

FLAGLER COUNTY PUBLIC SCHOOLS



Code of Student Conduct

2009-2010 School Year

School Board Approved July 7, 2009

**Mr. Bill Delbrugge
SUPERINTENDENT**

Flagler County School Board

| | |
|-----------------------|------------------------------|
| Chair | Evelyn Shellenberger |
| Vice Chair | Peter Palmer |
| Member | Sue Dickinson |
| Member | Colleen Conklin |
| Member | Andy Dance |
| Student Member | Vincent Scerbo, FPCHS |
| Student Member | Keith Simpson, MHS |

Flagler County Schools is an equal opportunity institution for education and employment. It is the policy of the School Board of Flagler County that each student regardless of race, color, creed or religion, gender, marital status, national origin, age, disability, or sexual orientation has the right to an opportunity for an education.

District Phone Numbers

(Local Area Code: 386)

| | |
|--------------------------------|----------|
| Adult & Community Education | 446-7612 |
| Belle Terre Elementary School | 447-1500 |
| Buddy Taylor Middle School | 446-6700 |
| Bunnell Elementary School | 437-7533 |
| District Office | 437-7526 |
| Flagler Palm Coast High School | 437-7540 |
| Indian Trails Middle School | 446-6732 |
| Matanzas High School | 447-1575 |
| Old Kings Elementary | 517-2060 |
| Pathways Alternative School | 586-2124 |
| Rymfire Elementary | 206-4600 |
| Transportation Department | 586-2145 |
| Wadsworth Elementary | 446-6720 |

Questions or concerns relating to this document may be directed to the individual school's Principal/designee or the Director of Student Services at the District Office.

For your convenience, this document is also available online at www.flaglerschools.com. All updates during the school year are online only.

The *Code of Student Conduct* shall be in force twenty-four hours a day, seven days a week on all school campuses, and at all school functions, whether on or off school campus. This document is intended for use by students, faculty, staff, and parents. The safety and security of students is everyone's responsibility. Any and all threats of harm by a Flagler County student should be immediately reported to school staff. The school will work to protect the confidentiality of all involved within the limits of the law.

District Vision and Beliefs

We believe that we will become an internationally competitive school system when we direct our varied resources, talents, dollars, and skills in a manner which is consistent with our beliefs.

Belief #1: *We believe* that the academic culture provided to students will be of the highest caliber when every decision is made on the basis of what is best for students.

Belief #2: *We believe ALL* students will learn and excel when provided with authentically engaging work based on high standards that is given in a risk-free environment.

Belief #3: *We believe* in order to provide an internationally competitive education to all students that teamwork, open communication, honesty and trust must be part of all working relationships.

Belief #4: *We believe* that all our educators, teachers, support staff, administrators, and School Board Members have special talents and strengths that have a positive impact on student achievement. Educators are encouraged to pursue continual professional development and model life-long learning.

Belief #5: We believe that parents are an integral part of student success. By working together parents, students, community members and teachers will provide the level of support that is necessary for students to reach their maximum potential.

CODE OF STUDENT CONDUCT
Table of Contents

| | |
|--|-------|
| Introduction | p. 5 |
| Positive Behavior Support (PBS) | p. 5 |
| Zero Tolerance Policy | p. 6 |
| Attendance Policy | p. 6 |
| Dress Code | p. 9 |
| Student Rights | p. 10 |
| Notice of Parent Rights Under Section 504 | p. 10 |
| Notice of Rights Concerning Student Records (FERPA) | p. 11 |
| Health Information Portability and Accountability Act (HIPPA) | p. 12 |
| Health Information Rights | p. 13 |
| Notice of Protection of Pupil Rights Amendment (PPRA) | p. 14 |
| Notice of Availability of No Child Left Behind Report | p. 15 |
| Appeals Procedure for Discipline Concerns | p. 15 |
| Searches and Seizures | p. 16 |
| Secret Societies, Sororities, and Fraternities | p. 16 |
| Hazing | p. 16 |
| Investigations at School | p. 17 |
| Misconduct That May Result In Discipline | p. 18 |
| Offenses That Require Specific Consequences: Tobacco, Drugs, Weapons, Felony Charges, Violence, and Gang Activities | p. 19 |
| Judicial “No Contact” Orders | p. 23 |
| Prohibited Items | p. 24 |
| Disciplinary Action | p. 24 |
| Expulsion | p. 25 |
| Acceptable Use Policy and Guidelines for Network Access | p. 27 |
| Flag Display and Pledge Policy | p. 29 |
| Discipline for Students with Disabilities | p. 29 |
| Sexual Harassment Policy | p. 30 |
| Harassment Policy | p. 32 |
| Grievance Procedure for Harassment | p. 33 |
| Conduct on School Buses | p. 35 |
| Notification of Electronic Collection of Funds | p. 39 |
| Appendix A – Glossary of Terms | p. 40 |
| Parent & Student Acknowledgment | p. 46 |

Parent and Student Acknowledgment of Code of Student Conduct
must be signed and returned (page 46).

