

**CODE OF STUDENT CONDUCT
AND DISCIPLINE
for
JACKSON COUNTY SCHOOLS**

2009 – 2010



*Approved by the Jackson County School Board on July 21, 2009
Amended by the Jackson County School Board on July 28, 2009*

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NOTES:

1. Effective upon Jackson County School Board approval, the Jackson County Schools' Code of Student Conduct and Discipline, in its entirety, and including any Appendix content, carries the strength of policy to be implemented by schools as a referenced document.
2. School principals shall ensure that the administration of student discipline is administered equitably without regard to real or perceived gender, race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference (6A-6.0908 FAC) or disability (6A-6.0331 FAC).
3. School principals shall ensure that all students, families and school personnel are aware of the contents of the Code of Student Conduct and the Zero Tolerance Rule as evidenced by signed receipt records.
4. The use of corporal punishment and total or extended isolation as disciplinary measures in Head Start programs is forbidden pursuant to Head Start Programs Performance Standards (45 CFR 1304).
5. All early childhood education programs operated by or through contracts with the Jackson County School Board shall refrain from using corporal punishment in all prekindergarten and early intervention programs pursuant to the October, 1990 Resolution of the State Coordinating Council for Early Childhood Services.
6. The Code of Student Conduct and Discipline is updated and approved by the Board as a referenced document on an annual basis and represents a variation of the original publication which was approved by the Jackson County School Board in 1977.
7. Jackson County schools will be in compliance with the Gun-Free Schools Act. Evidence of compliance shall be implementation of policy as set forth in this referenced document. The policy shall include, minimally,
 - A. Requirement that a student who is determined to have brought a weapon or firearm and/or for making bomb threats or false reports to school, shall be expelled for a period of not less than one year. (ch. 790, F.S.)
 - B. Requirement that such student shall be referred to the criminal justice or juvenile delinquency system.

- C. Allowance for the Superintendent to recommend the one-year expulsion on a case-by-case basis.
 - D. Provision allowing such student to be assigned to a disciplinary program or alternative education program or second chance school during expulsion.
 - E. Notice in *The Code of Student of Student Conduct and Discipline*:
 “Any student who is determined to have brought a firearm or weapon, as referenced in ch. 790, F.S., to school, any school function, or on any school-sponsored transportation will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than 1 full year and referred for criminal prosecution.”
 - F. Zero tolerance provisions require one year expulsion for making bomb threats or false reports. (Note 7 B, C, D, shall apply)
 - G. Within the district, school psychologists, guidance counselors, ESE staffing specialists, and school resource officers may serve as support services professionals to provide assistance to teachers in identifying students with potential problems.
 - H. State law (ch. 790, F.S. and 1006.07, F.S.) rather than federal law is referenced when referring to firearms or weapons.
8. A new section of law defines a “school safety zone” and limits who can be in such zone at designated times. “School safety zone” is defined as “in, on, or within 1,000 feet of any real property owned by or leased to any public or private elementary, middle or high school or school board and used for elementary, middle or high school education.” This law prohibits persons without legitimate business in a school safety zone from entering or remaining in the zone during certain times or if specifically ordered to leave by the principal or his or her designee. The new restriction does not apply to residents or persons engaged in the operation of a licensed commercial business or to abridge or infringe upon the right of any person to peaceably assemble and protest.
- (Approved by the Governor on April 30, 2002 – Ch. 2002-192, Laws of Florida. The effective date is July 1, 2002.)
9. It is the goal of the Legislature and the School Board that:
- A. each public K-12 student must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school’s code of conduct.

- B. the parent of each public K-12 student must cooperate with the authority of the student's district school board, superintendent, principal, teachers, and school bus drivers, according to ss. 1003.31 and 1003.32, to remove the student from the classroom and the school bus and, when appropriate and available, to place the student in an alternative educational setting, if the student is disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive.

- C. the parent of each public K-12 student comply with the school's reasonable and time-acceptable parental involvement requests.
F.S. 1003.04(1)(2)(3)

I. INTRODUCTION

The primary function of the public schools is to provide educational experiences and opportunities for each student. Education usually takes place in an atmosphere of good order and discipline. The responsibility for good order and discipline belongs to the entire community--students, parents, teachers, school administrators, School Board and the general public. Although education and prevention are the preferred means of achieving safe schools, the Jackson County School Board has adopted a policy of "zero tolerance" on school violence, crime, substance abuse, use of weapons and student victimization.

It is essential that schools be safe and orderly to provide environments that foster learning and high academic achievement and; therefore, violence in school will not be tolerated.

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 right of students. Disciplinary procedures are also included for those who do not accept these responsibilities and rights. Each school shall assume responsibility for documenting distribution of the Code of Student Conduct and Discipline to each student and his/her family by a signed acceptance by the student. Such communications to families shall be consistent with equal access provisions of Rule 6A-6.0908(2) FAC and will ensure opportunity for familial awareness of the zero tolerance rule as well as the full content of the Code.

An effort has been made to examine the practices of our schools and develop a fair and consistent Code that should set a tone for an atmosphere conducive to positive educational experiences. The responsibilities and rights of the students have been specifically defined.

As students progress through our public schools, it is reasonable to assume that an increase in age and maturity implies a greater responsibility for their actions. Differences in age and maturity are recognized in determining the type of disciplinary action to be taken. However, the procedures outlined in the Code apply to all students, both elementary and secondary, under the jurisdiction of Jackson County Public Schools.

Although the Florida Legislature enacted a law requiring school districts to develop a Code of Student Code and Discipline, we have accepted this task as another means for involving the members of the community in their schools. Moreover, we have tried to provide an educational program to meet the students' 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. This document supports the intent of the Jackson County School Board to create a positive and safe learning environment for students and to keep disruptive children from affecting the ability of public school students to learn.

II. LEGAL BASIS FOR STUDENT DISCIPLINE

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

A. Authority of the Board, F.S. 1001.42; 1006.07; 1006.21; 1006.28; 1012.22:

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

Child Welfare - Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, for proper attention to health, safety and other matters relating to the welfare of children in the following fields, as prescribed in F.S. 1001.53; 1003.01, 1003.21; 1003.22; 1003.26; 1006.31; 1006.32; 1006.09; 1006.061.

Control of Pupils - Adopt rules and regulations for the control, discipline, suspension, and expulsion of pupils and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of Chapter 120. Expulsion hearings shall be governed by the provisions of s. 120.57(2); provided, however, that the school board shall not have the authority to prohibit the use of corporal punishment as provided in this act.

Code of Student Conduct - Make available to all teachers, school personnel, students, and parents or guardians, at the beginning of 1977-78 school year and every school year thereafter, a Code of Student Conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The Code shall be based on the results 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: the Zero Tolerance Rule (6A-1.0404), 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.

- B. Authority of the Superintendent F.S. 1001.51; 1006.08; 1006.21; 1006.28; 1012.27

The Superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the School Board. The recommendations, nominations, proposals and reports required by law and regulation 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.

Orderly Classrooms and School Buses – Fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and the authority of the school principal to place such students in an alternative educational setting, when appropriate and available.

Child Welfare - Recommend plans to the school board for the proper accounting for all children of school age, for the attendance and control of pupils at school, for the proper attention to health, safety, and other matters which will best promote the welfare of children in the following fields, as prescribed in F.S. 1001, 1003, 1006 (See II-A). The Superintendent shall require that information pertaining to academic performance, student conduct and behavior; and student attendance, including absences and tardiness be included on report cards for all elementary, middle and high school students.

Control of Pupils - Propose rules and regulations for the control, discipline, suspension, and expulsion of pupils and transmit to the school board, for action, recommendations for expulsion of pupils. When the Superintendent makes a recommendation for expulsion to the School Board, he shall give written notice to the pupil and his parent or guardian of the recommendation setting forth the charges against the pupil and advising the pupil and his parent or guardian of his right to due process as prescribed by s. 120.57(2). When school board action on a recommendation for the expulsion of a pupil is pending, the Superintendent may extend the suspension assigned by the principal beyond 10 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 officers, and the student's immediate teachers (those in whose courses or classroom the student in question is currently enrolled).

C. Authority of the Principal, F.S. 1001.54, 1006.09:

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

The school principal shall fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.

The school principal shall monitor the administration of discipline of students to ensure that discipline is administered equitably without regard to real or perceived race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability. Annually, the principal shall review school improvement plans to maintain a safe and healthy school environment that protects the civil rights of all students.

The principal or his designated representative may suspend a student only in accordance with the policies of the District School Board and statutes. Each suspension shall be reported in writing within twenty-four (24) hours, with the reasons therefore, to the student's parent or guardian or dependent student and to the superintendent. A good faith effort shall be made by the principal to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension. No student who is required by law to attend school shall be suspended for unexcused absence or truancy. The principal or his designated representative may suspend any student transported to or from school at public expense from the privilege of riding on a school bus, for violation of school board transportation policies, which shall include a policy regarding behavior at

bus stops, 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 suspension of students made in good faith.

The principal or his designated representative may recommend to the Superintendent the expulsion of any student who has committed a serious breach of conduct including, but not limited to, willful disobedience, open defiance of authority of a member of his staff, violence against persons or property or any other act which substantially disrupts the orderly conduct of the school. Any recommendation of expulsion shall include a detailed report by the principal or his designated representative on the alternative measures taken prior to the recommendation of expulsion.

