct of any school, school activity, or educational process or procedure. Further definition includes, but is not limited to, offenses listed in a. and b. below:
  - a. Knowingly possessing, using, displaying, carrying, storing, concealing, transmitting, intimidating with, or threatening to use, any firearm (or reasonable facsimile), knife, box cutters, ammunition, lighter, explosive, or other dangerous object of no reasonable use to the student while on school grounds, school board property and facilities, buildings, school buses, motor vehicles on school adjacent grounds, or at any school-sponsored function, or any school board sponsored or governed activity; or
  - b. Knowingly possessing, using, transmitting, or being under the influence of any synthetic drug, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind whether legal or illegal such as Mojo or Bath Salts or in possession of drug paraphernalia.
8. Disobedience, disrespect or defiance of School Board employee's authority any verbal or nonverbal refusal to comply with a lawful direction or order of a School Board employee.
9. Disruption caused by the use of an electronic device or cell phone during school or a school sponsored activity.
10. Disruption on a school bus, or at a bus stop.
11. Drug selling -- the act of providing a substance defined in Florida Statutes, **Chapter 893**, to others for exchange of money or other valuable considerations.
12. Extortion -- verbally or by a written or printed communication, maliciously threatening to accuse another of any crime or offense, or by such communication of any crime or offense, or by such communication maliciously threatening an injury to the person, property, or reputation of another, or maliciously threatening to expose another to disgrace with the intent thereby to extort money or any pecuniary advantage whatsoever, or with the intent to compel the person so threatened, or any other person, to do any act or refrain from doing any act against his will.
13. Fighting -- any mutual physical conflict between two (2) or more individuals Excessive distraction of other students -- any conduct and/or behavior which is disruptive to the orderly educational process in the classroom or any similar grouping for instruction.
14. Gambling -- any participation in games of chance for money and/or other things of value.
15. Hazing -- any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 as defined by 1006.135, Florida Statutes.
16. Inciting, leading, or participating in a major student disorder.
17. Malicious mischief (graffiti, etc.)
18. Offensive or inappropriate touching, photo recording, video recording, or audio recording of a person.
19. Possession and/or use of tobacco products -- any possession on the person, in the locker, or other effects of a student. Any holding of a lighted cigarette (cigar, etc.) inhaling or exhaling of the smoke of tobacco, or use of any other tobacco like products including lighters; electronic cigarettes (e-cigarettes).
20. Preparing, possessing, or igniting on School Board property explosives likely to cause serious bodily injury or property damage.
21. Repeated office referrals for misconduct Trespassing -- willfully entering or remaining in any structure, conveyance, or property without being authorized, licensed, or invited, is warned by an authorized person to depart and refuses to do so.
22. Stealing - Larceny -- the intentional unlawful taking and carrying away of personal property in the possession of another without his consent.
23. Unauthorized possession, use of or transfer of drugs and alcoholic beverages.
24. Use of profane or obscene language.
25. Use of obscene manifestations (verbal, written, gesture) toward another person.
26. Vandalism -- willfully and maliciously injuring or damaging by any means any real or personal property belonging to another.
27. Written or verbal propositions to engage in sexual acts.

28. Any other offense which the principal may reasonably deem to fall in this category.
29. Any student who commits a serious breach of conduct, or who is a chronic discipline problem, as determined by the principal, may be suspended from participation of extracurricular activities including athletics.
30. Any student who is formally charged with a felony or serious misdemeanor may be suspended from participation in any extracurricular activity until the sanctions imposed by the court have been satisfactorily completed and the case has been closed.
31. 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 including the School Resource Officer, according to the district school board code of student conduct may be recommended for expulsion or assignment to CARE. **F.S. 1006.09(1)(c)**

### **CONSEQUENCES FOR MISCONDUCT**

Instruction should occur in an environment that is conducive to learning. Effective instruction requires good order and discipline which may be described as the absence of distractions, frictions, and disturbances which interfere with the effective functioning of the student, classes, and school. The following misconduct shall result in suspension for students in grades 6-12, but mitigating circumstances or behavior may increase the severity of the consequence. A principal may apply these consequences to students in grades Pre-K through 5, depending on the severity of the offense. (+ Must be reported on School Environmental Safety Incident Reporting System) In-school suspension, out-of-school suspension and/or expulsion may be recommended at any time, at the discretion of the principal, depending on the severity of the incident.

1. **Insubordination/Defiance/Disrespect** -Any act of insubordination, defiance, or disrespect by a student toward a supervising adult or school board employee, on campus or at any school sponsored activity.
  - 1<sup>st</sup> offense - Minimum of 3 days in ISS
  - 2<sup>nd</sup> offense - Minimum of 5 days in ISS
  - 3<sup>rd</sup> offense - 10 days of OSS and
    - recommended expulsion or
    - the option of CARE placement pending Administrative Review
2. **Fighting/Altercation**
  - 1<sup>st</sup> offense - Minimum of 3 days in ISS
  - 2<sup>nd</sup> offense - Minimum of 5 days in ISS
  - 3<sup>rd</sup> offense - 10 days of OSS and
    - recommended expulsion or
    - the option of CARE placement pending Administrative Review
3. **+THREAT-Any threat to cause physical harm to another person with or without the use of a weapon** that includes all of the following elements: 1)intent-an intention that the threat is heard or seen by the person who is the object of the threat; 2) fear-a reasonable fear of apprehension by the person who is the object of the threat that the threat could be carried out; and 3) capability-the ability of the offender to actually carry out the threat directly or by a weapon or other instrument that can easily be obtained.
  - 1<sup>st</sup> offense - Minimum of 5 days in ISS
  - 2<sup>nd</sup> offense - Minimum of 7 days in ISS
  - 3<sup>rd</sup> offense - 10 days of OSS and
    - recommended expulsion or
    - the option of CARE placement pending Administrative Review
4. **THREAT-Any threat to cause physical harm with or without the use of a weapon that includes at least one of the following: intent, fear, and/or capability.**
  - 1<sup>st</sup> offense - Minimum of 3 days in ISS
  - 2<sup>nd</sup> offense - Minimum of 5 days in ISS
  - 3<sup>rd</sup> offense - 10 days of OSS and

- recommended expulsion or
  - the option of CARE placement pending Administrative Review
5. **Possessing a knife or other dangerous object** with no attempt to harm.
    - 1<sup>st</sup> offense - Minimum of 3 days in ISS
    - 2<sup>nd</sup> offense - Minimum of 5 days in ISS
    - 3<sup>rd</sup> offense - 10 days of OSS and
      - recommended expulsion or
      - the option of CARE placement pending Administrative Review
  6. **Sexual Misconduct**-Any act which the principal determines to be sexual misconduct by a student, whether on campus or at any school sponsored activity.
    - 1<sup>st</sup> offense - Minimum of 3 days in ISS
    - 2<sup>nd</sup> offense - Minimum of 5 days in ISS
    - 3<sup>rd</sup> offense - 10 days of OSS and
      - recommended expulsion or
      - the option of CARE placement pending Administrative Review
  7. **+Gross Sexual Misconduct (Sexual Battery, Sexual Harassment, Sexual Offenses as defined in SESIR)**, as determined by the principal.
    - 1<sup>st</sup> offense – Minimum of 10 days OSS and
      - recommended expulsion or
      - the option of CARE placement pending Administrative Review
  8. **+Hazing as defined in SESIR**, as determined by the principal.
    - 1<sup>st</sup> offense – Minimum of 10 days OSS and
      - recommended expulsion or
      - the option of CARE placement pending Administrative Review
  9. **Leaving Campus without Permission**
    - 1<sup>st</sup> offense – Minimum of 3 days in ISS
    - 2<sup>nd</sup> offense – Minimum of 5 days in ISS
    - 3<sup>rd</sup> offense – 10 days of OSS and
      - recommended expulsion or
      - the option of CARE placement pending Administrative Review
  10. **+Bullying or Harassment** - Any act which the principal determines to be bullying or harassment by a student, whether on campus or at any school sponsored activity.
    - 1<sup>st</sup> offense - Minimum of 3 days in ISS
    - 2<sup>nd</sup> offense - Minimum of 5 days in ISS
    - 3<sup>rd</sup> offense - 10 days of OSS and
      - recommended expulsion or
      - the option of CARE placement pending Administrative Review
  11. **Stealing/Theft** – Misdemeanor, anything valued under \$300
    - 1<sup>st</sup> offense – 1-5 days in ISS, referral to the school resource officer, and repayment for stolen items
    - 2<sup>nd</sup> offense – 3-7 days in ISS, referral to the school resource officer, and repayment for stolen items
    - 3<sup>rd</sup> offense - 10 days of OSS, referral to the school resource officer, and repayment for stolen items and
      - recommended expulsion or
      - the option of CARE placement pending Administrative Review