INTRODUCTION

The purpose of this *Code of Student Conduct* (legal authority: F.S. 1006.07) is to provide information relative to policies, rules, rights, responsibilities, and disciplinary actions that may affect students as they experience the educational process in the Flagler County Public Schools. It is not intended that this booklet be totally comprehensive, but it will reflect the basic policies and procedures in effect for this school district.

These statements will be broadly established, and the individual schools of the district may find it advisable to further refine them in their handbooks/planners in order to take into account each school's particular situation and conditions.

For the purposes of this *Code*, the term "parent" also includes "legal guardian" and the term "principal" or "administrator" will also include "designee".

It is the desire of the School Board and all educational personnel to create a healthy, positive, and safe environment for our students and staff. In order to accomplish this task, definitions must be made as to student conduct and related terms (See Appendix A).

These guidelines have been developed in order to present the expectations that the School District has for its students. Please read this handbook carefully and retain for reference throughout the school year. Students are encouraged to make good decisions because there are serious consequences for making bad decisions. As part of the school watch program within the school setting, students are encouraged to promote responsibility among students and to assist in the control of criminal and/or inappropriate behavior(s) within the schools.

All parents, students, and school employees should read and be familiar with the contents of this *Code*. If further information is needed, any school official will be able to supply information, identify an appropriate resource office, and help you find the answer to your concern.

The respective roles of the home and the school should reflect the values we want students to use daily. The Flagler County School District recognizes the need for a team effort in the educational process. Positive efforts are required of all parties involved in the educational process for maximum success to be attained. School staff, students, and parents must work together in order to maximize a student's success at school. We commit to working with and supporting families, and we need parents to work with and support us.

POSITIVE BEHAVIOR SUPPORT (PBS)

Elementary and middle schools in Flagler County use a behavior management system (PBS) which notes and rewards appropriate behavior. Each school has its own system of rewards for students who meet certain behavioral criteria. As part of this system, students participate in a universal behavior screening. Questions regarding this should be directed to the administration at the individual schools.

ZERO TOLERANCE POLICY

The Florida Board of Education has established a Zero Tolerance Policy on school violence, crime, and the use of weapons as a part of a comprehensive approach to reducing school violence. It is an effort to provide an environment that is drug-free and protects students' health, safety, and civil rights. The goal emphasizes the personal responsibility of students and the necessity of involving all stakeholders, including parents, in achieving this goal.

This policy requires school districts to consider the most severe consequences provided for in the *Code of Student Conduct* in dealing with students who engage in violent criminal acts, such as homicide (murder, manslaughter); sexual battery; armed robbery; aggravated battery; battery or aggravated battery on a teacher or other personnel; kidnapping or abduction; arson; possession, use, or sale of any firearm; possession of a concealed weapon; possession with intent to sell a controlled substance; or possession, use, or sale of any explosive device on school property, on school-sponsored transportation, or during school-sponsored activities. The Zero Tolerance Policy does not apply to minor discipline issues.

In addition to this Zero Tolerance Policy for school-related crime, Section 1006.15 F.S. places certain restrictions on affected students' participation in interscholastic extracurricular activities. This states that "...a student must maintain satisfactory conduct, and if a 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, the student's participation in interscholastic extracurricular activities is contingent upon established and published district School Board Policy."

ATTENDANCE POLICY

This is a summary. A complete copy of the school district's attendance policy is available at each school.

Students, regardless of age, will attend school on a regular basis. Parents should notify the school of a student's absence and the reason for the absence as soon as possible. Parents will be advised if their child is considered truant. A referral will be made for services if a student is chronically truant. In the case of chronic truants, students and their parents could be referred for specific actions that involve the Department of Children and Families (DCF), the Sheriff's Office, and the school district.

School Attendance Procedures are outlined as follows:

1. Student is absent, contact with parent is attempted.
2. Student is absent 3 days unexcused in a calendar month, an "alert letter" is sent to the parent.
3. Student is absent 5 days unexcused in a calendar month, or 10 days in a 90 day period, a "warning letter" is sent to each parent.
4. If a student continues to be absent, intervention by school staff is initiated.
5. The school will conduct a Student Success Team (SST) meeting, and invite the parent and student, where a contract or other intervention is established.
6. If no improvement is made, or if the student is absent for 15 days unexcused within 90 calendar days, a referral for services is and/or documentation is forwarded to the State Attorney's office.

7. Students not required by law to attend school may be withdrawn due to failure to abide by attendance procedures.

The following are acceptable reasons for student absences (up to 15 total for the year):

1. Illness of student documented by doctor note or parent note.
2. Death in the immediate family of the student.
3. Religious holiday of the student's faith (including: Yom Kippur, Rosh Hashanah, and Epiphany), with documentation, approved in advance by the school designee.
4. Absences for trips or other parental requests as judged appropriate for the student by the principal, provided that the requests are approved in advance and do not go beyond a total of 15 absences per year for the student.
5. Subpoena or forced absence by any law enforcement agency, provided that the students are not under immediate suspension from school. A copy of the subpoena or court summons must be presented to the principal.

Note: All absences above 15 per year will be excused by doctor and/or court note only.

For purposes of attendance, school related activities are not counted as absences from class.