The principal or his designated representative shall include an analysis of suspensions and expulsions in the annual report of school progress. The principal must report on a quarterly basis to the district school superintendent and district school board each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident.

School officials shall ensure that local law enforcement authorities are notified as soon as possible when an offense of a violent nature (Section H, I, J Zero Tolerance Rules) 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.

- D. Authority of the Teacher, F.S. 1001.42; 1006.07; 1006.21; 1006.22; 1006.28; 1003.31; 1006.09; 1003.32

Corporal Punishment, F.S. 1002.20

Corporal punishment of a public school student may only be administered by a teacher or school principal within guidelines of the school principal and according to district school board policy. Another adult must be present and must be informed in the student's presence of the reason for the punishment. Upon request, the teacher or school principal must provide the parent with written explanation of the reason for the punishment and the name of the other adult who was present. A district school board (JCSB) having a policy authorizing the use of corporal punishment as a form of discipline shall review its policy on corporal punishment once every 3 years during a district school board meeting held pursuant to s. 1001.372. The district school board (JCSB) shall take

public testimony at the board meeting. If such board meeting is not held in accordance with this subparagraph, the portion of the district school board's policy authorizing corporal punishment expires.

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 to which he is assigned to be in charge of students. If a teacher feels that corporal punishment is necessary, at least the following procedures shall be followed:

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

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 Principals of Professional Conduct of the Education Profession in Florida (Rule 6B-1.006 FAC.,) the Code of Student Conduct and Discipline for Jackson County Schools, and schools' policies. Goals Five and Six of Blueprint 2000 address the significance of the school providing an environment which promotes good health and is free of violence, weapons, hazards, vandalism, substance abuse, and disruptive influences. 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. A non-exhaustive list of suggestions is offered in the Zero Tolerance Rule.

A teacher may send a student to the principal's office to maintain effective discipline in the classroom and may recommend an appropriate consequence consistent with the student code of conduct under s. 1006.07. The principal shall respond by employing the teacher's recommended consequence or a more serious disciplinary action if the student's history of disruptive behavior warrants it. If the principal determines that a lesser disciplinary action is appropriate, the principal should consult with the teacher prior to taking disciplinary action.

A teacher may remove a student from his or her classroom for repeated disruptive behavior or a violent incident. The following guidelines must apply:

1. Teachers must document that the student's behavior repeatedly interfered with the learning process in the classroom or the student's behavior was so unruly, disruptive, or abusive that it interfered with the effective conduct of the class.
2. When the teacher removes a student from the classroom under the provisions of F.S. 1003.32, principals may not return a student to that teacher's class without the teacher's consent unless the placement review committee, under F.S. 1003.32, determines that such placement is the best or only alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.
3. The placement review committee membership must include at least the following: two teachers, one selected by the school's faculty and one selected by the teacher who has removed the student and one member from the school's staff who is selected by the principal.
4. If the placement review committee's decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher's class, the teacher may appeal the committee's decision to the district school superintendent.
5. Decisions made by the review committee shall remain in effect for the duration of that course/class from which the student was initially removed by the teacher.
6. Teachers removing more than 25% of the students under F.S. 1003.32 must participate in professional development activities related to classroom behavior management skills.

The implementation of F.S. 1003.32 does not alter, replace, or supersede any federal, or state statute, rule, regulation, or policy regarding students with disabilities, or due process protection of all students. The school principal shall monitor the administration of discipline of students to ensure that discipline is administered equitably without regard to real or perceived race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.

E. Authority of the School Bus Driver, F.S. 1006.10, 1012.47:

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

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

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

F. Pupils Subject to Control of School, F.S. 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 enroute to or from school or is presumed by law to be attending school.

G. Liability of Teacher or Principal, F.S. 1006.11(2):

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.

H. Zero Tolerance F.S. 1006.13

Any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy must be based on the particular circumstances of the student's misconduct. School districts are encouraged to use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety.

Zero Tolerance for School Related Violent Crime, Rule 6A1.0404

This rule implements the State Board of Education's zero tolerance policy on school violence, crime, and the use of weapons; it is part of a comprehensive approach to reducing school violence and crime. The rule requires each school board to "adopt a zero tolerance policy on school violence and ensure that all students and their families are aware of this policy".

The rule also sets forth specific directions for school districts to: 1) establish consequences for certain violent acts; 2) notify law enforcement agencies of violent acts committed on school property or at school-sponsored events; 3) establish communication with law enforcement agencies; and 4) assist school personnel with dealing with violent and disruptive youth.

Also, according to this rule, school districts are required to invoke the most severe consequences provided for in the Code of Student Conduct in dealing with students who engage in violent criminal acts on school property, on school sponsored transportation, or during school sponsored activities.

I. Zero Tolerance for Crime and Substance Abuse

Jackson County Schools adopt, by policy and practice, a stance of zero tolerance for crime and substance abuse, pursuant to SBR 6A1.0404, F.S.: 1006.13, 1006.09(8), 1006.13(4), 790.115 (1) (2) (a) (b) (c) (d) (e). Delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the school shall be reported pursuant to F.S. 1006.13. Examples of substances which, when unlawfully used, possessed or sold, and, subsequently, must be reported as unlawful acts to the principal or designee for prosecution or other action as appropriate are any controlled substance (s. 831.31); any alcoholic beverage (s. 561.01(4); or model glue.

The zero tolerance stance with a mandatory year of expulsion extends to include bringing firearms or weapons to school and/or for making bomb threats or false reports, F.S. 1006.13. (See Disciplinary Options, page 18)

J. Zero Tolerance for Victimization of Students

Schools must take all steps necessary to protect the victim of any violent crime from any further victimization whenever and wherever students are under the jurisdiction of the school district. When a student has been the victim of a violent crime perpetrated by another student who attends the same school, the principal shall assume responsibility for reporting and taking certain actions pursuant to F.S. 1006.13(5). A principal who fails to comply with this subsection shall be ineligible for any portion of performance pay policy which may be in place in the district. (F.S.1006.13)

Whenever any person who is attending public school is adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or nolo contendere to, a felony violation of homicide (Ch. 782); assault, battery, culpable negligence (Ch. 784); kidnapping, false imprisonment, luring or enticing a child, and custody offenses (Ch. 787); sexual battery (Ch. 794); lewdness and indecent exposure (Ch. 800); abuse of children (Ch. 827); robbery, robbery by sudden snatching; carjacking, or home-invasion robbery (812.13) and, before or at the time of such adjudication, withholding of adjudication, or plea, the offender was attending the same school as the victim or a sibling of the victim of the offense, a report shall be made to the school by the Department of Juvenile Justice. Any offender described above shall not attend any school attended by the victim or a sibling of the victim of the offense or ride on a school bus on which the victim or a sibling of the victim is riding, except as provided pursuant to a written disposition order under s.985.23(1)(d). (Re: F.S. 1006.09(5))

K. Bullying/Harassment

It is the policy of the Jackson 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.

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 an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:

1. Teasing
2. Social Exclusion
3. Threat
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public humiliation
10. 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 or her person or damage to his or her property
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits
3. Has the effect of substantially disrupting the orderly operation of a school

Bullying and harassment also encompasses:

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

Cyber stalking 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 expected:

The Jackson County School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The school district believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development 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. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate harassment or bullying.

The school district upholds that bullying of any student or school employee is prohibited:

- a) During any education program or activity conducted by a public K-12 educational institution;
- b) During any school-related or school-sponsored program or activity;
- c) On a school bus of a public K-12 educational institution; or
- d) 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.

Consequences:

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. 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.

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.

Reporting:

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. 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.

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 may be filed either in-person or anonymously and how this report will be acted upon. The victim of bullying, anyone who witnessed the bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying. A school employee, school volunteer, student, parent/legal guardian or other 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. 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.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Procedure for Investigation:

At each school in the district, the Procedures for Investigating Bullying and/or Harassment include:

- The principal or designee selects a designee(s), employed by the school, trained in investigative procedures to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.
- Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are 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.

- The investigator shall collect and evaluate the facts including, but not limited to:

- Description of incident including nature of the behavior; context in which the alleged incident occurred, etc.;
- How often the conduct occurred;
- Whether there were past incidents or past continuing patterns of behavior;
- The relationship between the parties involved;
- The characteristics of parties involved (i.e., grade, age, etc.);
- The identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to bullying or harassment;
- The number of alleged bullies/harassers;
- The age(s) of the alleged bullies/harassers;
- Where the bullying and/or harassment occurred; and
- Whether the conduct adversely affected the student's education or educational environment.

- Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes:

- Recommended remedial steps necessary to stop the bullying and/or harassing behavior
- A written final report to the principal

- The maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps. 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.

Process for referral

A principal or designee will initiate an investigation of whether an act of bullying or harassment is within the scope of the school district.

The principal or designee(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.

- If it is within scope of district, move to Procedures for Investigating Bullying and/or Harassment.
- If it is outside scope of district, and determined a criminal act, refer to appropriate law enforcement.

- If it is outside scope of district, and determined not a criminal act, inform parents/legal guardians of all students involved.