12. **+Stealing/Theft** –Anything valued over \$300  
 1<sup>st</sup> offense - 10 days of OSS, referral to the school resource officer, repayment for stolen items and
- recommended expulsion or
  - the option of CARE placement pending Administrative Review
13. **+Trespassing and/or Vandalizing Property**  
 1<sup>st</sup> offense – 5-10 days ISS or OSS, to be determined by the principal and referral to the School Resource Officer and possible
- recommended expulsion or
  - the option of CARE placement pending Administrative Review
- Lesser Offenses of Vandalism – Offenses which can be repaired and cleaned by students may be handled by after-school work details in lieu of out-of-school suspension. The transportation of students assigned to after-school work detail is the responsibility of the parent.
- 2<sup>nd</sup> offense – 10 days out-of-school suspension and referral to the School Resource Officer and
- recommended expulsion or
  - the option of CARE placement pending Administrative Review
14. **+Tobacco (School Board Policy 2.90)** -The principal shall follow the guidelines below when an investigation and evidence indicate a student uses, possesses, is selling, has sold, or is otherwise distributing tobacco while on a School Board property or in attendance at a school sponsored activity. For an elementary student, the principal shall confer with student's parent(s) or legal guardian to determine if the circumstances require implementation of these guidelines.
- 1<sup>st</sup> offense - 3 days ISS; completion of tobacco education program; if this is the student's first tobacco incident during their school career, the suspension will be waived upon completion of a tobacco education program taught at the Calhoun County Health Department; and ticket administered by sanctioned law enforcement entity resulting in financial obligation as defined by law (A fine not to exceed \$25.) In lieu of the fine, a violator may perform 50 hours of community service or successfully complete a school-approved anti-tobacco program, where available)
- 2<sup>nd</sup> offense - 5 days ISS; completion of tobacco education and cessation program; ticket administered by sanctioned law enforcement entity resulting in financial obligation as defined by law.
- 3<sup>rd</sup> offense - 7 days ISS; completion of tobacco education and cessation program; ticket administered by sanctioned law enforcement entity resulting in financial obligation as defined by law.
- 4<sup>th</sup> offense - Minimum of 10 days OSS and recommended expulsion or the option of CARE placement pending Administrative Review; completion of tobacco education and cessation program; ticket administered by sanctioned law enforcement entity resulting in financial obligation as defined by law.
15. **Cell Phones and Other Electronic Devices**  
 Upon entering the school campus, **students in grades PK-8**, must have cell phones and other electronic devices turned off and stored in their backpack, purse, or locker. The use of cell phones and other electronic devices is not allowed during the school day or anywhere on the school campus at any time unless the classroom teacher or administrator allows the use of the devices for a particular lesson or activity. Students who violate the district policy shall be deemed to have created a disruption to the instructional environment and are subject to disciplinary action. Individual schools may impose more stringent rules with School Board approval.

For **students in grades 9-12**, cell phones and electronic devices can only be used before school, at break, during lunch, after school and while being transported on district vehicles. During class time all cell phones and other electronic devices shall be turned completely off and kept out of sight. Cell phones and other electronic devices cannot be visible or utilized during class without the teacher's permission; this includes restroom visits or the library during class time. Students



who violate the district policy shall be deemed to have created a disruption to the instructional environment and are subject to disciplinary action.

1. Students shall be personally and solely responsible for the security and their cell phones and electronic devices. The school and the Calhoun County School District shall not assume responsibility for the theft, loss, or damage of a device, or unauthorized calls made on a cell phone.
2. Students may not have cell phones and personal electronic devices in their possession during testing, including state testing, as it may invalidate test results.
3. Emergency calls to students should be made through the school office.
4. Any disruptive, harassing or other inappropriate use of a cell phones and electronic device in violation of this policy or school rules, shall be cause for disciplinary action. Inappropriate use includes, but is not limited to:
  - a. texting, phoning or web browsing during prohibited times;
  - b. taping conversations, music or other audio at any time;
  - c. photography or ideography of any kind at any time;
  - d. sexting;
  - e. any activity that could in any manner infringe upon the rights of other individuals, including but not limited to students, teachers, and other staff members.
5. The school administration reserves the right to confiscate cell phones and electronic devices if there is reasonable suspicion that the student was using the device in violation of school policy or law.

**Consequences for Violation of Cell Phones and Other Electronic Devices Usage**

1 <sup>st</sup> Offense	Warning	Student May Pick Up the Confiscated Device at the End of the Day
2 <sup>st</sup> Offense	Contract	Parent/Guardian Must Pick up the Confiscated Device
3 <sup>rd</sup> Offense	Grades 6-12---Up to 3 days ISS Grades PK-5---Principal determined age appropriate discipline	Parent/Guardian Must Pick up the Confiscated Device
4 <sup>th</sup> Offense	Grades 6-12---Up to 5 days ISS Grades PK-5---Principal determined age appropriate discipline	Parent/Guardian Must Pick up the Confiscated Device and loss of cell phone privileges while at school.
5 <sup>th</sup> Offense	Grades 6-12---The option of a CARE placement pending Administrative Review Grades PK-5---Principal determined age appropriate discipline	Parent/Guardian Must Pick up the Confiscated Device and loss of cell phone privileges while at school.

16. **+False Alarm of Fires** - Intentional, false activation of a fire alarm system will merit a 10-day suspension with notification of law enforcement.
17. **False Accusations** - 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 including the School Resource Officer, according to the district school board code of student conduct may be recommended for expulsion or assignment to CARE. **F.S. 1006.09(1)(c)**

## ZERO TOLERANCE FOR CRIME AND VICTIMIZATION

Pursuant to **F.S. 1006.13** and School Board Policy 5.32, Zero Tolerance for School Related Crimes, it is essential that schools be safe and orderly to provide environment that foster learning and high academic achievement. The District shall strive to protect students, staff, visitors, and volunteers from harm and to protect victims of crime from further victimization. This policy applies to conduct on School District property, school or District provided transportation and at any school or District sponsored activity.

Students found to have committed one of the following offenses on school property, school sponsored transportation or during a school sponsored activity may be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year. The Superintendent may consider the one (1) year expulsion requirement on a case by case basis and request the School Board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

Acts that pose a serious threat to school safety are those acts that endanger the life or safety of a student, staff member or other person on campus or at a school or District sponsored activity. Such acts include but are not limited to

1. Aggravated battery;
2. Armed robbery;
3. Arson;
4. Battery or aggravated battery on a teacher or other school personnel;
5. Kidnapping or abduction;
6. Murder;
7. Manslaughter;
8. Possession, use, or sale of a controlled substance;
9. Possession, use, or sale of any firearm; or production for placement on school property;
10. Possession, use, or sale of any explosive device;
11. Sexual battery; or
12. Victimization.

Any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to mental health services identified by the school district pursuant to **F.S. 1012.584(4)** and the criminal justice or juvenile justice system.

"Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime. **F.S. 790.001(6)**

Any student who is determined to have made a threat or false report, as defined by **ss. 790.162 and 790.163**, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution and mental health services identified by the school district pursuant to s 1012.584(4) for evaluation or treatment, when appropriate.

1. **F.S. 790.162** It is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person, and any person convicted thereof commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. **F.S. 790.163** It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction as defined in s. 790.166, or concerning the use of firearms in a violent manner against a person or persons. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s.775.084.

Violence against any district school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed. **F.S. 1006.07(2)(h)**

### **Simulating a Firearm (H.B. 7029)**

Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under this section or s. 1006.13. Simulating a firearm or weapon while playing includes, but is not limited to: brandishing a partially consumed pastry or other food; item to simulate a firearm or weapon; possessing a toy firearm or weapon that is 2 inches or less in overall length; possessing a toy firearm or weapon made of plastic snap-together building blocks; using a finger or hand to simulate a firearm or weapon; vocalizing an imaginary firearm or weapon; drawing a picture, or possessing an image, of a firearm or weapon; using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student's parent. Disciplinary action resulting from a student's clothing or accessories shall be determined pursuant to **F.S. 1006.07(2)(d)** unless the wearing of the clothing or accessory causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions.

### **Drug Free Schools**

It is the intent of the School Board that all schools and school activities shall be drug free. The use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful. This policy statement is to be implemented by district administration as prescribed herein.

**Definitions.** These words and phrases shall have the following meaning as used herein.

1. **Intoxicating or Alcoholic Beverages** refer to all beverages containing more than one percent (1%) alcohol by weight.
2. **Drugs** means cannabis, the seeds thereof, and the resin extracted from any part of the plant, and any other drug or substance the possession of which is unlawful pursuant to Chapter 893, Florida Statutes. Drugs, legal or illegal, includes and by definition prescription drugs, diet pills, stimulants such as "no-doz", "stackers" and "stacker-like" products, and the various mail order caffeine stimulants that are shaped to look like various prescription amphetamines. Drugs also includes:
  - a. Narcotics: (codeine, demerol, dilaudid, heroin, methadone, morphine, opium, and percodan);
  - b. Barbiturates and related sedatives: (amytal, nembutal, phenobarbital, seconal, tuinal, doriden, noludar, placidyl, quaalude, soper, parest, optimil, and somnafac);
  - c. Cocaine (in any form);
  - d. Hallucinogens: (LSD, MDA, mescaline, peyote, psilocybin, and PCP);
  - e. Tranquilizers such as: daimane, equanil/miltown, librium, serax, valium; mellaril, and thorazine;
  - f. Synthetic drugs, legal or illegal such as Mojo or Bath Salts; and
  - g. Any other drug that is listed as a controlled substance in Chapter 893, Florida Statutes.