The principal and/or his/her designee may address extenuating circumstances brought forth by a parent/guardian. The principal's decision is final.

Schools shall require written explanations or personal communication from parents when students are absent. This should occur upon the student's return to school. All other absences from school shall be considered unexcused and shall be dealt with according to the district's attendance policy. Failure to provide requested documentation will result in unexcused absences. In the case of excessive absences, upon request of the principal, a parent will provide documentation (doctor's statement) of a student's illness.

How to Report an Absence

1. It shall be the responsibility of each student's parent or guardian to explain his/her child's absence to the school office by telephone call, written notice, or by personal visitation by the first day of the student's return to school. Most schools require a written note.
2. The school will make an effort to contact the parent or guardian whenever a student's absence has not been explained.
3. Documentation of the absentee notes and related information will be maintained by the school.

Make-up Work

Excused absences guarantee students the right to make up work for full credit. Students will not have the opportunity to earn credit for any tests, homework, or assignments for the day of unexcused absence. Students should consult the student handbook for their school to see what the policy is.

Loss of Driver's License Due to Non-Attendance

The school is required to submit to the Department of Highway Safety and Motor Vehicles (DHSMV) the name of the student along with date of birth, sex, and social security number, for any student who accumulates excessive unexcused absences in a period of 90 calendar days. (For the purposes of maintaining the right to drive, days of suspension from school will not be forwarded to DHSMV as unexcused).

If a student's name is sent to the DHSMV for lack of attendance, the student is in danger of having the current privilege to drive suspended, or for students who are under age 16, having their application for licensure denied. The driving privilege may be reinstated if the student submits written verification to DHSMV that the student has completed 30 days of attendance in school without an unexcused absence or unexcused tardy. A hardship waiver hearing may be available with the school principal/designee in cases where the driver has been notified by DHSMV of loss of driving privilege.

Monitoring of Attendance and Tardies

Each school is required to record a student's daily attendance. Student's reporting to school/class after the official start time or ringing of the late bell, will be marked tardy. Students who are excessively absent or tardy to school may be referred to the Student Success Team for intervention assistance. Students who continue to be excessively absent will be monitored by the District Office and may be referred for additional services or to the State Attorney's Office.

Declaration of Intent to Terminate School Enrollment

Children who are between the ages of 6 (as of February 1 during the school year) and 16 must attend school. A student who is over 16 of age and choosing not to attend school, must sign a "Declaration of Intent to Terminate School Enrollment" form. Students may obtain the form by speaking with their school counselor or a member of the school administration staff.

Home Education and Attendance

Further details may be obtained from the Director of Student Services at 437-7526. Students who enter the home education program after entering the attendance monitoring process will be reviewed after 30 days to determine if the requirements for home education are being met.

Rilya Wilson Act of 2003

The Rilya Wilson Act (section 39.604 Fl Statutes) established absentee reporting requirements when young children who meet specific eligibility criteria are served in licensed early education or childcare programs. The provisions of the Wilson Act require notification to DCF or Community Based Care (CBC) when children under their supervision are absent unexcused or have seven consecutive excused absences. Information will be released without parental consent per Florida State law.

DRESS CODE

All staff members will enforce the dress code. The administration/designee will be the final judge about whether a student's clothing is appropriate for school. We rely on the good taste and judgment of the students and the responsibility of the parents to advise their children of the appropriate dress in accordance with the Flagler Public School Dress Code Policy. The following general rules apply to dress code:

1. Shorts, mini-skirts, or dresses are acceptable if they are within 4" above the knee.
2. Hats, headgear, or any head covering (bandanas, sweatbands, and du-rags) are not allowed.
3. Tops must be long enough to clearly overlap the belt line and stay tucked in during the course of the normal movement throughout the school day.
4. Bare midriff tops, halters, revealing tops, tank tops, muscle shirts, mesh clothing, see-through clothing, blouses or shirts with string straps are not allowed.
5. No underwear is to be seen at any time.
6. Underwear and sleepwear as outer clothing are not allowed.
7. Tight fitting clothing or spandex-type material that is not covered by other clothing is not allowed.
8. Clothes or tattoos that show profanity, violence, sexually suggestive phrases or pictures, gang related symbols, alcohol, tobacco, drugs or advertisements for such products or other phrases or symbols deemed inappropriate by the administration will not be allowed.
9. Wearing apparel which tends to identify association with secret societies or gangs as prohibited in Florida Statutes are not allowed.
10. No sunglasses can be worn inside buildings.
11. All chains that hang outside clothing are not allowed.
12. Any jewelry or accessory that presents a safety or health hazard or causes a major disruption to the educational process is not allowed.
13. Footwear that is a safety hazard will not be allowed. (i.e. footwear with wheels, including but not limited to Heely's. This might include disallowing flip-flops for certain activities).
14. Clothing which is not worn appropriately, is not properly fastened, or has tears that are indecent will not be permitted.
15. All pants must be properly sized and worn secured at the waist level.
16. Clothing must be free of holes or rips that are 4" above knee.