Immediate notification to parent/legal guardians:

The principal, or designee, shall by telephone and in writing by certified mail, 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. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by certified, inform 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 attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or 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.”

Once the investigation has been completed and criminal charges may be pursued against the perpetrator all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

Refer victims/perpetrators for counseling:

A district referral procedure will establish a protocol for intervening when bullying or harassment is suspected or when a bullying incident is reported.

The procedure shall include:

- A process by which the teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern (the involved students’ parents or legal guardian may be included).
- A referral process to provide professional assistance or services that includes:
 - A process by which school personnel or parent/legal guardian may refer a student to the school intervention

team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services. (Parent or legal guardian involvement is required at this point.)

- If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. (Parent or legal guardian involvement is required at this point.)
- A school-based component to address intervention and assistance as determined appropriate by the intervention team that includes:
 - Counseling and support to address the needs of the victims of bullying or harassment
 - Interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management)
 - Intervention which includes assistance and support provided to parents/legal guardians, if deemed necessary or appropriate

Report discipline date (s.1006.09(6)):

The school district will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment as an incident code as well as bullying-related as a related element code. The SESIR definition of bullying/harassment is unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting or dehumanizing gesture, by an adult or student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation, or unreasonably interfere with the individual's school performance or participation.

If a bullying and/or harassment incident occurs then it will be reported in SESIR with the bullying/harassment code. If the bullying/harassment results in any of the following SESIR incidents the incident will be coded appropriately using the relevant incident code AND the related element code entitled bullying-related code. Those incidents are:

- Arson
- Battery
- Breaking and Entering
- Disruption on Campus
- Major Fighting
- Homicide
- Kidnapping
- Larceny/Theft

- Robbery
- Sexual Battery
- Sexual Harassment
- Sexual Offenses
- Threat/Intimidation
- Vandalism
- Weapons Possession
- Other Major (Other major incidents that do not fit within the other definitions)

Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System.

The district will provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.

The district ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying. This requires the efforts of everyone in the school environment –teachers, administrators, counselors, school nurses other non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parents/legal guardians, and students.

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.

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:

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.

Each district school shall provide notice to students and staff of this policy through appropriate references in the student code of conduct and employee handbooks, and/or through other reasonable means. The Superintendent shall also make all contractors contracting with the district aware of this policy.

Each school principal shall develop an annual process for discussing the school district policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the district school buses.

L. Hazing

Hazing is prohibited in high schools. Hazing is defined as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into, or affiliation with, any organization or group.

Hazing includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment or other forced activity that could adversely affect the mental health or dignity of the student. "Hazing" does not include customary athletic events or other similar contests or competition, or any activity or conduct that furthers a legal and legitimate objective. Pursuant to F.S. 1006.63, these acts are subject to punishment by law enforcement.

III. PHILOSOPHICAL BASES

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

Schools must make available written rules of conduct to students and parents (see Section I, paragraph 3). Students and parents must assume responsibility for knowing and observing both school rules and state laws which govern student conduct. The written rules of conduct, herein, serve as notification to parents and students that compliance with the standards of conduct, with specific reference to Part V, Paragraph 2 of said document, is mandatory.

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

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

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

Schools have a responsibility to insure the privacy rights of students as specified by law. Students have a responsibility not to abuse these rights by concealing that which is not permitted by law and/or school policy.

Schools shall provide opportunities for student groups to meet in accordance with rules and scheduled use of facilities. Students have a responsibility to conduct themselves and their meetings in accordance with the law and/or school policy.

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.

Instructional or administrative personnel having knowledge that a sexual battery has been committed by a student upon another student must report the offense to a law enforcement agency having jurisdiction over the school plant or over the place where the sexual battery occurred if not on the grounds of the school plant.
Section 1012.56(7)(a)

IV. RIGHTS AND RESPONSIBILITIES OF STUDENTS

Students have rights and responsibilities relative to the knowledge and observation of school rules. They also have definite rights and responsibilities in the areas of attendance, the 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 rights and responsibilities relative to the many aspects of their educational experiences:

A. Rights

1. Students have a right to orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students, in accordance with s. 1003.32.
2. 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.
3. Students have the right to clearly defined information on School Board Rules and individual school policies dealing with attendance.
4. Students have a right to participate in the appropriate school programs at all levels of instruction and in an atmosphere conducive to the teaching-learning process.
5. Students have the right under the direction of a faculty advisor to:
 - a. Form and organize within their respective schools, appropriate student organizations.
 - b. Seek office and participate in activities and organizations regardless of race, sex, color, creed, or political beliefs.
6. 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.
7. Students have the right to:

- a. Be protected by legal provisions which prohibit the release of personally identifiable information to other than legally authorized persons and to inspect, review, and challenge such information as provided by law.
 - 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.
 - c. Prior notification of any general search of lockers except in emergency situations
8. Students have the right to assemble peacefully on school grounds or in school buildings. Exercise of this right shall be denied when it substantially and directly endangers physical health or safety, damages property, or disrupts the school program.
 9. Students have the right to express themselves and to petition and survey student opinion in accordance with the established procedures.
 10. Students have the right to freedom from bullying, hazing or other victimization acts.

B. Responsibilities

1. Students will have the responsibility to report to the district, at the time of initial student registration, any previous expulsions, arrests resulting in a charge or any juvenile justice action taken against the student.
2. Students are responsible for knowing and observing school rules.
3. Students have the responsibility to take advantage of their educational opportunity by attending all classes daily and on time.
4. 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.
- 5. Student organization officers and representatives have the responsibility to be alert to needs of the school, the concerns of the student body and to work toward the satisfaction of these needs and concerns to the best of their ability.
- 6. Students have the responsibility to:
 - a. Respect the person and property of other students and the school staff.
 - b. Take care of the property of the school system.
- 7. Parents, guardians, or eligible students have the responsibility of informing the school and individuals or agencies who are working actively and constructively for the benefit of the student, of any information that may be useful in making appropriate educational decisions.

Students have the responsibility not to carry or conceal any such material that is prohibited by law or would detract from the educational process.

- 8. Students have the responsibility to plan, seek approval, and conduct those activities which are consistent with the educational objectives and responsibilities of the school.
- 9. 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 the school rules.
- 10. Students have the responsibility to report any acts of bullying, hazing or victimization to school officials.

V. RESPONSIBILITIES OF PARENTS

Pursuant to F.S. 1003.24, parents and legal guardians are responsible for sending their children to school. Compulsory school age is extended to the age of 18. An exception is that a student between the ages of 16 and 18 years may terminate

school enrollment upon submitting a formal intent to withdraw which is signed by the student and parent or legal guardian. If a juvenile refuses to attend school or a parent or guardian refuses to compel the child to attend school, the school board will act efficiently and expediently, through the school truancy officer and/or other resources available to the school system, to enforce the compulsory attendance law.

The district shall follow procedures set forth in F.S. 1003.226 for a student who has at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month, or 10 unexcused absences, or absences for which the reasons are unknown, within a 90 calendar-day period pursuant to section 1003.26, F.S.

A habitual truant is a student who has fifteen (15) unexcused absences within ninety (90) calendar days and is subject to compulsory attendance under F.S. 1003.21. School principals are required to report each habitually truant student to the school board. The school superintendent must subsequently, report to the Department of Highway Safety and Motor Vehicles (DHSMV) the name and other identifying information of students who are habitually truant. This agency, (DHSMV) may, consequently, withhold the issuance of or suspend drivers' licenses of students who fail to attend school. A designated school official, as well as the superintendent, may begin proceedings or prosecutions regarding habitual truancy.

VI. SPECIFIC GROUNDS FOR DISCIPLINARY ACTION:

Since misconduct of any degree or frequency is undesirable and not conducive to a positive learning environment for all, students should understand that certain consequences are applicable to their behaviors. Because some behaviors are more serious and disruptive than others, the frequency, nature and degree of the misconduct will determine the specific disciplinary action which will be taken. The Jackson County School Board shall invoke the most severe consequences provided for in the Code of Student Conduct in dealing with students who engage in violent criminal acts on school property, on school sponsored transportation, during school sponsored activities, (Re: 6A-1.0404) at school bus stops or within 1,000 feet of the real property that comprises a public or private school during school hours or activities.

- A. Examples of offenses which would invoke this rule include, but are not limited to:
1. homicide (murder, manslaughter)
 2. sexual battery
 3. armed robbery
 4. aggravated battery

5. assault, battery or aggravated battery on a teacher or other school personnel
6. kidnapping or abduction
7. arson
8. possession, use or sale of any firearm; or production for placement on school property
9. possession, use, or sale of any explosive device or production for placement on school property
10. possession of any sword, sword cane, *firearm, electric weapon or device, destructive device, or other weapon including but not limited to a razor blade, boxcutters, knife, including a common pocket knife, dirk, metallic knuckles, slungshot, billie, teargas gun, chemical weapon or device, or other deadly weapon in the presence of one or more persons in a rude, careless, angry or threatening manner and not in lawful self defense, or an item which can be used as a weapon by any student
11. violence against any school district personnel
12. bomb threats or false reports
13. victimization of students (including bullying and hazing)

The Jackson County School Board takes the position that it is wrong and harmful to use illicit drugs, unlawfully and/or possess or use alcohol. Subsequently, the unlawful possession, use or distribution of illicit drugs and alcohol by students on school premises or as part of any of its activities are prohibited. Guns, knives, including but not limited to razor blades, boxcutters, weapons, or items which can be used as a weapon by a student, including those implied in “10” above, and controlled substances, including alcohol, are prohibited in all schools and at all school-sponsored activities. Students who are apprehended for violation of this policy will be suspended and/or recommended to the Board for expulsion and the offense may be treated as a felony of the third degree. (See Disciplinary Options, Page 18.)