3. **Sale** means the actual, constructive, or attempted transfer from one (1) person to another for any consideration or remuneration whatsoever.
4. **Distributing** means the actual, constructive, or attempted transfer from one person to another without remuneration whatsoever.
5. **Possesses** means having or holding of property or the state of owning or having in one's hands.
6. **Second Offense** means any second offense while enrolled in grades 6-12 regardless of home school district.
7. **Substance Abuse** means the use of any drug when such use is unlawful, and use of any drug when such is detrimental to the user or to others but is not unlawful.
8. **Medication** means all medications/prescriptions must be checked in through the school office and a permission to dispense form must be completed and signed by the parent. The medication must be in the original prescription container with the student's name on the prescription label. The student will be excused from class at the appropriate time in order to take the dosage. A log of the dispensed medication will be maintained by the office and/or health personnel.

### **Discipline for Drugs**

The principal shall follow the guidelines below when an investigation and evidence indicate a student uses, is under the influence, possesses, is selling, has sold or is otherwise distributing drugs or any controlled or harmful substances while on School Board property or in attendance at a school sponsored activity. The Principal has the authority to use discretion in each case in which the student is caught in possession of or using over-the-counter drugs. For an elementary student, the principal shall confer with student's parent(s) or legal guardian to determine if the circumstances require implementation of this guideline.

Students who are accused of drug use have the option to have a drug test performed within 12 hours of the infraction at a State of Florida certified laboratory. The parent must request the Drug/Alcohol Screening form and indicate their intent to challenge the discipline referral. The student will remain under suspension until the results are sent the District Office. The parent/student will assume all costs associated with the screening and verification process.

1<sup>st</sup> offense - Five (5) days OSS with a drug offense referral to the appropriate law enforcement agency and recommended for the Care Program for one calendar year.

Workback Program. The Calhoun County School Board supports and enforces the zero tolerance policy for unlawful possession, use and distribution of illicit drugs, controlled substances of any kind, or is in possession of any drug paraphernalia. However, for a student's **FIRST** offense for possession and/or use of a controlled substance **and first time placement at the CARE Program**, the student and parent will be offered the **Workback Program**. The program is an alternate placement in the CARE Program in lieu of placement at the CARE Program for one calendar year. The terms of the alternative placement shall be as follows:

1. The student will be suspended for five (5) days and recommended for placement at the CARE Program for one calendar year.
2. Prior to the expiration of the five (5) day suspension, the student and parents must notify the school district, in writing, that the student chooses to participate in the **Workback Program** and agrees to placement in the CARE Program on the following terms and conditions:
  - a. CARE placement shall be for a minimum of **ninety (90)** school days and all rules and regulations of that program must be strictly adhered to;
  - b. The student shall submit to at least monthly drug testing by a Board approved facility for the duration of his/her placement in CARE. CARE reserves the right to randomly test any student at the school's discretion. **All** drug testing shall be at the student's expense and shall be the student's responsibility to schedule monthly testing. The testing facility should provide the results to the principal of CARE. A student's first monthly drug test is due no later than 30 days after his or her first day at the CARE program.
  - c. The student shall participate in a substance abuse program which shall be approved in advance by the CARE principal. Participation in the program shall be during non-school hours, at the

student's expense and the student shall provide documentation of his/her completion of the program to the CARE principal.

- d. If the student fails to take the drug tests as agreed, tests positive for controlled substances, fails to attend and complete the substance abuse counseling program, or fails to adhere to the rules and regulations of the CARE program, he or she shall be placed at the CARE program for one calendar year and shall not have the right to any further hearing before the Board.
3. This alternative placement shall only be available for a student's **first** offense for possession and/or use of a controlled substance. The principal may recommend that a student not participate in the Workback Program due to the circumstances of the expellable offense. Upon successful completion of the Workback Program, the student shall transition back to the regular school program.
4. Violations of zero tolerance policies are cumulative (not on a year to year basis) offenses in a student's educational career regardless of where the offense occurred. Second offenses are not eligible for the Workback Program.

2<sup>nd</sup> offense - Minimum of 10 days OSS with a drug offense referral to the appropriate law enforcement agency, and recommended for expulsion.

- The principal shall follow recommended procedures for expulsion.
- A student who is expelled may be readmitted to school when he/she has completed all recommended counseling, intervention programs, and community services as prescribed by the Superintendent and Board.

### **Self-Reporting**

A student who is subject to discipline or expulsion for the unlawful possession or sale of any controlled substance under Chapter 893, Florida Statutes, may be entitled to a waiver of the discipline or expulsion if he/she:

- Divulges information leading to the arrest or conviction of the person supplying the controlled substance;
- Voluntarily discloses his unlawful possession of controlled substance prior to his/her arrest; or,
- Commits themselves or is referred by the court in lieu of sentence, to a state licensed drug abuse programs and successfully completes the program.

### **Discipline for Alcohol**

The principal shall follow the guidelines below when an investigation and evidence indicate a student uses, under the influence, possesses, is selling, has sold or is otherwise distributing alcoholic beverages while on School Board property or in attendance at a school sponsored activity. For an elementary student, the principal shall confer with student's parent(s) or legal guardian to determine if the circumstances require implementation of this guideline.

Students who are accused of alcohol use, with parent permission, have the option to request the School Resource Office administer a breathalyzer test while at school or have an alcohol test performed within 6 hours of the infraction at a Board approved facility. The student will remain under suspension until the results are sent the District Office. The parent/student will assume all costs associated with the screening and verification process.

1<sup>st</sup> offense – Five (5) days OSS with an alcohol offense referral to the appropriate law enforcement agency, and recommendation to the Care Program for a minimum of ninety school days; all rules and regulations of that program will be strictly adhered to.

2<sup>nd</sup> offense - Minimum of 10 days OSS with an alcohol offense referral to the appropriate law enforcement agency, and recommended for the Care Program for one calendar year. The principal shall follow recommended procedures for expulsion when reaching 20 days of suspension.

### **Smoking/School Property - F.S. 386.212; School Board Policy 2.90**

It is unlawful for anyone to smoke tobacco in, on, or within 1,000 feet of an elementary, middle, or secondary school. This provision does not apply to persons in a moving vehicle or at a private residence. It authorizes law enforcement officers to issue citations to anyone violating the provisions of this act.

Violations will constitute a civil infraction, punishable by a fine not to exceed \$25. In lieu of the fine, a violator may perform 50 hours of community service or successfully complete a school-approved anti-tobacco program, where available.

### **Drug Free School Zone**

Each district school shall post "Drug Free School Zone" signs in visible and prominent locations on school property to show the district's commitment to be drug free and to warn violators of the mandatory prison sentence.

### **Reporting Incidents**

Board employees shall report, in good faith, to the principal or designee any suspected unlawful use, possession, distribution or sale of any controlled substance as defined in Chapter 893, Florida Statutes; any counterfeit controlled substances as defined in Section 831.31, Florida Statutes; and alcoholic beverages as defined in Section 561.01, Florida Statutes; or model glue.

1. Only the principal or designee shall contact the parent(s) or legal guardian of a student regarding the situation.
2. Board employees who report any suspected unlawful use, possession or sale by a student shall be exempt from civil liability.

Statutory authority: F.S. 1001.41 Laws implemented: F.S. 1001.54; 1006.07; 1006.09; 1012.28 Chapter 893, F.S. State Board Rule 6A-1.0956

### **Drug and Alcohol Counseling**

Information about any drug and alcohol counseling and rehabilitation and reentry programs are available to students through school guidance counselors or by use of the resource list located in the appendix.

### **Procedures for Students Charged with a Felony State Board Rule 6A-1.0956, F.S. 1006.09(2)**

When a student is formally charged with a felony by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, but which incident is shown to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled, the principal shall, in accordance with Section 1006.09(2), F.S., conduct an administrative hearing for the purpose of determining whether or not the student should be suspended pending court determination of his or her guilt or innocence, or the dismissal of the charge, is made by a court of competent jurisdiction. The following procedures shall be followed by the principal in instituting and conducting the administrative hearing; provided, however, that a school board may, upon written approval of the Commissioner, utilize its own hearing policy in lieu of this rule.

1. Upon receiving proper notice that a student has been formally charged with a felony, the principal shall immediately notify the parent or guardian of the student, in writing, of the specific charges against the student and of the right to a hearing prior to disciplinary action being instituted under the provisions of Section 1006.09(2), F.S.
2. Such notice shall stipulate a date for hearing which shall be not less than two (2) school days nor more than five (5) school days from postmarked date, or delivery, of the notice and shall also advise the parent of the conditions under which a waiver of suspension may be granted, as prescribed in subsections (2) and (3) of Section 1006.09, F.S. Pending such hearing, the student may be temporarily suspended by the principal.
3. The hearing shall be conducted by the principal, or designee, and may be attended by the student, the parent or guardian, the student's representative or counsel, and any witnesses requested by the student, the parent or guardian, or the principal.
4. The student may speak in his or her own defense, may present any evidence indicating his or her eligibility for waiver of disciplinary action, and may be questioned on his or her testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify
5. In conducting the hearing, the principal or designee shall not be bound by rules of evidence or any other courtroom procedure, and no transcript of testimony shall be required.
6. Following the hearing, the principal, within five (5) school days, shall provide the student and parent or guardian with a decision, in writing, as to whether or not suspension will be made. In arriving at this decision, the principal shall consider the conditions prescribed by subsections (2) and (3) of Section 1006.09, F.S., under which a waiver of suspension may be granted, and may grant such a waiver

when he or she determines such action to be in the best interests of the school and the student. Provided, however, that any suspension pending adjudication of guilt shall be made only upon a finding, based upon conclusive evidence, that a felony charge has been formally filed against the student by a proper prosecuting attorney. The principal shall have authority to modify the decision to either grant or deny a waiver, at any time prior to adjudication of the student's guilt by a court, provided that any such modification adverse to the student shall be made only following a hearing conducted in accordance with this rule.