The School Board has the right to establish an atmosphere at the schools that will provide the best environment for educational and learning purposes. Students who are considered to be dressed inappropriately or who violate above guidelines will be sent to the office. The administration/designee shall determine whether a mode of dress is in violation of the district Dress Code Policy. In cases where a student is inappropriately dressed, arrangements will be made with the parents for an appropriate change of clothing. In the case of high school students, with parent authorization, the child may be sent home for a change of clothing. Students who are sent to the office for dress code violations will be subject to disciplinary measures.

STUDENT RIGHTS

You have a right to an education, regardless of your race, color, creed, religion, gender, marital status, heritage, age, disability, or sexual orientation. Some of your basic rights include the right to learn, disagree, petition, freedom of expression, publish, assembly, and privacy.

Your exercise of these rights must conform to the *Code of Student Conduct*. Things you cannot do include violate the rights of others; disrupt the classroom; disrupt the operation of your school; or bring drugs, weapons, or contraband to school.

Driving a vehicle on school property is a privilege and not a right. A student's driving privilege may be removed for violation of the *Code of Conduct* or attendance policy. Skipping class may result in the loss of a student's driving/parking privilege.

NOTICE OF PARENT RIGHTS UNDER SECTION 504 (Rehabilitation Act of 1973)

If it is determined that your child has a physical or mental condition that substantially limits a major life activity and, as a result, requires instructional or other accommodations within the school environment, your child is disabled under Section 504 of the Rehabilitation Act of 1973. In addition, if your child does not have a disability but has a record of a disability or is disabled or you believe that your child is disabled or has been discriminated against, you are entitled to certain rights. This notice is designed to provide you with information about those rights.

Under Section 504, you have the right to

1. Have your child participate in all school activities without discrimination solely on the basis of disability.
2. Have your child educated in facilities and receive services that are comparable to those provided to non-disabled students.
3. Have your child receive a free appropriate public education (FAPE) which consists of regular or special education and related services designed to meet the educational needs of your child. If it is determined that your child is eligible for special education, those services will be provided pursuant to the individuals with disabilities education act (IDEA) through an individualized education plan (IEP).
4. With respect to the provision of special education, related services of FAPE, you are entitled to:
 - a. notice with respect to the identification/eligibility, evaluation, or educational placement of your child.
 - b. access to all records relevant to decisions concerning identification/eligibility, evaluation, or educational placement of your child.
 - c. the right to challenge any decision made concerning the identification/eligibility, evaluation, or educational placement of your child by requesting mediation or an impartial hearing or, in the alternative, filing an informal grievance with the school district's Section 504 coordinator.
 - d. the right to attend any hearing requested.
 - e. the right to be represented by counsel if a hearing is requested.
 - f. the right to have any decision made at a hearing reviewed.
5. Any request for a hearing should be made to the school district's Section 504 coordinator for a determination as to whether it is an appropriate request for a due process hearing or whether it is merely a claim alleging discrimination on the basis of disability.

6. With respect to complaints of discrimination on the basis of disability that do not relate to the provision of and/or identification/eligibility, evaluation, or educational placement of your child, you have the right to file a local grievance with the school district in accordance with its grievance policy and procedures.
7. With respect to complaints of discrimination based on a record of disability or that school personnel have taken adverse action against your child because they regard your child as disabled, you have the right to file a local grievance with the school district in accordance with its grievance policy and procedures.

The Section 504 coordinator for the School District of Flagler County is Dr. Myra Middleton. If you have any questions or concerns the contact information is as follows:

| | | |
|---------------------------------|---------------------------------|-------------------------|
| State Office: | Flagler County School District: | Regional Office: |
| Mrs. Bettye Hyle | Myra B. Middleton, Ph. D. | U.S. Dept. of Education |
| Florida Department of Education | Dir. of Exceptional Student Ed. | Office of Civil Rights |
| Tallahassee, Florida | 1769 E. Moody Blvd. | 61 Forsyth Street,S.W. |
| 850-245-0477 | Bunnell, Florida 32110 | Atlanta, Georgia 30303 |
| | 386-437-7526 | 404-562-6350 |

NOTICE OF RIGHTS CONCERNING STUDENT RECORDS (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

(1) The right to inspect and review the student's education records within 45 days of the day the school receives a request for access.

- Parents of eligible students should submit to the School Principal/designee [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where their records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate.

- Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the School Principal/designee [or appropriate school official], clearly identify the part of the record they want changed, and specify why it is inaccurate. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

- One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee,

such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. However, records or reports may be released to school officials (including teachers) within the educational institution or agency, school systems, technical centers or public postsecondary educational institutions in which the student seeks or intends to enroll without the consent of the student or the student's parent.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

HEALTH INFORMATION PORTABILITY AND ACCOUNTABILITY ACT (HIPPA)

The Health Information Privacy Act creates standards to protect student's personal health information. It sets limits on the use and release of health records. The Privacy Rule provides that schools may not use or disclose a student's healthcare information without permission.

Schools must:

1. Notify students and parents about their privacy rights and how their information may be used.
2. Secure records containing the student's identifiable health information so that they are not readily available to those who do not need them.