Drug and alcohol counseling and rehabilitation and re-entry programs are available to students through Counseling Alternative, C.A.R.E. and other agencies in the vicinity.

B. Following is a non-exhaustive list of behaviors for which school personnel will take disciplinary and/or responsive action:

- **1. Tardiness
- **2. Absences
3. Disrespect for the teacher
4. Cutting class
5. Failure to follow instruction
6. Loss or damage of materials belonging to the school
7. Disruption of class or school activities

8. Obscene language
9. Libelous statements
10. Teasing and horseplay
11. Cheating and lying
12. Unauthorized assembly
13. Stealing
14. Abusive language
15. Threats of physical violence
16. Damage to school plant and grounds
17. Damage to personal property of students and staff members
18. Defiance
19. Vandalism
20. Fighting
21. Assault and battery
22. Physical or verbal abuse on students or staff members
23. Possession/use of unauthorized substances
24. Use or possession of weapons (see page 12, last paragraph, also, Appendix A)
25. Possession or use of any form of tobacco products in any area utilized by students or designated for student activities and/or in facilities, vehicles and areas designed for various student programs.
26. Victimization of students (including bullying and hazing)
27. Other actions or behaviors which may threaten the health or safety of students
28. Making bomb threats or false reports

*See Appendix A, Gun-Free Schools Act

**No student shall be suspended for unexcused tardiness, lateness, absence or truancy. (F.S. 1006.09(1)(b))

VII. DISCIPLINARY PROCEDURES

Schools and agencies shall maintain reciprocal and active communication and cooperation through avenues such as the existing Juvenile Justice Agreement. Such agreements allow collaboration between schools, law enforcement agencies, the Department of Children and Family Services, and the Juvenile Justice in sharing information that will help school officials make the best decisions regarding students' educational services and placement.

Depending on the seriousness and frequency of the misconduct, certain disciplinary procedures will be followed. For those behaviors which are less serious, as appropriate and necessary, one or a combination of the following actions will be taken:

1. Teacher-student conference
2. Teacher-parent communication
3. Withdrawal of privileges that are within the teacher's jurisdiction
4. Counseling
5. Administrative warnings
6. Assignment to detention
7. Corporal punishment

Repeated occurrences of less serious behaviors may be dealt with in the same manner as misconduct of a more serious nature. Corrective measures shall be taken for such behavior and the discipline options may be taken from the above list and/or the following:

1. Corporal punishment
2. In-school suspension
3. Out-of-school suspension
4. Recommendation for expulsion
5. Alternative Education (Staffing Process Required)
6. Expulsion (only upon principal/superintendent recommendation and Board approval) (See VIII, C, 6)

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

A major consideration in the application of the Code of Student Conduct is to identify the most appropriate disciplinary action necessary to bring about positive student behavior. To that end, the following chart has been developed which defines four levels of student misconduct according to the severity of the misconduct. The chart also provides some typical examples of misbehavior at each level and lists disciplinary actions or options appropriate for each level.

A. Student Misconduct - Level I

Minor misbehavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school.

These misbehaviors can usually be handled by an individual staff member but sometimes require the intervention of other school support personnel. Examples: classroom disturbance, tardiness, failure to follow instructions, cheating and lying.

Disciplinary Options

- Teacher-student conference in-class disciplinary action
- Teacher-parent conference
- Counseling
- Assignment to detention (supervised by a teacher)
- Corporal punishment
- Parent shadowing student
- Saturday School

B. Student Misconduct - Level II

Frequent or serious misbehavior which tends to disrupt the learning climate of the schools.

These infractions, which usually result from the continuation of Level I misbehaviors, require the intervention of personnel on the administrative level because the execution of Level I disciplinary options has failed to correct the situation. Examples: repeated Level I misbehavior, cutting class, truancy, disrespect for teacher, abusive or obscene language.

Disciplinary Options

- Teacher-student conference
- Teacher-student and parent conference
- Administrative Involvement
- In-school suspension or other alternative (examples: school chores, detention, corporal punishment)
- Parent shadowing student
- Saturday school
- Out of school suspension

C. Student Misconduct - Level III

Acts directed against persons or property but whose consequences do not seriously endanger the health or safety of others in the school.

These acts might be considered criminal but most frequently can be handled by the disciplinary mechanism in the school.

Examples: repeated Level II behavior, stealing, fighting, minor vandalism, threat to others, defiance of authority, bullying and hazing, repetitive abusive or obscene language.

Disciplinary Options

- Teacher-student conference
- Teacher-student and parent conference
- Administrative Involvement
- In-School suspension or other alternative (examples: school chores, detention
- corporal punishment)
- Saturday School
- Out-of-school suspension

D. Student Misconduct - Level IV

Acts which result in violence to another's person or property or which pose a direct threat to the safety of others in the school.

These acts are so serious that they must include a Teacher-Student-Parent-Administrator Conference and require administrative actions which may result in the removal of the student from school or alternative placement.

Examples: serious vandalism, assault/battery, threats of physical violence to others, use or possession of weapons, bullying and hazing, unauthorized or controlled substances and other offenses.

Disciplinary Options

- Out-of-school suspension
- Recommendation for expulsion
- Expulsion
- Alternative placement

The Jackson 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 of simple possession of a controlled substance, the student and parent will be offered alternative placement in the ACE program in lieu of expulsion. The terms of the alternative placement shall be as follows:

1. The student will be suspended for nine days and recommended for expulsion.
2. Prior to the expiration of the nine day suspension, the student and parents must notify the school district, in writing, that the student waives his/her right to an expulsion

hearing and agrees to placement in the ACE program on the following terms and conditions:

- a. ACE placement shall be for a minimum of ninety 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 ACE; however, ACE reserves the right to randomly test any student at the school's discretion. Drug testing shall be at the student's expense and it shall be the student's responsibility to schedule the monthly testing and have the testing facility provide the results to the principal of ACE.
- c. The student shall participate in a substance abuse program which shall be approved in advance by the ACE 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 ACE 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 ACE program, he or she shall be expelled for one calendar year and shall not have the right to any further hearing before the Board.

This alternative placement shall only be available for a student's first offense for simple possession of a controlled substance.

E. Possible Criminal Penalties

The following is a list, which includes, but is not limited to, those acts which require disciplinary action by the school and may result in criminal penalties and/or criminal prosecution: F.S. 1001.42; 1006.07; 1006.21; 1006.22; 1006.28; 1012.22.

1. Illegal use, possession, or sale of controlled substances, as defined in Chapter 893

2. Possession of a firearm (as defined in Section 921, Title 18, GFSA), a knife, a weapon, or an item which can be used as a weapon
3. Violence against any school district personnel by a student
4. Violation of school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, is grounds, also, for suspension of the student's privilege of riding on a school bus.
5. Violation of the school board's sexual harassment policy.
6. Possessing or discharging a firearm or weapon, as defined in F.S. 790.001, to school, any school function, or on any school-sponsored transportation or activity. Weapon means any dirk, knife, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon, or device, or other deadly weapon except a common pocketknife, plastic knife, or blunt-bladed knife, except as authorized in support of school sanctioned activities.
7. Making bomb threats or false reports
8. Victimization of students (including bullying and hazing)

F. Interscholastic, Extracurricular Student Activities

In order for a student to be eligible to participate in interscholastic extracurricular student activities, he/she must maintain satisfactory conduct. If the student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, participation in interscholastic extracurricular activities will be denied. A student in the situation described above will not be allowed to participate for a minimum of nine weeks after which a school-based discipline review committee will be convened to determine the status of the student in regard to participation in extracurricular activities.

VIII.

**Jackson County School District
Exceptional Student Education Procedures Regarding the Use of
Manual Physical Restraints, Seclusion Time out, and Time out
Amended July 2009**

Time Out

Definition of Time Out

Time out is defined as a procedure in which access to varied sources of reinforcement is removed or reduced for a particular time period contingent on a response. The opportunity to receive reinforcement is contingently removed from the reinforcing environment, or the reinforcing environment is contingently removed for some stipulated duration.

Specific Requirements for Time Out

When using time out, the individual must ensure the following:

1. The time out was preceded by other interventions which used positive supports that were not effective;
2. The time out takes place in the classroom or other environment where educational activities occur;
3. The student is not physically prevented from leaving time out;
4. The student is monitored for the duration of time out;
5. The time out is for a period of time that does not exceed one minute for each year of the student's age; and
6. The time out ends immediately when the student is calm enough to return to his/her seat, but not to exceed one minute for each year of the student's age.