In lieu of expulsion, alternative education opportunities may be offered. Students attending Calhoun Virtual School as an alternative to CARE, will not be allowed to participate in extracurricular activities or other student functions in their home school such as but not limited to graduation exercises, senior trip, prom, pep rallies, sports, marching band, clubs, etc. Students may be allowed to attend school events open to the public not occurring during school hours unless that privilege has been revoked.

#### **Student Crime Watch Program F.S. 1006.07(3)**

By resolution of the district school board, implement a student crime watch program to promote responsibility among students and improve school safety. The student crime watch program shall allow students and the community to anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies or school officials.

#### **Searches, Investigations and Interrogations**

A student locker or other storage is subject to search, upon reasonable suspicion, for prohibited or illegally possessed substances or objects as described in **F.S. 1006.09**. Interrogations, interviews, and removal of students must be done in compliance with Board Policy 5.351.

#### **Returning to School**

Prior to a student returning to school, a school administrator may require that the student undergo a psychological evaluation when deemed appropriate for the safety of self and/or others.

### **ADDITIONAL RULES AND/OR REGULATION OF INDIVIDUAL SCHOOLS**

Individual schools shall provide copies of specific rules and/or regulations that may be indigenous to that specific school and a copy of same shall be provided for each student. No rules shall be promulgated and enforced which are inconsistent or in violation of school board policy as set forth.

**CARE**  
**Character-Attitude-Responsibility-Education**

The CARE Program is a discipline-based alternative education program for students who demonstrate serious behavioral difficulties considered detrimental to the regular classroom setting. A change of placement to the CARE Program is made when a student's adverse behavior results in a specified number of suspension days, or he/she is involved in an incident serious enough to warrant immediate placement. The CARE Program strives to be positive in nature, employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible at-risk students. The CARE Program includes, but not limited to: tutoring, mentoring, computer assisted instruction, credit recovery, smaller class sizes, and flexible scheduling.

If a parent or guardian chooses to withdraw his/her child from the Calhoun County school system, the time assigned for attending the CARE program will still have to be served before the student may return to any of the other Calhoun County School. This rule also applies to students who attend the Calhoun Virtual School in lieu of the CARE program.

After 10 days of accumulated in-school suspension and/or out-of-school suspension, the Principal or his/her designee may recommend assignment of the student to the CARE Program, as an alternative placement intervention prior to expulsion. During any assignment to the CARE Program, a student who accumulates a total of 20 days of suspension may be recommended for expulsion. Effective July 1, 2012, students can only be assigned to the CARE program 2 times during grades 6-12. CARE placements prior to July 1, 2012 would not count in this total. A third offense warranting a CARE placement will result in recommendation for expulsion. A student's accumulated days of ISS and/or OSS start over at the beginning of each school year.

Prior to 10 days of accumulated suspension, students may be assigned to CARE for an extreme act(s) of misconduct, such as, but not limited to, drug use, violence or sexual offenses.

Students assigned to CARE or attending Calhoun Virtual School in lieu of CARE, will not be allowed to participate in extracurricular activities or other student functions in their home school such as but not limited to graduation exercises, senior trip, prom, pep rallies, sports, marching band, clubs, etc. Students may be allowed to attend paid school events not occurring during school hours unless that privilege has been revoked.

In order to participate in graduation exercises, seniors assigned to CARE, must meet the requirements for reappointment to their home school as well as all graduation requirements by the last day of required attendance for seniors in their home school. Seniors assigned to CARE for the **first time in grades 9-12** during the 2<sup>nd</sup> semester may be allowed to participate in graduation exercises if at that time they have earned 90% of their possible points as well as all graduation requirements, by the last day of required attendance for seniors in their home school.

Students assigned to CARE will be allowed to attend, but not participate in activities or functions that are open to the general public.

Students assigned to CARE will be allowed to participate in credit recovery and athletic programs during the summer at their home school. These students will not earn points toward CARE exit criteria during participation in these summer programs.

Students assigned to CARE must complete a minimum of forty-five (45) days and demonstrate satisfactory behavior by successfully completing the level system in order to be considered for reappointment into the regular classroom, unless otherwise determined by a Child Study Team and /or IEP Team.



Students will not be allowed to transition back to their home school within 2 weeks of the end of the semester or end of school. Referrals during this transition time will be treated per the Code of Conduct and will be forwarded to their home school,

A second assignment into the CARE Program will require a minimum of ninety (90) days and demonstration of satisfactory behavior by successfully completing the level system in order to be considered for reappointment into the regular classroom, unless otherwise determined by a Child Study Team and/ or IEP Team.

In-School Suspension (ISS) students who are guilty of misconduct may be reassigned to Out-of-School Suspension (OSS) for a number of days to be determined by the CARE administrator. Students suspended from ISS must, upon completion of OSS, return to ISS to complete their unfinished day(s), including the day they were suspended. When students are suspended from ISS, their OSS days will count towards the cumulative days for expulsion.

Students will be placed in the CARE Program or receive other Educational Services as an alternative placement at any time the Child Study Team deems that program to be:

- an appropriate alternative,
- the completion of an existing assignment or program, or
- a transition from a more restrictive program.

## CONDUCT ON SCHOOL BUSES AND OTHER SCHOOL VEHICLES

Any student eligible to be transported is expected to abide by rules of conduct for riding the bus or other school vehicle in order to assure the safety of all students. Students are expected to ride their respective assigned buses and not ride any other bus except under conditions of emergency or as directed by the school principal. Violation of district school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of that student's privilege of riding on a school bus and may be ground for disciplinary action by the school and may also result in criminal penalties being imposed. **F.S. 1006.063.**

### Bus Rules of Conduct

Students shall obey the following rules:

1. Be on time and stand off the roadway while waiting for the bus. Students are expected to adhere to bus rules on conduct at all designed bus stops.
2. When crossing the roadway, be sure that the road is clear of traffic in both directions. Students shall cross the roadway ten (10) feet in front of the bus so that the driver can observe the student at all times.
3. Follow all directions given by the driver.
4. Remain in the bus seat at all times until departure at an assigned stop. The bus driver may assign seats when necessary to maintain order.
5. Use ordinary quiet conversation and classroom conduct. While the bus is stopped for railroad crossings, students should remain silent.
6. Do not talk to or distract the driver while the bus is in operation.
7. Refrain from foul language or racial slurs.
8. Keep hands, feet, arms and head to yourself and inside the bus at all times.
9. Do not throw paper or other rubbish on the floor or otherwise litter, mark, deface, or damage any part of the bus.
10. Do not throw any objects from the bus.
11. Do not tamper with the emergency exit.
12. Gum chewing, eating, drinking, and/or smoking are prohibited on the school bus.
13. Balloons, any sharp instrument, weapon on any type, glass containers, animals or pets, large band instruments, skateboards, or other potentially hazardous objects are prohibited on the school bus. The only approved exception is band instruments that can be placed under the bus seat.
14. Keep small objects such as balls, books, or toys that are loose off the floor. These could get underfoot and cause passengers to trip or fall. Sports equipment must be placed in an equipment bag at all times. Equipment bags must be stored under the bus seat.

### Consequences for Misbehavior on the Bus

Referral	Consequence
1 <sup>st</sup>	The bus driver will have a conference with the student's parent/guardian and/or school the administrator and will provide written documentation of the meeting.
2 <sup>nd</sup>	The school administrator shall suspend the student from the bus for a period of 3 to 5 days.
3 <sup>rd</sup> & 4 <sup>th</sup>	The school administrator shall suspend the student from the bus for a period of 5 to 10 days.
5 <sup>th</sup>	The school administrator shall recommend bus expulsion.

School administrators are not required to follow these discipline steps, if in their opinion; the misbehavior is severe enough to bypass the steps. Acts of violence and acts that endanger the safety of others warrant the bypassing of the steps and may result in criminal penalties being imposed.

School administrators have the discretion to repeat 1<sup>st</sup> and 2<sup>nd</sup> referral steps with students due to their age and/or level of understanding.

**PROHIBITION OF DISCRIMINATION, BULLYING, INCLUDING SEXUAL  
AND OTHER FORMS OF HARASSMENT**

It is the policy of the Calhoun County School District that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment of any type.

The complete Calhoun County School Board Policy 2.71: Bullying and Harassment can be found in Appendix A.

**NONDISCRIMINATION POLICY & EQUITY COORDINATOR NOTIFICATION**

A comprehensive policy has been developed, including educational and vocational programs services, activities, employment policies, practices and procedures, which provides protection in terms of race, color, national origin, gender, age, disability, marital status, disabilities, and religion. The district also provides equal access to its facilities to the Boy Scouts and other patriotic youth groups, as required by the Boy Scouts of America Equal Access Act. The district's policy of nondiscrimination provides protection to staff and includes all protected classes. The Student Code of Conduct and the School Board Policies contain a nondiscrimination statement of assurance and procedures for filing grievances, including complaints of discrimination.