Protected health information includes demographic and medical information that concerns the past, present, or future physical or mental health of an individual. Demographic information could include your name, address, telephone number, social security number and any other means of identifying you as a specific person. Protected health information contains specific information that identifies a person or can be used to identify a person.

Your protected health information may be used or disclosed by the School District for purposes of treatment, payment, and health care operations. The School District may use or disclose your health information for case management and services. The School District may send the medical information to insurance companies, Medicaid, or community agencies to pay for the services provided to you.

Some protected health information can be disclosed without your written authorization as allowed by law. Those circumstances include:

- Reporting abuse of children, adults, or disabled persons
- Investigations related to a missing child
- Internal investigations and audits by the divisions, bureaus, and offices of the Health Department and School District
- Investigations and audits by the state's Inspector General and Auditor General
- Medical examiner investigations

- Court orders, warrants, or subpoenas
- Law enforcement purposes, administrative investigations, and judicial and administrative proceedings

Other uses and disclosures of your protected health information by the school district will require your written authorization. This authorization will have an expiration date that can be revoked by you in writing.

HEALTH INFORMATION RIGHTS

You have the right to request the School District to restrict the use and disclosure of your protected health information to carry out treatment, payment, or health care operations. You may also limit disclosures to individuals involved with your care. The School District is not required to agree to any restriction.

You have the right to be assured that your information will be kept confidential.

You have the right to inspect and receive a copy of your protected health information. Your inspection of information will be supervised at an appointed time and place. You may be denied access as specified by law. If access is denied, you have the right to request a review by contacting the Director of Student Services.

You have the right to correct your protected health information. Your request to correct your protected health information must be in writing and you must provide a reason to support your requested correction. The School District may deny your request, in whole or part, if it finds the protected health information was not created by the School District, is not protected health information, is by law not available for your inspection, or is accurate and complete.

If your correction is accepted, the School District will make the correction and tell you and others who need to know about the correction. If your request is denied, you may send a letter detailing the reason you disagree with the decision. The School District will respond to your letter in writing. You also may file a complaint, as described in the section titled Complaints.

You have the right to receive a summary of certain disclosures the School District may have made of your protected health information. This summary does not include:

- Disclosures made to you
- Disclosures to individuals involved with your care
- Disclosures authorized by you
- Disclosures made to carry out treatment, payment, and health care operations
- Disclosures for public health
- Disclosures to health professional regulatory purposes
- Disclosures to report abuse of children, adults, or disabled

This summary does include disclosures made for:

- Purposes of research, other than those you authorized in writing
- Responses to court orders, subpoenas, or warrants

You may request a summary for not more than a 6-year period from the date of your request.

For Further Information

Requests for further information about the matters covered by this notice may be directed to the Director of Student Services or to the Department of Health's Inspector General at 4052 Bald Cypress Way, BIN A03/ Tallahassee, FL 32399-1704/ telephone 850-245-4141.

Complaints

If you believe your privacy health rights have been violated, you may file a complaint with the Department of Health's Inspector General at 4052 Bald Cypress Way, BIN A03/ Tallahassee, FL 32399-1704/ telephone 850-245-4141 and with the Secretary of the U.S. Department of Health and Human Services at 200 Independence Avenue, S.W. Washington, D.C. 20201/ telephone 202-619-0257 or toll free 877-696-6775. The complaint must be in writing, describe the acts or omissions that you believe violate your privacy rights, and be filed within 180 days of when you knew or should have known that the act or omission occurred.

NOTICE OF RIGHTS UNDER PPRA (Protection of Pupil Rights Amendment)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1.Consent before students are required to: submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)

- Political affiliations or beliefs of the student or student's parent;
- Mental or psychological problems of the student or student's family;
- Sex behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of others with whom respondents have close family relationships;
- Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- Religious practices, affiliations, or beliefs of the student or parents;
- Income, other than as required by law to determine program eligibility.

2.Receive notice and an opportunity to opt a student out of:

- Any other protected information survey, regardless of funding;
- Any non-emergency, invasive physical exam or screening required as a condition of attendance administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
- Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell, or otherwise distribute the information to others.

3.Inspect, upon request and before administration or use:

- Protected information surveys of students;
- Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and

- Instructional material used as part of the educational curriculum.

These rights transfer from the parent(s) to a student who is 18 years old or an emancipated minor under State law.

FCSD has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. FCSD will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. FCSD will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activity or survey. FCSD will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and are provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part.
- Any non-emergency, invasive physical examination or screening as described above.

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

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

NOTICE OF AVAILABILITY OF THE NCLB (No Child Left Behind) SCHOOL PUBLIC ACCOUNTABILITY REPORT 2008-2009

The annual school report for 2008-2009 is available at your child’s school. Please contact the school if you would like to review the Adequate Yearly Progress (AYP) Report or obtain a copy.

APPEALS PROCEDURE for DISCIPLINE CONCERNS

Concerns should be addressed first to the staff member who was involved with the student, and then taken to a higher level if necessary. If you do not believe a problem has been solved after talking with the teacher, dean, or assistant principal/designee, you should describe the problem in writing and give it to the principal/designee within three (3) school days of when the problem occurred.