MANUAL PHYSICAL RESTRAINT

Definition of Manual Physical Restraint

Manual physical restraint is used to describe the use of physical restraint techniques that involve physical force applied by a teacher or other staff member to restrict the movement of all or part of a student's body. It is not an instructional tool for the development of pro-social behavior in the classroom or school. Neither does it involve the use of mechanical restraint devices. The two Jackson County School District approved methods for restraint are *Handle with Care* and *Crisis Prevention Intervention*.

Philosophy of the use of Manual Physical Restraint

There is no dignity in allowing a child to hurt himself or someone else. The student needs to be protected from the physical and emotional consequences of his behavior, and the staff needs to be protected from the physical and emotional consequences of the students' behavior. The student is aware at some level that he is out of control and expects the staff to demonstrate the capacity to help bring him under control safely. A student in crisis will

know the difference between something done for him and something done to him only if we are clear about it first.

Allowable Use of Manual Physical Restraint

Manual physical restraint is only used in situations when the student is so out of control that he/she is highly aggressive and dangerous to himself and/or others. Furthermore, manual physical restraint is only used for the length of time needed to eliminate the threat of harm to self and/or others. Positive behavioral interventions, including a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP), are used consistently and reviewed often to minimize the need for physical restraint. Every opportunity is given to the student to bring behavior under control, and to stop outbursts before full restraint is needed. During a restraint, the student's health will be constantly monitored, and he will receive on-going reassurance that he will be fine and that the angry feelings will pass.

After any manual physical restraint is used, a debriefing will be conducted with the student in order to continue the calming process, explore the student's responsibility for what happened, identify replacement behaviors to be taught, and develop a plan for the student to re-enter the classroom. When using Handle with Care, the Life Space Interview will be used. The student will also be examined for any injury. If any injury occurs, the student will be brought to the health aide immediately.

Personnel Authorized to use Manual Physical Restraint

Manual physical restraint should only be used by school personnel who have mastered the application of approved techniques and received a certificate of mastery under the *Handle with Care* program or *Crisis Prevention Intervention*. School personnel should not apply techniques they have acquired elsewhere. However, there may be situations in which staff members who have not received training are confronted with an emergency situation that poses an immediate and significant threat to the physical safety of a student or other; in those situations staff should be guided by existing Florida Statutes and Florida Administrative Code regarding the use of reasonable force to maintain a safe learning environment. According to State Board of Education Rule 6A-6.05271: Standards for the Use of Reasonable Force, "reasonable force should not be used as an instrument for the educator's anger or frustration or routine classroom control. Reasonable force shall not be used in a way that unnecessarily embarrasses the student(s). Force shall not be used as the usual method of classroom management, but may be used when necessary to maintain a safe and orderly learning environment. Positive interventions and alternatives to the use of reasonable force should be attempted when circumstances permit."

Training

Once a staff member has been trained in *Handle with Care* or *Crisis Prevention Intervention*, he/she will complete a refresher course at least annually. The needs of the students and staff may dictate more frequent training. Staff must successfully complete post-training assessments of knowledge and skills.

Incident Reporting Procedures

The use of manual physical restraint with students in emergency situations is discussed with parents when developing the individual educational plan (IEP) and Behavior Intervention Plan (BIP). If *Handle with Care* or *Crisis Prevention Intervention* is to be used, it will be included on the Behavior Intervention Plan and the parents will sign as their notification of this approved procedure.

Each use of manual physical restraint will be documented on a *Documentation and Debriefing Form*. The parent will be notified by phone if at all possible, and the *Documentation and Debriefing Form* will be sent home and the parent will be asked to sign the form and return it to the school. Jackson Alternative School students will also have documentation of the procedure written on their daily point sheet.

Monitoring and Data Collection

Monitoring the use of manual physical restraint occurs at multiple levels. The teacher monitors and documents the number of times restraint is used with a specific student. If there is recurrent use with a specific student, the teacher will request an IEP meeting to review the existing Functional Behavior Assessment for validity and revise it if necessary. The BIP will be revised based on the Functional Behavior Assessment. The teacher will give a monthly report to the principal on the frequency, duration, and location of manual physical restraint procedure for each student.

The principal will review the monthly reports and analyze the data. In addition to the frequency, duration and location, the principal will also monitor staff involvement, appropriate use, overuse, and notification of parents or guardians. Principals will use the data to initiate IEP reviews and/or BIPs, offer technical assistance to staff, and identify teachers or other staff in need of additional support or training.

Principals of HOPE school and Jackson Alternative School will send the data they have obtained on the Manual Physical Restraint spreadsheet to the ESE Director at the end of each month. The ESE Director will review the data to examine the school's system of positive behavior support, the appropriate application of manual physical restraint, and the instructional programs for student having behavior problems. Principals of schools, other than Jackson Alternative School and HOPE school, will send a copy of the *Documentation and Debriefing Form* each time it is used.

SECLUSION TIME OUT

Definition

Seclusion time out is a specially designed room isolated from other areas of the school. This is used only at Jackson Alternative School and HOPE school campus. It has padded walls for the protection of the student and does not have a door so the room cannot be locked.

Seclusion is used to reduce dangerous/ disruptive behavior and protect the educational environment, the students and the staff. Seclusion is not to be used for disciplinary purposes. Seclusion is used for the following circumstances:

1. As reasonably needed to respond to a person in control of a weapon or other dangerous object;
2. As reasonably needed to maintain order or break up a fight;
3. As reasonably needed for self-defense;
4. As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others.

The student in seclusion is monitored constantly. The student is released from seclusion upon cessation of the behavior/s that led to the seclusion or as otherwise specified in the Individual Educational Plan or Behavior Intervention Plan. Generally, the student must achieve one minute of calm for each year of the student's age. .

Each use of seclusion will be documented on a *Documentation and Debriefing Form*. The parent will be notified by phone on the day of the occurrence. The form will be sent home to be signed by the parent. Use of seclusion is also documented on the daily point sheet at Jackson Alternative School.

1. Handle with Care Behavior Management System Instructor Manual (Gardiner, NY, 2006)
2. "Manual of Recommended Practice: Project REST: Efficacy, Safety and Training" (Charleston, SC: Family Resource Center for Disability and Special Needs, 2004)

IX. DUE PROCESS

A. Procedures:

Upon receiving a recommendation for expulsion and prior to taking action against any student, the school board shall ensure that appropriate due process procedures are followed. If a student committing an offense is identified as disabled and participating in a program for exceptional students, then school personnel shall follow procedures outlined in this document, Section VIII, C, 7 and maintain compliance with Rule 6A-6.0331, FAC. This provision shall not be construed to remove the school board's discretion in cases where mitigating circumstances may affect decisions on disciplinary action.

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 of a teacher, the principal, and the principal's recommendation 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 cause to court. Three requirements govern the question of whether or not a student is afforded due process of a law in school.

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

B. Specific Definitions:

1. Corporal punishment: the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rules. However, the term “corporal punishment” does not include the use of such reasonable force by a teacher or principal as may be necessary for self-protection or to protect other students from disruptive students. (F.S. 1003.01(7))
2. Detention: time spent by the student outside the classroom in a specific location on the school campus with specific assignment.
3. Saturday School: Assignment of a student to a specific location for a designated period of time on Saturday(s).
4. Parent Shadowing: Parent attends all scheduled classes with student for a designated period of time.
5. Suspension
 - a. Out of school suspension is the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal’s designee, for a period not to exceed 10 school days. (F.S. 1003.01(5)(a)). The student must be in custody of the student’s parent or guardian with specific homework assignments for the student.
 - b. In-school suspension is the temporary removal of a student from the student’s regular school program and placement in an alternative program, such as that provided in F.S. 1003.53, under the supervision of school district personnel, for a period not to exceed 10 school days. (F.S. 1003.01(5)(b)).

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.

6. Expulsion: the removal of the right and obligation of a student to attend public school under conditions set by the school Board, and for a period of time not to exceed the remainder of the term or

school year and 1 additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly. (Requires Board approval) (F.S. 1003.01(6)) (See Appendix A for specific definition of expulsion as it pertains to violation of the “Gun-Free Schools Act of 1994”.)

7. Alternative Measures for Students with Special Needs

The Jackson County School Board shall be in accordance with Rule 6A-6.0331(6)(a)(b)(c), FAC. Where the student's behavior could warrant expulsion consistent with the district's policies, the following provisions shall apply:

- a. A staffing committee shall meet to determine whether the misconduct is a manifestation of the student's disability. The membership of the staffing committee shall be in accordance with requirements of Rule 6A-6.0331(2), FAC.
- b. If the misconduct is a manifestation of the student's disability, the student may not be expelled. However, a review of the individual educational plan shall be conducted and other alternatives considered.
- c. If the misconduct is not a manifestation of the student's disability, the student may be expelled. However, any change in placement shall not result in a complete cessation of special education and related services.
- d. The Director of Exceptional Student Education shall be consulted when applying the above measures.