The Florida Educational Equity Act, Section 1000.05, F. S., became law in June, 1984, and the implementing rules were adopted by the State Board of Education in February, 1985.

In addition to Florida Statutes, the legal basis for the Equity Coordinator are found in Title VI & Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the American Disabilities Act of 1990, together with their implementing regulations.

Questions, complaints, or requests for additional information regarding discrimination or harassment may be sent to: Vicki Davis, Equity Coordinator; 20859 Central Ave. E., Room G-20; Blountstown, Florida 32424;850-674-8733 ext 22; [vicki.davis@calhounflschools.org](mailto:vicki.davis@calhounflschools.org)

**LEP STATEMENT**

National origin minority or limited English proficient students shall not be subjected to any disciplinary action because of their use of a language other than English. Rule 6A-6.0908 (3), FAC.

## **DISCIPLINE OF STUDENTS WITH DISABILITIES**

### **IEP Decisions**

Individual Education Plan (IEP) Teams makes all final placement decisions for students with disabilities. As a result, IEP teams may recommend placement options that differ from the discipline consequences outlined in the Student Code of Conduct and Discipline for varying reasons. It is not the intent of the IEP team to give students with disabilities any unfair advantage. In most cases, the same consequences listed in the Student Code of Conduct and Discipline will apply to students with disabilities. However, this will be determined on a case by case basis as necessary.

### **Use of Manual Physical Restraint and Seclusion**

Manual physical restraint/seclusion must only be used as a last resort, in emergency situations where aggressive and/or self-injurious behaviors present an immediate, significant, and imminent threat to the physical safety of the student and/or others. Manual physical restraint/seclusion is never to be used as a punishment or as an instructional tool and is to be used only for the period of time needed to contain the behavior of concern and eliminate the immediate threat of harm to the student and/or others. District guidelines shall provide direction for the authorized training, reporting and monitoring of manual physical restraint/seclusion within the Calhoun County School District.

### **Suspension**

Consistent with the Code of Student Conduct and Discipline and to the extent removal would be applied to students without disabilities, school personnel may order:

1. The removal of a student with a disability from the student's current placement for not more than 10 total school days during a school year.
2. Additional removals of a student with a disability of not more than 10 cumulative school days during that same school year for separate incidents of misconduct as long as those removals do not constitute a change in placement.

### **Change in Placement**

For the purposes of removals of a student with a disability from the student's current educational placement, a change of placement occurs when the removal is for more than 10 consecutive or cumulative school days.

### **Manifestation Determination**

When a student with a disability has been suspended from school for 10 school days, the IEP team shall convene to review the student's individual education plan and other records and to make a manifestation determination. A manifestation determination examines the relationship between the student's disability and the specific behavior that may result in disciplinary action.

If the IEP team and other qualified personnel determine that the student's behavior was not related to the disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities. However, services must be continuously provided if the discipline constitutes more than 10 days of In-School Suspension and/or Out-Of-School Suspension.

If the IEP team found the behavior to be a manifestation of the student's disability, any deficiencies in the student's IEP or placement or in their implementation identified during the manifestation determination must be remedied immediately. The student should be returned to the placement from which he or she was removed, unless the parent and LEA agree otherwise.

If the parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may request an expedited due process hearing.

### **Long Term Removals**

1. The school district must notify the parent of the suspension and provide the parent with a copy of the notice of procedural safeguards as required by Florida Rule on the same day as the date of the removal decision.

2. An IEP team must meet within 10 school days of the removal decision in order to perform a manifestation review.
3. Services must be continuously provided for students with disabilities after 10 consecutive or cumulative days of In-School Suspension and/or Out-Of-School Suspension.
4. No later than 10 school days after either first removing the student for more than 10 school days in a school year or beginning with a removal that constitutes a change in placement:
  - a. The IEP team must meet to develop a functional behavior assessment (FBA) and a positive behavior intervention plan (PBIP) if not in place before the behavior that resulted in the removal occurred.
  - b. If the student has a PBIP and FBA, the IEP team shall meet to review the plan and its implementation and modify the plan and its implementation as necessary to address the behavior.

### **Alternative Placement**

After reviewing a student's individual education plan, discipline records, cumulative records and any other information the team deems important, the IEP team may recommend an alternative setting or placement for the student. The placement must be selected so as to enable the student to continue to progress in the general curriculum and to continue to receive services and accommodations, including those described on the student's current IEP, which will enable the student to meet IEP goals or make alternate placement decisions based on student need and IEP team recommendations.

### **Expulsion of Students with Disabilities**

1. Behaviors that, under normal circumstances, may warrant the expulsion of exceptional education students shall include:
  - a. Carrying or concealing weapons on the school grounds, in a school building, on a school bus, or in a motor vehicle on School Board property or at a school-sponsored function.
  - b. Possessing, selling, using, delivering, transmitting, or distributing any controlled substance, as defined in Florida Statutes, or alcoholic beverages on school property.
  - c. Infliction of serious bodily injury upon another individual while at school, on school premises, or at a school function.
2. The expulsion of an exceptional education student shall not result in a complete cessation of educational services; the school is responsible for providing the expelled student's education during the expulsion in accordance with a revised individual education plan (IEP). The following procedures shall be followed for the expulsion of an exceptional student:
  - a. The principal shall adhere to State Board of Education Rules when recommending expulsion of exceptional students and shall be responsible for convening the IEP team.
  - b. Prior to the IEP meeting, a functional behavior assessment (FBA) must have been conducted.
  - c. A behavior management plan shall be developed if not already in place and comply with State Board of Education Rules.
  - d. The decision of the IEP team as to the most appropriate placement for the student will be made and recorded on the IEP.
  - e. Parents of students with disabilities shall be afforded all procedural safeguards as required by law.

### **Interim Alternative Educational Settings (IAES)**

1. The IEP team determines the IAES, unless it is determined by an administrative law judge.
  - a. The IAES must be selected so as to enable the student to continue to progress in the general curriculum and to continue to receive services and modifications, including those described in the student's current IEP, that will enable the student to meet IEP goals.
  - b. The IAES must include services and modifications to address the behavior that resulted in the change of placement and that are designed to prevent the misconduct from recurring.
2. School personnel may place a student in an IAES for the same amount of time a student without a disability would be placed, but not for more than forty-five (45) calendar days without the consent of the parent or guardian if the student:
  - a. Carries a weapon to school or to a school function, or

- b. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or
  - c. Inflicts serious bodily injury upon another individual while at school, on school premises, or at a school function.
3. School personnel must notify the parent of an IAES placement decision and provide the parent with a copy of the notice of procedural safeguards, consistent with the State Rules on the day the placement decision is made.

### **Expedited Hearing**

1. An expedited hearing may be requested:
  - a. By the student's parents if the parent disagrees with a manifestation determination or with any decision regarding a change in placement.
  - b. By the school district if the school district demonstrates by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others (prior to removal to an interim alternative education setting) during the pendency of a due process hearing or appeal.
2. School district personnel may seek subsequent expedited hearings for alternative placements if after the initial forty-five day term has expired; the district maintains the student's behavior is still likely to result in injury to the student or others.
3. An administrative law judge may order a change in the placement of a student with a disability to an appropriate interim alternative or another educational setting for not more than forty-five days if the administrative law judge, in an expedited due process hearing:
  - a. Determines that the school district has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others;
  - b. Considers the appropriateness of the student's current placement;
  - c. Considers whether the school district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
  - d. Determines that the interim alternative educational setting (IAES) that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of section on IAES on page 23.
4. In reviewing a decision with respect to the manifestation determination, the administrative law judge shall determine whether the school district has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the determination requirements.

### **Student's Placement during Proceedings**

1. If a request for a hearing is made to challenge placement in the IAES, the manifestation determination or disciplinary action resulting from the student's involvement with a weapon, illegal drug, controlled substance, or dangerous behavior, the student must remain in the IAES pending the decision of the administrative law judge or until the expiration of the forty-five day time period, whichever occurs first, unless the parent and the school district agree otherwise.
2. If a student is placed in an IAES and school personnel propose to change the student's placement after expiration of the forty-five day time period, during the pendency of any proceeding to challenge the proposed change in placement, the student must remain in the placement prior to the IAES except as provided in section on Expedited Hearing(2), page 23.

### **Protection for Students Not Yet Eligible for Special Education and Related Services**

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

1. **Basis of knowledge.** A school district is determined to have knowledge that a student may have a disability if:
  - a. The parent has expressed concerns in writing (or orally if unable to write) to school district personnel that the student needs special education and related services;
  - b. The behavior or performance of the student demonstrates the need for special education;
  - c. The parent has requested an evaluation to determine a need for possible special education services; or

- d. The teacher of the student or other school district personnel have expressed concern about the student's behavior or performance to the special education director or to other appropriate school district personnel in accordance with the district's child find or special education referral system.
2. **Exception.** A school district would not be deemed to have knowledge if, as a result of receiving the information specified, the school district:
- a. Conducted an evaluation and determined that the student was not a student with a disability; or
  - b. Determined that an evaluation was not necessary and provided notice to the student's parents of the determination that the student was not a student with a disability as required by Rule 6A-6.03311, FAC.
3. **Conditions that apply if no basis of knowledge.**
- a. If there is no basis of knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a student without a disability.
  - b. If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. After considering the evaluation results and information provided by the parents, if the student is determined to be a student with a disability, the school district shall provide special education and related services consistent with the requirements.