The principal/designee will investigate your problem and give you a decision on how he or she will resolve the problem. That decision will be provided to you within 48 hours from the time you gave the written description of the problem to the principal/designee.

If you are not satisfied with the way that the principal/designee has resolved the problem, you may request in writing that the Superintendent's designee, review the decision of the principal/designee and make a final decision in the matter. The Superintendent's designee will give you the final decision within 48 hours from the time that the office received your written request to review the matter.

If your problem originally was with the principal/designee and you do not believe the problem was solved after talking with the principal/designee, you should describe the problem in writing and give it to the Superintendent's designee within three (3) school days of when the problem occurred. The matter will be reviewed by the Superintendent's designee, and they will provide you with a final written decision within 48 hours from the time that you gave them the written description of the problem.

During the review process, any decision originally made will remain in effect until the final decision has been made by either the principal or superintendent/designee. There is no appeal from the final decision of the Superintendent's designee's office.

SEARCHES AND SEIZURES

Your locker, vehicle, purse, backpack and other personal possessions can be searched if there is a reasonable belief any of them contain drugs, weapons, contraband, or other items not permitted on campus. Trained sniff-screening dogs are allowed in the schools to prevent drugs and weapons at school. The routine checks by the dogs are considered a search by law. They are safety preventions to give you a safe and healthy school in which to learn. FS 1006.09 (9)

SECRET SOCIETIES and Non-educational related Sororities and Fraternities

These organizations are not allowed in schools. You cannot participate or join in any type of initiation to such organizations. FS 1006.14

HAZING

F.S. 1006.63

"Hazing means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution. Such term includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity which could adversely affect the physical health or safety of the student, and also includes any activity which would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or other forced activity which could adversely affect the mental health or dignity of the student. "

Hazing may consist of activities that occur on or off school grounds.

Reporting of Hazing

Students who have reason to believe that an incident of hazing might or did occur shall report such belief to any coach of an extracurricular team, teacher, school nurse, school counselor, or school administrator/designee. Staff members who have received such a report from a student or

who otherwise have reason to believe that an incident of hazing might or did occur shall report such belief to the principal/designee. The report may be in writing or orally. If the report is made orally, the receiver shall make a written record of the report. It shall be a violation of this policy for a person to retaliate against a student or other person for reporting a suspected incident of hazing or cooperating in any investigation or disciplinary proceeding regarding an incident of hazing.

Investigation of Reports of Hazing

The principal/designee, upon receipt of a report of hazing, promptly shall cause an investigation to commence. The investigation shall be timely and thorough and the findings and conclusions of the investigation shall be reduced to writing. Unless there are exceptional circumstances, the investigation shall be concluded within ten (10) school days.

Disciplinary Action

If the investigation results in a finding that a student(s) committed an act of hazing or otherwise violated this policy, that student(s) shall be subject to appropriate disciplinary action. (This act was intended for student's grades 9-12, but will be enforced with *any* student involved in hazing activities).

INVESTIGATIONS AT SCHOOL

Criminal

Student discipline is the responsibility of the school administration. However, in the instances where a crime may have been committed, or if there is a threat of injury to a person or property, Law Enforcement should be involved as the trained professional to handle such situations. If appropriate, the principal/designee may be present during the questioning of students by Law Enforcement concerning crimes committed. If a student is arrested and/or taken into custody, Law Enforcement and school personnel shall utilize best efforts to immediately notify the parent/guardian.

Administrative

If you are suspected of violating the *Code of Student Conduct*, school officials can question you without first contacting your parent. You do not have the right to have your parent present or a right to an attorney when you are questioned.

Victim or Witness

If you are a victim or witness, Law Enforcement or administrative investigators are allowed to question you without first contacting your parent. If the investigation involves child abuse, the official conducting the investigation will decide who can be present during your interview.

Removal of Student from School Property

If you are a witness, the police cannot remove you from school property without a subpoena or first obtaining the consent of your parent. If you are subject to arrest, with or without a warrant, the officer can remove you without your parents' consent or the consent of school officials. The administrator/designee will try and notify your parent before you are removed or as soon after your removal as possible.

MISCONDUCT THAT MAY RESULT IN DISCIPLINE

A violation of any school rule will result in disciplinary action. Disciplinary actions include, but are not restricted to, the following: oral reprimand, counseling, parental conferences, denial of privileges, detention, removal from class or school activity (including bus transportation), in-school suspension, out-of-school suspension, alternatives to suspension program, or expulsion.

You are expected to behave at school, during school activities, on the school bus, and at the school bus stop. You will be disciplined if you do anything at school (or attempt to do anything), during school activities, on the school bus, or at the school bus stop that violates a school rule or may hurt, harass, or threaten others; damage property; disrupt class or school; or violate a criminal law.