8. Each student has certain rights when under interrogation by police.

- a. Principals shall permit police officers and identified representatives from the court on official business to serve students with arrest or search warrants and subpoenas.
- b. Principals shall permit police officers or identified representatives of the court on official business to interview students who are victims or witnesses of a crime or delinquent act or students who are involved in suspected child abuse cases. In a child protective investigation or a criminal investigation, when the initial interview with the child is conducted at school, the department or the law enforcement agency may allow, notwithstanding the provisions of s. 39.0132(4), a school staff member who is

known by the child to be present during the initial interview if: (a) The department or law enforcement agency believes that the school staff member could enhance the success of the interview by his or her presence; and the success of the interview by his or her presence; and (b) The child requests or consents to the presence of the school staff member at the interview. School staff may be present only when authorized. Information received during the interview or from any other source regarding the alleged abuse or neglect of the child shall be confidential and exempt from the provisions of s. 119.07(1), except as otherwise provided by court order. A separate record of the investigation of the abuse, abandonment, or neglect shall not be maintained by the school or school staff member. Violation of this subsection constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

- c. When a law enforcement officer, or an identified representative of the court on official business, makes a request to interrogate a student who is not a victim or witness of a crime or delinquent act or involved in a suspected child abuse case, the following steps shall be taken by the administrator, or his designee.
- 1) The parent shall be called and notified of the request, and should give approval for the conference.
 - 2) If the parent objects to such questioning, the parent shall be asked to appear at the school to remove the student or request the officer to make an arrangement with the parent for an appointment at the student's home.
 - 3) If the parent cannot be contacted, the officer shall be requested to make arrangements for questioning the student at a later date when the parents or their representative can be present, unless an emergency situation exists, in which case the student may be called to the administration office; and the principal, or his designee shall supervise the conference. Factors to determine whether or not an emergency exists shall include, but shall not be limited to, the severity of the crime or delinquent act, the degree or danger to other persons or property caused by any

delay in the investigation, and whether or not information about the matter being investigated is likely to become unreliable with the passage of time.

9. Each student has certain rights when a police officer or an identified representative of the court wishes to remove a student from school premises.
 - a. Should the officer request to take the student out of the school, he shall do so only with the consent of the parents or with a subpoena which requires the student to be a witness. If the officer desires to make an arrest, either with or without an arrest warrant, he shall be allowed to do so without objection by the administrator or teacher in charge. If a student is removed by an officer, the administrator shall endeavor to notify the parents prior to the student's removal from the school premises or as soon thereafter as possible.
 - b. If a police officer demonstrates to a principal or his representative that a child needs to be taken into protective custody, pursuant to Section 39.401 F.S., the officer shall be permitted to remove the student.
 - c. Should the officer request to take the student out of school, he should be permitted to do so under the aforementioned conditions and upon the condition that he sign a release order.
 - d. Release Orders shall be signed in triplicate, with the original being filed in the office of the Superintendent, a copy to the parents, and a copy retained in the school files.

C. Discipline Records

Student discipline records shall be maintained and kept on file at the school until three years after the date of graduation.

X. POSSESSION AND/OR USE OF WIRELESS COMMUNICATION DEVICES

A. Possession of Electronic Communication Devices

The Jackson County School District reserves the right to define the educational value of any new electronic wireless communication devices

that may become available to the general public in the future and to prohibit their use if they have little or no educational value or if such use creates learner distraction or disruption.

1. Students may carry an electronic communication device to school and school-sponsored activities, however, the use of wireless communication devices before school and during the school day is prohibited and they shall be turned completely off and kept out of sight.
2. Electronic communicative devices include, but are not limited to, two-way radios, cellular phones and pagers, as well as PDA's and laptops with two-way messaging capabilities.
3. Wireless communication usage is not allowed before school and during the school day on any portion of the school campus at any time during the school day, including school-sponsored activities during the school day unless an emergency situation exists, as defined by District or school staff.
4. Wireless communication device usage by students while riding to and from school on the bus, or on the bus during school-sponsored activities is prohibited. Distracting behavior that creates an unsafe environment will not be tolerated.
5. It is the students' responsibility to ensure that their wireless communication devices are turned off and out of sight during unauthorized times. Students who violate the above restrictions shall be deemed to have created a disruption to the instructional environment and are subject to disciplinary action including suspension as well as confiscation and return of the device to the student, student's parents or guardians after the end of the school day.
6. Students shall be personally and solely responsible for the security of their wireless communication devices. The Jackson County School Board shall not assume responsibility for theft, loss, or damage of a device, or unauthorized calls made on a cell phone.

XI. ELEMENTARY SCHOOL ATTENDANCE POLICY

Purpose

To establish procedures and guidelines for implementing the Elementary School Attendance Policy to be utilized by parents, students and school and district staff.

Procedures

A. General Procedures

1. All questions relating to the attendance policy are to be directed to the school.
2. Each of the schools will document attempts to notify parents of each absence. However, failure to successfully notify parents/guardians shall not negate the attendance policy.
3. The 20-day attendance report signed by the teacher and/or the teacher's gradebook will be the final authority in determining the number of absences for each student.

B. Tardies and Checkouts

1. A student who arrives to school after the scheduled beginning time will be recorded as tardy for that day.
2. A student who is checked out before the class or school day is officially over will be declared a "checkout". Checkouts are recorded in the school office. However, it is the right of the school principal to excuse any student from any consequence arising from recorded checkouts.
3. Students who have eight (8) tardies and/or unexcused checkouts in a nine (9) week period will be referred to the principal or his designee for a child study team. The parent must attend this child study team. The child study team, at this meeting, will address the tardies/checkouts and will make an effort to work with the parent to ensure that the child is in attendance. ANY future failures to have the child in attendance for a full day during that nine week period may result in the child/parent being referred to Truancy Court.

4. The 20-day attendance report signed by the teacher and/or the teacher's gradebook will be the final authority in determining the number of tardies for each student. However, it is the right of the school principal to excuse any student from any consequence arising from recorded tardies.
5. Tardies, checkouts, and absences are all part of the Jackson County Attendance Policy, therefore, all attendance will be transferred along with other school records.

C. Absences

1. Students are to sign in/out when missing school for excusable appointments or emergencies and are to comply with the individual school procedures established with the school's attendance office. Failure to sign out may result in an unexcused absence and the consequences thereof.
2. Excused Absence

Excused absences will be given for the following reasons:

- Religious instruction and/or religious holidays.
- Sickness, injury or other medical condition.
- Other academic classes or programs.
- School leave – school approved trips such as instructional field trips, club events, athletics, etc.
- Educational trips – when requested by parents, trips for educational purposes may be granted.
- Pre-approved absences – absences from school approved by the administration prior to occurrence.
- Funerals
- Legal reason (documentation must be provided).

Students **MUST** bring a written excuse to explain their absence. A parent note will be accepted for any FOUR (4) absences during a nine (9) week period. Any other absences, after the fourth absence, will only be excused with a note from a doctor, dentist, funeral program of an immediate family member, religious holiday or documentation for a legal reason. Students **MUST** turn in excuse notes to the teacher within three (3) days after an absence. Excuse notes brought in after three (3) days will not be accepted. After the fourth (4) unexcused absence in a nine-week period a mandatory child study team will be held.

D. Child Study Team Attendance Conference

The child study team shall implement interventions that best address the attendance problems. These may include, but not be limited to:

1. frequent communication between the teacher and the family
2. changes in the learning environment
3. mentoring
4. student counseling
5. tutoring, including peer tutoring
6. placement into different classes
7. evaluation for alternative education programs
8. attendance contracts
9. referral to other agencies for family services
10. other interventions, including, but not limited to a truancy petition pursuant to s.984.151

The child study team shall work diligently in facilitating the intervention services, however, if a parent refuses to attend the child study team meeting, the child/parent will be referred to Truancy Court.

E. Enforcement

If the child study team efforts are unsuccessful in resolving the truancy/absence the Superintendent shall institute a criminal prosecution against the child/parent once the child becomes habitually truant under state law.

The Superintendent or his designee may file a truancy petition referring child/parent to Truancy Court and/or refer to Children and Family Services for reduction in cash assistance.

XII. MIDDLE AND HIGH SCHOOL ATTENDANCE POLICY

The purpose of the middle and high school attendance policy is to establish procedures and guidelines for implementing the High school Attendance Policy to be utilized by parents, students and school and district staff.

A. General Procedures

1. All questions relating to the attendance policy are to be directed to the school. The concerned party should contact the school's attendance office for clarification first and then, if not satisfied, the school principal.

2. Each of the schools will document attempts to notify parents of each absence. However, failure to successfully notify parents/guardians shall not negate the attendance policy.
3. Students will be allowed to make work up provided that the absence is excused. However, an unexcused absence will result in the student not being allowed to make up work for that class.

B. Tardies

1. A student who arrives unexcused to class after the scheduled beginning time will be recorded as tardy for that class.
2. A student more than ten minutes unexcused tardy to class is to be marked “unexcused absent” for that class.
3. Consequences for an unexcused tardy in a class may include, but are not limited to:
 - a. First tardy: verbal or written warning.
 - b. Second tardy: in-school detention, detention during lunch or after school.
 - c. Third tardy: in-school suspension, or as determined by the principal.
 - d. Fourth and subsequent tardies will be marked as “unexcused absent” and parent will be notified and notification documented.
4. The attendance scan sheet, signed by the teacher, and the teacher’s gradebook will be the final authority in determining the number of tardies for each student. However, it is the right of the school principal to excuse any student from any consequence arising from recorded tardies.

C. Absences

1. Students are to sign in/out when missing a class for excusable appointments or emergencies and are to comply with the individual school procedures established with the school’s attendance office.