#### **Student Records in Disciplinary Procedures**

School districts shall ensure that the special education and disciplinary records of students with disabilities are transmitted consistent with the provisions of F.S. 1002.22 and Rule 6A-1.0955, FAC:

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

## DUE PROCESS PROCEDURES

### General Procedures

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

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

1. There must be a fair and reasonable rule that is broken or disobeyed;
2. The rule must apply equally to all; and
3. If punishment is meted out for violation of a reasonable and fair rule, that procedure by which the punishment is assessed must be fair, reasonable, and impartial. This third criterion includes the right to:
  - a. Receive the charges in writing within a reasonable time;
  - b. Be given sufficient notice of time and place of hearing
  - c. Appear with counsel;
  - d. Confront and cross-examine;
  - e. Face accusers and refute charges;
  - f. Be heard by an impartial tribunal;
  - g. Privilege against self incrimination;
  - h. Receive a transcript of the proceedings; and
  - i. Appeal

Procedures for due process for Students with Disabilities can be found in *Calhoun County Special Programs Procedures for Exceptional Students*.

### GRIEVANCE PROCEDURES FOR STUDENTS (School Board Policy 5.342)

- Step 1:** Informal. A student should first take a complaint to the person(s) involved and try to solve the problem informally.
- Step 2:** The student must give the principal a written and signed grievance. This should describe the problem and give all the facts and a suggested solution. This must be given to the principal not more than ten days after the incident occurred.
- Step 3:** If the student doesn't agree with the principal's decision, the grievance, as in Step 2, may be sent to the District Superintendent. This has to be done within three days after the principal's decision.
- Step 4:** If the Superintendent's decision is unacceptable, a student may send a grievance to the School Board within three days after the Superintendent's decision. The School Board does not have to consider the grievance, but if it decides it will, it has the authority to set up the hearing and decision procedures.

**A STUDENT MAY HAVE PARENT HELP IN ALL OF THE FOUR STEPS.**



## **SPECIFIC DEFINITIONS**

### **Alternative Measures for Students with Special Needs.**

The Principal or their designee has the authority to provide alternative disciplinary service measures as needed or necessary as long as those procedures comply with district policies and state regulations, rules, and Statutes.

### **Assignment to Detention**

Students can be detained before, or after school hours for misconduct with approval of the principal or his/her designee. Parents or guardians are to be notified that the student will be detained. Responsibility of transportation is that of the student and/or parent or guardian.

### **Corporal Punishment**

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

### **Expulsion F.S. 1006.07**

Expulsion is the removal of the right and obligation of a student to attend a public school for a period of time to be determined by the School Board.

The School Board has the authority to honor the final order of expulsion or dismissal of a student by another in-state or out-of-state public school board or private school board or developmental research school for an act that would have been grounds for expulsion also by the Calhoun County School District.

### **Suspension**

Out-of-school suspension (OSS) is the temporary removal of a student from his regular school program for a period not to exceed ten school days for any one violation.

In-school suspension (ISS) is the temporary removal of a student from his regular school program, to a specific location on a school campus for a designated period of time during the school day, not to exceed ten days for any violation. Specific assignments are given to the students while in school suspension is in effect. Students assigned to ISS are not given the option of out-of-school suspension and may not return to school without the completion of their ISS punishment.

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

Any student who is assigned out-of-school suspension or expulsion from the Calhoun County School System shall not be allowed to attend or participate in a school-sponsored activity or function, nor be allowed on school property during the duration of the suspension or expulsion.

A student's accumulated days of ISS and/or OSS starts over at the beginning of each school year. Calhoun County School District honors the accumulated ISS and OSS days for students transferring into the district from other school districts.

## **ATTENDANCE POLICY AND TRUANCY PROCEDURES**

### **Grades K-12**

Each parent of a child within the compulsory attendance age shall be responsible for such child's school attendance as required by **F.S. 1003.24. Florida Statute 1003.26** requires the parent of a student to justify each absence of the student. The justification will be evaluated based on adopted district school board policies that define excused and unexcused absences.

Excused absences may only be used for the following legitimate, documented reasons:

- Illness and/or medical care
- Absence for treatment of autism spectrum disorder (HB 7069)
- Death in the Family
- Legal Reasons
- Religious Holidays or instruction
- Financial or other insurmountable circumstances as determined by the prior approval of the principal
- Head lice, a maximum of two days for each occurrence
- Planned absence approved in advance by the principal/designee

Examples of unexcused absences may include:

- Missing the school bus
- Oversleeping
- Shopping and/or pleasure trips
- Excessive illness (without physician verification that medical condition justifies a pattern)
- Failure to communicate the reason for the absence with the school

It is the responsibility of the parent(s) or guardian(s) to provide a written statement indicating the reason for **ALL** absences within **three (3) days** of the student's return to school.

A parent note will be accepted for **any three (3)** absences during the grading period. Any other absences will only be excused with a note from a doctor, dentist, school health nurse/aid, funeral program of an immediate family member, or documentation for a legal reason. Final determination of whether an absence or early dismissal is excused or unexcused is the responsibility of the local school principal/designee. Any planned absences, other than medical appointments, must be approved in advance by the principal/designee.

When a student has **three (3) or more unexcused absences** in a class during a nine (9) week grading period, the student will receive a grade of no more than 59 (F).

When a student receives a 59 (F) as a result of unexcused absences, a meeting will be scheduled with the student and/or their parents to discuss the attendance issues. An attendance contract will be offered to allow the student to replace the 59 grade(s). If the student completes the terms of the contract, the 59 grade(s) will be forgiven and replaced with the appropriate grade earned for that grading period at the end of the school year.

### **Make-Up Work**

- Student must contact their teacher upon returning to school for make-up and assignments
- Make-up work must be turned in within 5 school days from the absence
- When given advance notice of a test or assignment, it must be turned in on the day the student returns to school after the absence
- Missing work due to an absence will be given a grade of "1" until the work is made up. When the make-up period has expired and the work is incomplete, the grade will be changed to "0"
- If the teacher is absent when a student returns to school from an absence, the time to make up work may be extended
- Extension of the amount of time to make-up work can be approved by the principal

For students in grades 6-12, when attending a school sponsored club event or field trip, they must be present the day before the trip and day after the trip for the school sponsored trip to be an excused absence. The principal may excuse the absence for a legitimate, documented reason.

**Recurring Illness**

When a student has a recurring or chronic illness, parents will be required to have their medical doctor certify the extent of the illness each nine weeks. **F.S. 1003.24** states if a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician in order to receive an excuse from attendance. Such excuse provides that a student’s condition justifies absence from more than the number of days permitted by the district school board. The **Physician’s Certification Form** must be picked up from the school principal.

**Tardiness**

Students are expected to be in class on time and remain in class until the end of the class period. Students who arrive to class 10 minutes late or leave class 10 minutes early will be issued a Late Absence for that period. The school principal will determine if the Late Absence is excused or unexcused. Three unexcused Late Absences in a grading period will be considered an unexcused absence for that period.

Incentives for good attendance are encouraged, but will be at the direction of the individual school principals.

Students with a continued pattern of absence will be referred to Truancy Court.

EXCUSED ABSENCE	REQUIRED ACTION
Any 3 absences	Parent note for days absent
Therapy from licensed health care professional for the treatment of autism spectrum disorder	Note from licensed health care practitioner or behavior analyst
Personal Illness after any 4 absences	Note from doctor, dentist, or school health nurse/aide
Family death / illness	Parent note for days absent
Chronic/long-term illness	Medical documentation Physician’s Certification Form
Parent trips	Pre-approved by principal
Educational trips	Pre-approved by principal
School-sponsored activity	Pre-arranged with administration (student marked “present”)
Judicial action	Copy of subpoena or summons Notice of juvenile detention
Military dependents visits in time of combat duty	Approved by principal
Religious holidays	Prior written notice to principal or teacher

**SCHOOL RESPONSIBILITY AND AUTHORITY RELATED TO TRUANCY**

If a student has had at least five (5) unexcused absences, or absences for which the reason is unknown, within a calendar month or ten (10) unexcused absences, or absences for which the reason is unknown, within a 90 calendar day period, the student’s primary teacher shall report to the school principal/designee that the student may be exhibiting a pattern of non-attendance.

The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school’s child study team to determine if early patterns of truancy are developing.

If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies.

After fifteen (15) unexcused absences accumulate within any ninety (90) calendar days, the District will determine the appropriate steps for the enforcement of the Florida Compulsory Attendance Statute, **Florida Statute 1003.21**.

## DRESS CODE

Students have the responsibility to dress appropriately while on the school grounds during the regular school day. A student's dress should show respect for self and others and shall not be permitted to disrupt the teaching and learning environment. Each school board shall adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment. **F.S. 1006.07(2)(d)**. The final determination shall be that of the Principal or their designee.