Listed below are some acts that are examples of misconduct. These acts are not the only acts that will result in discipline. They are only examples. Other acts that are not listed below may result in discipline. Some, but not all, of the acts that will result in discipline are:

1. Cheating / Plagiarism
2. Falsifying or altering records (i.e. computer records or attendance notes)
3. Improper use of computers or electronic devices
4. Threatening to hurt someone
5. Hitting someone
6. Using physical force against someone
7. Stealing
8. Fighting
9. Extortion
10. Blackmail
11. Repeated misconduct
12. Arson
13. Vandalism
14. Interference with school personnel
15. Interference with the movement of another student
16. Bullying (including cyber-bullying) (NOTE: FCSB Policy 511.2 fully explains “Bullying and Harassment” and is available online at www.flaglerschools.com. A printed copy of this policy is available by contacting the school or the Director of Student Services.)
17. Gambling
18. Trespassing
19. Defiance
20. Verbal abuse of another
21. Profanity
22. Failure to give correct name
23. Participation in disruptive demonstration
24. Participate in hazing activities
25. Leaving school grounds without permission
26. Sexual activity at school, at a school activity, or on a school bus
27. Sexual or other harassment
28. Making a false alarm (this includes pulling a fire alarm)
29. Possession of common objects that could hurt someone

30. Possession of toy or replica gun or knife
31. Possession of drug paraphernalia
32. Possession of tobacco
33. Possession of hazardous material
34. Violation of a school rule
35. Other serious misconduct
36. The use of the following electronic items is prohibited without staff approval. Students who bring these items to school or on the bus do so at their own risk if stolen or lost. School and transportation staff are not responsible for these items or investigations if these items are stolen, lost, or broken: PDA's (palm, vision, etc.), tape player/recorder, CD player, radio, television, and MP3 player (i.e. I-Pod), and all other electronic devices.

Possessing a wireless communication device (i.e. cell phone, electronic telephone pager, etc.) is not a violation of *Code*. However, the device must be turned off and kept out of sight (i.e. inside a pocket, a book bag, a purse, or similar container) during school hours or while being transported on the school bus unless an administrator/designee gives permission to do something else. If a student uses a device during school hours or the device is on and emits any ring tone or other noise (i.e. vibration), it will be confiscated and kept until picked up by a parent/guardian. Violators will be subject to disciplinary measures. School staff is not responsible if these items are stolen, lost, or broken.

Note: Additional information regarding cell phone prohibition while on the school bus is contained in the section "Conduct on School Bus."

A wireless communication device that is used in a criminal act while the student is on school property or in attendance at a school function will be reported and/or given to the proper law enforcement agency.

OFFENSES THAT REQUIRE SPECIFIC CONSEQUENCES

In General

There are some things that result in a specific consequence if you are found to have done them. These include acts involving:

1. Possession / Use of any Tobacco Products
2. Illegal Drugs, Alcoholic Beverages, and Harmful Substances
3. Bombs and Bomb Threats
4. Chemical and Biological Attacks or Threats
5. Possession of Guns, Weapons, and Dangerous Objects
6. Violent Acts Resulting in Serious Injury
7. Felony Charges and Convictions
8. Gang or Gang Activity

Tobacco

Use of tobacco products in sight of or near (1000 feet) schools is illegal and a violation of the *Code of Student Conduct*. If you are caught smoking or in possession of tobacco products you will receive a disciplinary referral/action.

In addition to possible fines, if you are caught using any form of tobacco at school, at any school-sponsored activity, at a bus stop, or on the bus, you will receive a disciplinary referral/action.

Illegal Drugs, Alcoholic Beverages, and Harmful Substances

You may not possess illegal drugs (including prescription drugs that are not your own) or alcoholic beverages, use them or be under the influence of them on school property, on a school bus or at a bus stop, at any school sponsored activity, on or off campus, before you arrive on school grounds, before you arrive at any school activity, or on any field trip.

If you violate this policy, the principal/designee may suspend you for 10 days and, if appropriate, may recommend reassignment to an alternative program. Before you may return to your regular school, your parent must have a conference with the principal/designee or someone designated by the principal/designee. Your parent must provide proof that you completed an approved drug or alcohol program. FS 1006.07 (2) (d). The use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful. Information about drug and alcohol counseling is available to students through counselors at each school.

Purchase, Sale, and Distribution

You may not sell, intend to sell, purchase, or distribute illegal drugs or alcoholic beverages, or be involved in negotiating the sale or purchase of illegal drugs or alcoholic beverages at school, at a school activity, or on a school bus. You will be suspended for 10 days and will be recommended for expulsion or alternate placement with drug counseling.

Definition of Illegal Drugs

"Illegal drugs" include any drug that is illegal under Florida law such as marijuana, cocaine, and heroin as well as prescription drugs for which you do not have a valid prescription. "Illegal drugs" also includes any illegal or legal substances used in a harmful way. Examples of such legal substances are inhalants or over-the-counter drugs used in a harmful way. "Illegal drugs" also include any prescription drug that is not used as prescribed or that is in the possession of someone whose name is not on the prescription. This means that you may not give your prescription medication to anyone else. All inhalers, epi-pens, and other required prescriptions must be properly brought to the school nurse by an adult and properly logged prior to student possession. (Note: Students may not have over-the-counter medications in their possession.)