Failure to sign out may result in an unexcused absence and the consequences thereof.

2. Excused Absence

Excused absences will be given for the following reasons:

- Religious instruction and/or religious holidays.
- Sickness, injury or other medical condition.
- Other academic classes or programs.
- School leave – school approved trips such as instructional field trips, club events, athletics, etc.
- Educational trips – when requested by parents, trips for educational purposes may be granted.
- Pre-approved absences – absences from school approved by the administration prior to occurrence.
- Funerals
- Legal reason (documentation must be provided).

Students must bring a written excuse to explain their absence. A parent note within reason with an excuse will be accepted for any three absences during a nine (9) week period. Any other absences will only be excused with a note from a doctor, dentist, funeral program of an immediate family member, or documentation for a legal reason. Students must turn in excuse notes to the office within five (5) days after an absence. Excuse notes brought in after five (5) days will not be accepted.

3. Unexcused Absence

Students shall receive a zero for all work missed and will not be allowed the privilege to makeup work. All unexcused absences in excess of three (3) will require an attendance conference with the parent/guardian and student in order for the absences to be designated as excused/unexcused. A parent/guardian must request an attendance conference within five (5) calendar days of the student's return to school, after all unexcused absences in excess of three (3). When a student has four (4) or more unexcused absences in a class during a nine (9) week grading period, that student will receive a grade of no more than F/59 and will be referred to Truancy Court.

If a student has received a 59/F as a result of unexcused absences, the student's attendance will be checked the following 9 weeks. If the student has no unexcused absences or tardies, the preceding 59/F will be forgiven and replaced with the appropriate grade earned for that 9 weeks of that school year.

4. The attendance edit sheet, signed by the teacher, and the teacher's grade book will be the final authority in determining the number of absences for each student.

D. Attendance Conference

1. In order to appeal an unexcused absence, the student and parent must request a hearing, at the school.
2. The Child Study Team will hear and rule on the appeal.
3. The principal may overrule the findings of the Child Study Team should special circumstances occur or excuse any student from any consequence arising from recorded absences.

E. Non-compliance with Attendance Requirements for Students Under Sixteen Years of Age

1. Contact – Upon each unexcused absence, or absence for a period or day for which the reason is not known, the principal or his or her designee shall contact the student's parent.
2. Refer – If the student exhibits a pattern of nonattendance, that is a student who has 5 absences (excused or unexcused) in a rolling 30 day cycle calendar period or 10 in a rolling 90 day cycle calendar period, the principal shall refer the parent and student to the Child Study Team. If the initial meeting does not resolve the problem, the child study team shall implement intervention that best addresses the problems. These may include, but not be limited to:
 - frequent communication between the teacher and the family
 - changes in the learning environment
 - mentoring
 - student counseling
 - tutoring, including peer tutoring
 - placement into different classes
 - evaluation for alternative education programs
 - attendance contracts
 - referral to other agencies for family services
 - other interventions, including, but not limited to a truancy petition pursuant to s.984.151

The Child Study Team shall work diligently in facilitating the intervention services, however, if a parent or child refuses to attend the CST meeting, the child and parent will be referred to truancy court.

3. Enforcement

- a. If the Child Study Team efforts are unsuccessful in resolving the truancy/absence programs, the Superintendent shall institute a criminal prosecution against the student/parent once the student becomes habitually truant under state law.
- b. The Superintendent, or his designee may file a truancy petition, notify the Department of Highway Safety and Motor Vehicles, refer to Truancy Court or refer to Children and Family Services for reduction in cash assistance.

APPENDIX A

Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act

I. Introduction

This guidance provides information concerning State and local responsibilities under the Gun-Free Schools Act (GFSA), which was reauthorized by the No Child Left Behind (NCLB) Act of 2001 (Public Law 107-110), as Section 4141 of the Elementary and Secondary Education Act of 1965 (ESEA). This guidance addresses changes made as a result of the NCLB reauthorization.

II. Background

As originally enacted on March 31, 1994, as part of the Goals 2000: Educate America Act (Public Law 103-227), and reauthorized on October 20, 1994, as part of the Improving America's Schools Act of 1994 (Public Law 103-382), the GFSA required each State receiving ESEA funds to have in effect a State law requiring local educational agencies (LEAs) to expel from school for a period of not less than one year a student who was determined to have brought a weapon to school. The GFSA also required that a State's law allow the chief administering officer of the LEA in question to modify the expulsion requirement on a case-by-case basis. The U.S. Department of Education (Department) provided nonregulatory guidance on previous GFSA provisions to Governors and Chief State School Officers on August 1, 1994; January 20, 1995; November 3, 1995; and October 2, 2000.

III. Summary of the New Law

A. What stayed the same?

LEAs are still required to have an expulsion policy consistent with the required State law to be eligible to receive ESEA funds. LEAs must have a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm to a school under the control and supervision of an LEA. In accordance with the GFSA, no ESEA funds may be made available to an LEA unless that LEA has the required referral policy.

The GFSA still must be construed in a manner consistent with the Individuals with Disabilities Education Act (IDEA). By using the case-by-case exception, LEAs will be able to discipline students with disabilities in accordance with the requirements of Part B

of the IDEA and Section 504 of the Rehabilitation Act (Section 504) and maintain eligibility for Federal financial assistance. The Department has issued separate, more detailed guidance on discipline of students with disabilities, which includes clarification on the implementation of the GFSA consistent with IDEA and Section 504. More information can be found at www.ed.gov/offices/OSERS/Policy/IDEA/Discipline_qa.doc

B. What changed?

Under the NCLB, certain statutory provisions were clarified to ensure that States and LEAs comply fully with the intent of the GFSA. Clarifications to the GFSA include:

- (1) That the existing one-year expulsion requirement in each State's law include students who are determined to have possessed a firearm at school;
- (2) A requirement that the chief administering officer of the LEA develop a written record of any case-by-case modifications of the one-year expulsion requirement;
- (3) That the GFSA does not apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency (LEA), so long as the LEA adopts appropriate safeguards to ensure student safety.

Although States are not required to revise their State laws as a result of these clarifications, a State or LEA may consider implementing or revising its policies to address the revised GFSA requirements.

The Department has prepared the following questions and answers to assist States, State educational agencies (SEAs), and LEAs in implementing the GFSA requirements. Please note that most of the questions and answers have been revised as a result of the reauthorized GFSA.

IV. Questions and Answers

Q1. What entities do the provisions of the GFSA affect?

A1. Each State, as well as its SEA and LEAs, has responsibilities under the GFSA.

Q2. Are private schools subject to the requirements of the GFSA?

A2. Private schools are not subject to the provisions of the GFSA, but private school students who participate in LEA programs or activities are subject to the one-year expulsion requirement to the extent that such students are under the supervision and control of the LEA as part of their participation in the LEA's programs. For example, a private school student who participates in a Federal program, such as

Title I, is subject to a one-year expulsion, from participating in any Federal program funded under the ESEA, not a one-year expulsion from the private school. Of course, nothing prohibits a private school from imposing a similar expulsion from the private school on a student who brings a weapon to school or possesses a weapon at school.

- Q3. Is compliance with the requirements of the GFSA a condition for the receipt of Federal financial assistance under the ESEA?
- A3. Yes, compliance with the requirements of the GFSA is a condition for the receipt of funds made available to the State under the ESEA (and also under Title VII of the McKinney-Vento Homeless Assistance Act).
- Q4. Will failure to comply with the requirements of the GFSA result in the termination or withholding of funds made available to the State under the ESEA?
- A4. Under the provisions of the General Education Provisions Act, failure to comply with the requirements of the GFSA could result in the withholding of funds made available to the State under the ESEA (and under Title VII of the McKinney-Vento Homeless Assistance Act).
- Q5. Does the GFSA's one-year expulsion requirement preclude any due process proceedings?
- A5. No. Students facing expulsion from school are entitled under the U.S. Constitution and most State constitutions to the due process protection of notice and an opportunity to be heard. If, after due process has been accorded, a student is found to have brought a firearm to school, or to have possessed a firearm at school, the GFSA requires an expulsion for a period of not less than one year (subject to the case-by-case exception discussed below).
- Q6. What does the GFSA require of States?
- A6. The GFSA requires that each State receiving Federal funds under the ESEA: (1) have in effect a State law requiring LEAs to expel from school for a period of not less than one year a student who is determined to have brought a firearm to school, or to have possessed a firearm at school; (2) have in effect a State law allowing an LEA's chief administering officer to modify the expulsion requirement on a case-by-case basis, if such modification is in writing; and (3) report to the Secretary on an annual basis concerning information submitted by LEAs to the SEA. SEAs must also ensure that no ESEA funds are made available to an LEA that does not have a referral policy consistent with Section 4141(h) of the GFSA. Details on these requirements follow.

One-Year Expulsion Requirement

Each State's law must require LEAs to comply with a one-year expulsion requirement; that is, subject to the exception discussed below, any student who brings a firearm to school, or possesses a firearm at school, must be expelled for not less than one year.

Case-By-Case Exception

Each State's law must allow the chief administering officer of an LEA to modify the one-year expulsion requirement on a case-by-case basis, but only if the modification is in writing. For children with disabilities, the provisions of IDEA apply. The GFSA must be construed in a manner consistent with IDEA.