### Students Grades 3-12

Student dress and personal grooming are the responsibility of the student and parent. In the final analysis, the building administrator has the responsibility to interpret that which negates a reasonable standard of conduct and appearance. For students in grades PK-3, the principal will determine if the circumstances require implementation of these guidelines. Students whose personal attire or grooming distracts or may distract others from school work shall be subject to the following:

- 1<sup>st</sup> offense – Verbal warning, parents called, allowed appropriated time to make required changes and return to class. (Class time missed will be unexcused.)
- 2<sup>nd</sup> offense - Disciplinary action will be taken after required changes are made. The student is ineligible to participate in any extracurricular activity for a period not to exceed 5 days and the school principal must meet with the student's parent or guardian.
- 3<sup>rd</sup> offense - Three days of In-School Suspension will be assigned after required changes are made, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal must call and send a written notice of such to the student's parent or guardian.

All additional infractions will be treated as Insubordination.

Students must comply with the following rules:

1. Footwear is required while on school property for reasons of health and safety.
2. Shirts must be worn at all times. Tank tops, see-through materials worn without undershirts, and halter tops shall not be worn to school.
3. Shirts must be long enough to cover the stomach and back area completely at all times. (When hands are fully extended above the head, etc.)
4. Spaghetti-strap or strapless shirts or dresses are not permitted. Sleeveless shirts or dresses for females must be **4** fingers wide at the shoulder.
5. Male students cannot wear sleeveless shirts.
6. Female clothing shall not expose any cleavage.
7. A student's attire must cover all undergarments.
8. Appropriate shorts and skirts are allowed if they are no more than **5 inches** above the kneecap when the student is standing. This rule applies even if biking shorts, tights or leggings are worn under the shorts or skirts.
9. No biking shorts, spandex material, or tight fitting shorts/clothing may be worn.
10. Jeans with holes, the holes can't be any higher than 3 inches above the kneecap when the student is standing.
11. Drop pants or shorts (those worn below the waistline or those that display what is or appears to be an undergarment) will not be permitted for any students.
12. Hats, caps, and head scarves are not allowed to be worn in the building, but individual schools may impose more stringent rules with School Board approval. Pajamas, bedroom slippers, bandanas, kerchiefs, head stockings, hair rollers, and combs shall not be worn at school. This attire may be allowed for special occasions with principal approval.
13. Clothing that promotes or endorses vulgar, alcoholic, tobacco, sexual, or offensive themes are prohibited.
14. Tattoos or body art that promotes or endorses vulgar, alcohol, tobacco, sexual, gang or offensive themes must be covered at all times.
15. Any clothing that is or could be interpreted as gang related is prohibited at school.

16. Wallet chains, “dog” collars, or other inappropriate chains or jewelry will not be allowed.
17. No visible body piercing except earrings will be allowed for students in grades PK-8
18. Any other items worn or carried that are deemed inappropriate by the Principal are prohibited.
19. Inappropriate items confiscated (tongue rings, nose rings, inappropriate items of clothing, etc.) may be picked up in the office by the parent or legal guardian.

## APPENDIX A

### Bullying and Harassment School Policy 2.71

#### Statement Prohibiting Bullying and Harassment

- A. It is the policy of the Calhoun County School District that all of its students and school employees have an educational setting that is safe, secure and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.
- B. The District upholds that bullying or harassment of any student or school employee is prohibited
  - 1. During any education program or activity conducted by a public K- 12 educational institution;
  - 2. During any school-related or school-sponsored program or activity;
  - 3. On a school bus of a public K-12 educational institution;
  - 4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K- 12 education institution within the scope of the School District, meaning regardless of ownership, any computer, computer system, computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or
  - 5. Through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by the School District or a school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. School staff is not required to monitor any nonschool-related activity, function, or program.

#### Definitions

- A. Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to: unwanted teasing; social exclusion; threat; intimidation; stalking; physical violence; theft; sexual, religious, or racial harassment; public or private humiliation; or destruction of property.
- B. The term bullying shall include cyberbullying whether or not specifically stated. Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.
- C. Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that
  - 1. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
  - 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
  - 3. Has the effect of substantially disrupting the orderly operation of a school.
- D. Bullying and harassment also encompass
  - 1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
  - 2. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by
    - a. Incitement or coercion;
    - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system;
    - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.
- E. Cyberstalking as defined in s. 784.048(1)(d), F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

## **Behavior Standards**

- A. The Calhoun County School District expects students and employees to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.
- B. The District believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for District and community property on the part of students, staff, and community members. Because students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.
- C. Administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for students and staff recognition through positive reinforcement for good conduct, self discipline, good citizenship, and academic success.
- D. Student rights shall be explained as outlined in the *Student Code of Conduct and Discipline*.
- E. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the *Student Code of Conduct and Discipline*.

## **Consequences**

- A. Committing an act of bullying or harassment
  - 1. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.
  - 2. Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Code of Student Conduct*.
  - 3. Consequences and appropriate remedial action for a school employee, found to have committed an act of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate.
  - 4. Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment, shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
- B. Wrongful and intentional accusation of an act of bullying or harassment
  - 1. Consequences and appropriate remedial action for a student, found to have wrongfully and intentionally accused another as a means of bullying or harassment, range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Code of Student Conduct*.
  - 2. Consequences and appropriate remedial action for a school employee, found to have wrongfully and intentionally accused another as a means of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements.
  - 3. Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

## **Reporting an Act of Bullying or Harassment**

- A. At each school, the principal or the principal's designee shall be responsible for receiving complaints alleging violations of this policy.
- B. All school employees are required to report alleged violations of this policy to the principal or the principal's designee.
- C. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in person to the principal or principal's designee.
- D. The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians, how a report of bullying or harassment may be filed either in person or anonymously and how this report will be acted upon.
- E. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment.
- F. A school employee, school volunteer, student, parent/legal guardian or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the District policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.
- G. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

- H. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s).
- I. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

**Investigation of a Report of Bullying or Harassment**

- A. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and shall begin with a report of such an act.
- B. The principal or designee shall select an individual(s), employed by the school and trained in investigative procedures, to initiate the investigation. The person may not be the accused perpetrator (harasser or bully) or victim.
- C. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and shall be confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
- D. The investigator shall collect and evaluate the facts including but not limited to
  - 1. Description of incident(s) including nature of the behavior;
  - 2. Context in which the alleged incident(s) occurred;
  - 3. How often the conduct occurred;
  - 4. Whether there were past incidents or past continuing patterns of behavior;
  - 5. The relationship between the parties involved;
  - 6. The characteristics of parties involved, *i.e.*, grade, age;
  - 7. The identity and number of individuals who participated in bullying or harassing behavior;
  - 8. Where the alleged incident(s) occurred;
  - 9. Whether the conduct adversely affected the student's education or educational environment;
  - 10. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
  - 11. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
- E. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all the facts and surrounding circumstances and shall include
  - 1. Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
  - 2. A written final report to the principal.
- F. The maximum of ten (10) school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
- G. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment and the investigative procedures that follow.

**Investigation to Determine Whether a Reported Act of Bullying or Harassment is Within the Scope of the District**

- A. The principal or designee will assign an individual(s) who is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the School District.
- B. The trained investigator(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District.
  - 1. If it is within the scope of the District, a thorough investigation shall be conducted.
  - 2. If it is outside the scope of the District and determined a criminal act, the principal shall refer the incident(s) to appropriate law enforcement.
  - 3. If it is outside the scope of the District and determined not a criminal act, the principal or designee shall inform the parents/legal guardians of all students involved.

**Notification to Parents/Guardians of Incidents of Bullying or Harassment**

- A. Immediate notification to the parents/legal guardians of a victim of bullying or harassment.
  - 1. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
  - 2. If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform the parents/legal guardian of the victim(s) involved in the bullying incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states “. . . a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”
- B. Immediate notification to the parents/legal guardians of the perpetrator of an act bullying or harassment. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).



- C. Notification to local agencies where criminal charges may be pursued. Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

#### **Referral of Victims and Perpetrators of Bullying or Harassment for Counseling**

When bullying or harassment is suspected or when a bullying incident is reported, counseling services may be made available to the victim(s), perpetrator(s), and parents/guardians.

- A. The teacher or parent/legal guardian may request informal consultation with school staff, e.g., school counselor, school psychologist, to determine the severity of concern and appropriate steps to address the concern. The teacher may request that the involved student's parents or legal guardian are included.
- B. School personnel or the parent/legal guardian may refer a student to the school intervention team or equivalent school based team with a problem solving focus for consideration of appropriate services. Parent or legal guardian involvement shall be required when the student is referred to the intervention team.
- C. If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. Parent or legal guardian involvement shall be required.
- D. The intervention team may recommend
  1. Counseling and support to address the needs of the victims of bullying or harassment;
  2. Research-based counseling or interventions to address the behavior of the students who bully and harass others, e.g., empathy training, anger management; and/or
  3. Research-based counseling or interventions which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

#### **Reporting Incidents of Bullying and Harassment**

- A. Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report shall include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. Cyberbullying incidents shall be included within the incidents category. The report shall also include each reported incident of bullying or harassment that did not meet the criteria of a prohibited act under this section with recommendations regarding such incidents.
- B. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying and harassment as incident codes as well as bullying-related as a related element code.
  1. Bullying and/or harassment incidents shall be reported in SESIR with the bullying or harassment code.
  2. If the bullying or harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code and the bullying-related code. Such incidents are: alcohol; arson; battery; breaking and entering; disruption on campus; drug sale/distribution excluding alcohol; drug sale/possession excluding alcohol; major fighting; homicide; kidnapping; larceny/theft; robbery; sexual battery; sexual harassment; sexual offenses; threat/intimidation; trespassing; tobacco; vandalism; weapons possession; or other major (other major incidents that do not fit within the other definitions).
- C. Discipline and referral data shall be recorded in Student Discipline/Referral Action Report and Automated Student Information System.
- D. The District shall provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the Department.
- E. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents as well as any bullying-related incidents that have as a basis sex, race, or disability shall include the incident basis. Victims of these offenses shall also have the incident basis (sex, race, or disability) noted in their student records.

#### **Instruction on Identifying, Preventing, and Responding to Bullying or Harassment**

- A. The District shall ensure that schools sustain healthy, positive, and safe learning environments for all students. It is committed to maintain a social climate and social norms in all schools that prohibit bullying and harassment. This requires the efforts of everyone in the school environment – teachers; administrators; counselors; school nurses; other nonteaching staff such as bus drivers, custodians, cafeteria workers; school librarians; parents/legal guardians; and students.
- B. Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's policy and regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment as well as how to effectively identify and respond to bullying in schools.

#### **Reporting to a Victim's Parents/Legal Guardians the Actions Taken to Protect the Victim**

The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment

incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

**Publicizing the Policy**

- A. At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.
- B. Each District school shall provide notice to students and staff of this policy through appropriate references in the *Code of Student Conduct* and employee handbooks and through other reasonable means.
- C. The Superintendent shall also make all contractors contracting with the District aware of this policy.
- D. Each school principal shall develop an annual process for discussing the school district policy on bullying and harassment with students.
- E. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the District school buses.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1003.04, 1003.31, 1003.32, 1006.07, 1006.08, 1006.09, 1006.10, 1006.147, F.S.; 20 USC 1232g**

**HISTORY:**

**ADOPTED: 11/11/08; REVISION DATE(S): 3/13/2014**

## APPENDIX B

### CALHOUN COUNTY SCHOOL NETWORK/INTERNET ACCEPTABLE USE POLICY *Student Policy*

**1. Computer use is a privilege, not a right.**

Student use of the district's computers, network, and Internet services is a privilege, not a right. Unacceptable use/activity may result in suspension or cancellation of privileges as well as additional disciplinary and/or legal action. The principal will have final authority to decide whether a student's privileges will be denied or revoked.

**2. Each student authorized to use the computers, network, and Internet services is responsible for its proper use.**

Student shall adhere to the same standard of conduct expected and required in a classroom. Students should not

- Reveal their full name, address, or telephone number on the Internet without prior permission from a supervising teacher,
- Meet people contacted through the Internet. This can be dangerous and should not happen except with parental permission.
- Download, open attachments, and reply to emails you were not expecting with caution.

Unacceptable uses of the network/internet include:

- Violating student or staff rights to privacy
- Bullying, harassment, cyberbullying, or cyberstalking
- Using profane, obscene, or offensive language, graphics, or other forms of communication
- Use of school system technology in support of private or personal businesses
- Misuse or sharing passwords
- Sharing or using personally identifiable information or individually owned or copyrighted material (this includes pictures, artwork, or products) without the author's (or parent/guardian's) prior consent
- Hacking, vandalizing or destroying hardware or data
- Installing, copying, or downloading software without the expressed authorization of the Technology Specialist.

**3. Parental permission is required.**

A signed Internet Use/Access Permission form must be completed at the beginning of each school year or as part of the initial registration of students. These forms will be maintained on file at the school.

**4. There is no expectation of privacy.**

Calhoun County Schools retain control, custody and supervision of all computers, networks, and Internet services owned or leased by the school or district. The district and school reserve the right to monitor all computers and Internet activity by students. Students have no expectation of privacy in their use of school or district computers, including email and stored files.

**5. Calhoun County Schools assume no responsibility for unauthorized use.**

Calhoun County Schools assume no responsibility for unauthorized charges made by the student including but not limited to credit card charges, long distance telephone charges, equipment and line costs, or for any illegal use of its computers such as copyright violations. The student and/or the student's parent/guardian shall be responsible for reimbursing the school or district for any losses, costs or damages incurred by the student.

**Calhoun County Schools**  
**STUDENT INTERNET USE/ACCESS PERMISSION FORM**

*Please complete the following information and return this form to your school.*

Student's Name \_\_\_\_\_ Grade \_\_\_\_\_

School \_\_\_\_\_

**STUDENT/PARENT AGREEMENT**

I understand that Internet access and use of these resources are designed solely for educational purposes. Calhoun County Schools take reasonable precautions to supervise Internet usage by students. I have read and understand the **CALHOUN COUNTY SCHOOLS NETWORK/INTERNET ACCEPTABLE USE POLICY** printed on the reverse side of this form.

**PARENTAL CONSENT**

As a parent or guardian, I understand that Network/Internet access is designed for educational purposes. I also recognize it is impossible for the School Board of Calhoun County to restrict access to all controversial materials and I will not hold the Board or its employees responsible for materials acquired on the network or Internet.

**DIRECTORY INFORMATION**

The *Family Educational Rights and Privacy Act* (FERPA) allows Calhoun County Schools to disclose appropriately designated directory information without written consent unless the parent has advised the school's principal in writing to the contrary. From time to time directory information is used on school and district websites. Examples of directory information that may be used on school or district websites could be a picture of your child participating in a school event or activity, your child's creative efforts such as story or artwork, or honor roll list. Directory information is generally not considered harmful or an invasion of privacy if released. You must notify your child's school principal in writing within thirty (30) calendar days after receipt of this notice if you do not want Calhoun County Schools to disclose directory information without your prior written consent.

**BASIC INTERNET ACCESS**

I hereby consent for my child to use the Calhoun County Schools' Network/Internet services. I also consent for use of directory information when related to an activity or an academic assignment with Calhoun County Schools, in accordance with the Family Educational and Privacy Rights Act, 20 USC §1232g.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

## APPENDIX C

### PROCEDURES FOR INTERVIEWS OR INTERROGATIONS OF STUDENTS

#### A. By School Personnel

Administrators, Instructors, and School Resource Officers employed by the Calhoun County Sheriff's Department or Blountstown Police Department may interview or interrogate a student on their school campus concerning knowledge of any violation of rules, policies, regulations or laws taking place while under the authority of the school without prior notice or consent.

#### B. By Child Abuse Investigators

Interviews conducted by an identified Children and Family Services case worker or law enforcement officer assigned to a child abuse case do not require notice. The responsibility to notify the parent is that of the caseworker or the assigned officer. Information gathered in a conference or investigation between a child abuse caseworker and the child is not to be known to anyone other than those listed in the law. School personnel are excluded from that knowledge [F.S.39.0132(4)(a)]. However, the investigator may choose to allow a school staff member to be present if: 1.) the investigator feels that that member of the school staff would enhance the interview or if 2.) the child requests or consents to their presence. [F.S.39.301(16)]

#### C. By Law Enforcement Officers

If any law enforcement officer presenting proper identification requests access to question a minor student for causes other than A or B above, the Principal shall make a good faith effort to attempt to contact the student's parent or legal guardian and request permission for the officer to question the student.

1. If the parent/legal guardian agrees to permit questioning, the Officer may question the student in the presence of the Principal or assistant Principal to insure that all rights of the student are observed and protected. A summary report of the interview will be available upon request from the parent or legal guardian.
2. If the parent/legal guardian refuses to permit the questioning until the parent is present, the Principal shall not permit access to the student, unless the Officer presents an order from a court authorizing him/her to take the student into custody or places the student under arrest.
3. If the Principal has made a good faith effort to contact the parent/legal guardian but is unable and the officer feels the need to interview the student warrants immediate access, then he/she shall interview the student as described in C.1.
4. If a student is eighteen (18) years old or otherwise identified by statutes as being treated as having achieved majority status, and having verified this with school officials, he/she shall be considered as acting as his/her own guardian for purposes of this policy.

### REMOVAL OR RELEASE OF A STUDENT AS PART OF AN INVESTIGATION

Should an officer request to take a minor student out of school, he/she shall do so only with the confirmed consent of the parents or with a subpoena requiring the student as a witness. If the officer desires to make an arrest, he/she shall be allowed to do so without objection by the administrator or teacher in charge upon the condition that he/she signs the student out in accordance with local school policies regarding students leaving campus. If the student is removed by an officer, the administrator shall endeavor to notify the parents prior to the student's removal from school premises or as soon thereafter as possible.

#### A. Protective Custody

If a law enforcement officer demonstrates to the principal or his/her representative, that the child needs to be taken into protective custody pursuant to Section 39.401 FS, the officer shall be permitted to remove the student upon the condition that he/she signs the student out in accordance with local school policies regarding students leaving campus.

#### B. Adult Students

If a student is eighteen (18) years old or otherwise identified by statutes as being treated as having achieved majority status, and having verified this with school officials, they shall be considered as acting as their own guardian for purposes of this policy.