Annual Reporting

Each State must report annually on LEA compliance with the one-year expulsion requirement, and on the circumstances surrounding any expulsions imposed under the State law, including the number of students expelled in each LEA and the types of firearms involved.

Q7. What does the GFSA require of LEAs?

A7. The GFSA requires that LEAs (1) comply with the State law requiring the one-year expulsion; (2) provide an assurance of compliance to the SEA; (3) provide descriptive information to the SEA concerning the circumstances surrounding any LEAs' expulsions; and (4) adopt a referral policy for students who bring a firearm to school or possess a firearm at school. Details follow.

One-Year Expulsion Requirement

LEAs must comply with the State law requiring a one-year expulsion; that is, subject to the case-by-case exception, and for children with disabilities, the requirements of IDEA, any student who brings a firearm to school, or possesses a firearm at school, must be expelled for not less than one year. A case-by-case exception must be in writing and may include children with disabilities in order to meet the requirements of IDEA.

LEA Assurance

An LEA must include in its application to the SEA for ESEA assistance an assurance that the LEA is in compliance with the State law requiring the one-year expulsion.

Descriptive Report to SEA

An LEA must include in its application for ESEA assistance a description of the circumstances surrounding expulsions imposed under the one-year expulsion requirement, including:

- (A) the name of the school concerned;
- (B) the number of students expelled from the school; and
- (C) the type of firearms concerned.

Referral Policy

LEAs must also implement a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm to school or possesses a firearm at school.

- Q8. In annual compliance reports, must LEAs and SEAs include information about an infraction under the GFSA even if the case-by-case modification provisions are used and no penalty is imposed?
- A8. Information about any incidents covered by the GFSA must be included in annual reports furnished by LEAs and SEAs. Each incident in which a student is found to have brought a firearm (meeting the definition at 18 U.S.C. 921) to school, or to have possessed a firearm at school, must be reported as an infraction, even if the chief administering officer elects to shorten the expulsion or impose no penalty. Any incidents in which a student covered by the provisions of the IDEA brings a firearm to school must also be included, even if it is determined that the incident is a manifestation of the student's disability and that the GFSA penalties should be modified or not imposed. Modifications of the one-year expulsion requirement must also be reported.
- Q9. When must an LEA submit the required assurance?

A9. In its application to the SEA for ESEA funds, the LEA must include an assurance that the LEA is in compliance with the State law. The assurance must be included each time the LEA files such an application.

Q10. What is the role of the SEA in determining whether an LEA is in compliance with the GFSA?

A10. The GFSA requires States to report to the Secretary on an annual basis concerning LEA compliance. Therefore, before awarding any ESEA funds to an LEA, the SEA must ensure that the LEA has: (1) implemented a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm to school; and (2) included in its application for ESEA funds the assurance and other information required by the GFSA. SEAs must ensure that the LEA application contains:

- (1) an assurance that the LEA is in compliance with the State law requiring the one-year expulsion; and
- (2) a description of the circumstances surrounding expulsions imposed under the one-year expulsion requirement, including:
 - (A) the name of the school concerned;
 - (B) the number of students expelled from the school; and
 - (C) the type of firearms concerned.

Q11. Who is an LEA's "chief administering officer"?

A11. The GFSA allows only the LEA's chief administering officer to modify the one-year expulsion requirement on a case-by-case basis. However, the term "chief administering officer" is not defined by the GFSA. Each LEA should determine, using its own legal framework, which officer or authority (e.g., Superintendent, Board, etc.) is the chief administering officer under the GFSA and has the power to modify the expulsion requirement.

Q12. May any individual or entity other than the LEA's "chief administering officer" modify the one-year expulsion requirement on a case-by-case basis?

A12. No. While, the chief administering officer may allow another individual or entity to carry out preliminary information-gathering functions and prepare a recommendation for the chief administering officer, the chief administering officer retains the responsibility for the final decision.

Q13. What procedural requirements must the LEA's chief administering officer follow in modifying the one-year expulsion requirement?

A13. Modifications of the one-year expulsion requirement must be issued in writing by the chief administering officer.

Q14. Is it permissible for an LEA to use the case-by-case exception to avoid compliance with the one-year expulsion requirement?

A14. No, this exception may not be used to avoid over-all compliance with the one-year expulsion requirement.

Q15. How is the term "firearm" defined?

A15. For the purposes of the GFSA, the term "firearm" is defined in Section 921(a) of Title 18 of the United States Code.

According to Section 921(a), the following are included within the definition:

--any weapon (including a starter gun) that will be, or is designed to or may readily be, converted to expel a projectile by the action of an explosive

--the frame or receiver of any weapon described above

--any firearm muffler or firearm silencer

--any destructive device, which includes:

(a) any explosive, incendiary, or poison gas, including a

- (1) bomb,
- (2) grenade,
- (3) rocket having a propellant charge of more than four ounces,
- (4) missile having an explosive or incendiary charge of more than one-quarter ounce,
- (5) mine, or
- (6) similar device

(b) any weapon that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter

(c) any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled

According to Section 921, antique firearms are not included in the definition. In addition, we have been advised by the Bureau of Alcohol, Tobacco, and Firearms that Class-C common fireworks are not included in the definition of firearm. For additional information about whether a particular weapon is a "firearm" under this definition, contact the Safe and Drug-Free Schools Program at (202) 260- 3954 for a referral to the nearest Bureau of Alcohol, Tobacco, and Firearms field office.

Q16. Does the GFSA preclude classes such as hunting safety or military education, or activities such as before- or after-school hunting, or rifle clubs, that may involve the handling or use of weapons?

A16. No. The statute specifically states that the requirements of the GFSA do not apply to a firearm lawfully stored inside a locked vehicle on school property, or to activities approved and authorized by an LEA, provided that the LEA has adopted appropriate safeguards to ensure student safety.

The Secretary interprets the GFSA not to forbid school districts from allowing firearms at school when students intend to use firearms solely for before- or after-school hunting purposes, provided the school district's determination to permit firearms is made and disseminated in advance, as part of LEA policy, and is consistent with the intent and purposes of the GFSA to prevent violence and create an environment conducive to learning. For example, if a local school district approves an extra-curricular program such as a rifle club, or allows students to bring firearms solely for before- or after-school hunting, the activities would not violate the GFSA if the school district:

- determines that the activity is consistent with the intent and purposes of the GFSA;
- provides notice as part of its GFSA policy that the activities are approved and authorized; and
- adopts appropriate safeguards to ensure student safety.

If any firearms are to be allowed for these limited purposes, local school districts are cautioned to consider all applicable local, State, and Federal laws pertaining to the possession of firearms. In particular, school districts should be aware that Federal and some State laws prohibiting juveniles from possessing handguns may be applicable. School districts that permit students to bring firearms to school for these limited purposes must adopt appropriate safeguards to ensure student safety, consistent with the purposes of the GFSA.

Q17. Are knives considered firearms under the GFSA?

A17. No, for the purposes of the GFSA, the definition of firearm does not include knives.

Q18. What is meant by the term "expulsion"?

A18. The term "expulsion" is not defined by the GFSA; however, at a minimum, expulsion means removal from the student's regular educational program. Expulsion does not mean merely moving a student from a regular program in one

school to a regular program in another school. Care should be taken by local officials to ensure that a student who is determined to have brought a firearm to school, or to have possessed a firearm at school, is effectively removed from that setting.

Q19. Is a State, SEA, or LEA required to provide alternative educational services to students who have been expelled for bringing a firearm to school?

A19. The GFSA neither requires nor prohibits the provision of alternative educational services to students who have been expelled. Other Federal, State, or local laws may, however, require that students receive alternative educational services in certain circumstances.

Q20. What is an "alternative setting" for the provision of educational services to an expelled student?

A20. An alternative setting is one that is clearly distinguishable from the student's regular school placement. Alternative settings are typically established for students who have been removed from the regular school program.

Q21. Is Federal funding available to provide educational services in alternate settings?

A21. Yes, formula grants awarded under the Safe and Drug-Free Schools and Communities Act (SDFSCA) may be used for alternative educational services. However, SDFSCA funds may be used only to supplement, and not supplant, existing funds that support such activities. In addition, other Federal funds may be available for alternative educational services, consistent with each program's statutory and regulatory requirements.

Q22. Do the requirements of the GFSA conflict with requirements that apply to students with disabilities?

A22. No. Compliance with the GFSA may be achieved consistent with the requirements that apply to students with disabilities, so long as discipline of those students is determined on a case-by-case basis in accordance with the IDEA and Section 504. The Department has issued separate, more detailed guidance on discipline of students with disabilities, which includes clarification on the implementation of the GFSA consistent with IDEA and Section 504 www.ed.gov/offices/OSERS/Policy/IDEA/Discipline_qa.doc

Q23. Is it permissible to expel a student for a school year rather than a year?

A23. No. The statute explicitly states that expulsion shall be for a period of not less than one year.

Q24. Does the expulsion requirement apply only to violations occurring in the school building?

A24. No. The one-year expulsion requirement applies to students who bring firearms to, or possess firearms at, any setting that is under the control and supervision of the LEA.