Expulsion Waiver for Drug-Related Issues

Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 *may* be entitled to a waiver of the discipline or expulsion. FS 1006.09 (2)

1. If the student divulges information leading to the arrest and conviction of the person who supplied the controlled substances to him or her, or if the student voluntarily discloses his or her unlawful possession of the controlled substance prior to his or her arrest. Any information divulged which leads to arrest and conviction is not admissible in evidence in a subsequent criminal trial against the student divulging the information.

2. If the student commits him or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.

Chemical and Biological Attack or Threats

If you are involved in the making of a chemical or biological attack or threat against the school, a school function, or anybody at school or a school function, you will be suspended for 10 days, recommended for expulsion or possible alternate placement, and must obtain counseling services. You will also be reported to law enforcement for prosecution to the fullest extent of the law. This applies whether or not the attack or threat is real or fake.

Possession of a Weapon on School Property or at Any School Function

No student shall carry or possess or have under his or her control while at a school building, school function, on school property (including any personal vehicle), or on a bus or other transportation furnished by the school any weapon or explosive compound. "Weapons" means and includes any gun, knife, or other instrument that may cause bodily harm to another individual.

Zero Tolerance Relating to Firearms/Weapons in Vehicles on School Property

It is the policy of the School District of Flagler County Florida, that any student SHALL NOT bring any firearm or weapon onto school property.

Weapons-Guns

Any student who brings guns or explosives onto a school campus, bus, or school function shall be expelled for no less than one calendar year. Other students who handle, use, or possess guns or explosives shall be recommended for expulsion by the principal for not less than one calendar year. The Superintendent, his/her designee, and/or the School Board may consider extenuating circumstances in determining the length and type of expulsion. Criminal prosecution will be pursued in these instances. (F.S. 1006.13(2), as defined in 18 U.S.C.s. 921).

The student is to be suspended for ten (10) days, immediately removed from school, and is recommended for expulsion or alternative placement. This violation shall be reported to the proper law enforcement agency.

Amnesty Clause

When a student discovers they have inadvertently brought a weapon on campus, on the bus, or in their vehicle, they must immediately notify an administrator/designee, teacher, or bus driver. The weapon will be turned over to school personnel and or the school resource deputy. The student may not be disciplined if he/she follows this procedure.

Violent Acts Resulting In Serious Injury

If you violently attack another person or act as a decoy in a physical attack at school, a school function, on the bus or at a bus stop and that person is seriously injured, or if your attack was unprovoked even if there was no serious injury, you may be suspended from school for 10 days and possibly recommended for expulsion.

If you violently attack another person somewhere else other than school, you may be removed from the general education program and administratively assigned to another program when there is evidence that your presence on campus may be disruptive.

Felony Charges and Convictions for Off-Campus Conduct

Notice of Felony Charges and Hearing

Upon probable cause that a felony crime or certain misdemeanors that involve moral turpitude or violence has been committed, you may be suspended for up to 10 days and/or assigned to an alternatives to suspension program by the principal/designee. Arrest by a sworn law enforcement officer will serve as probable cause for suspension or alternative placement. Upon conviction, the student may be recommended for expulsion.

Before suspending a student, the principal/designee will contact the parent to discuss the charges against the student. Notification may occur via letter, telephone, or in person prior to the meeting. That notification will tell the parent of the specific charges and advise that the student has a right to the “hearing.”

Adjudication of innocence or occurrence in court may not have bearing on the school board’s decision. The principal/designee will determine if your presence at school will have an adverse impact on the school environment or other persons.

Hearing Procedures for Felony Suspensions/Alternative Placements

The hearing must take place within five (5) school days, but no sooner than two (2) school days from the date of notification. At the hearing, the principal/designee may listen to witnesses called by the principal/designee, and the student also may present witnesses. This student may speak on his/her own behalf, but s/he does not have to do so. If the student does not speak on his/her own behalf, s/he cannot be threatened with punishment or later be punished for not speaking.

The hearing will not be conducted like a court proceeding. There will be no “rules of evidence” nor will there be a court reporter to provide a transcript of the hearing. After the hearing, the principal/designee will let the student and parent know, in writing, if the student is being suspended for (10) days.

Types of Charges That May Justify Suspension/Expulsion

The types of charges that may justify suspension/expulsion under this provision are any felony involving violence, rape or sexual battery, lewd and lascivious act on a student under 16 years of age, concealed weapon, armed robbery, sale or possession of illegal drugs, possession of a bomb, any felony involving the use of a firearm, battery on school system employee or official, or aggravated battery.

Students who are found to have committed certain felony offenses against another student are prohibited from attending the same school or riding on the same school bus with the victim or victim’s sibling. The FS 1006.13 makes certain exceptions if the victim or victim’s parents affirmatively state (in writing) that they have no objection to their child attending the same school or riding the same bus as the offender.

Extension of Ten-Day Suspension for Felony Events

If the principal/designee suspends you for 10 days, the Superintendent may extend your suspension until the outcome of the criminal charges that have been filed against you. During your suspension, pending the outcome of the criminal charges, you may be assigned to an alternative educational program. Upon parent request, you may receive class work.

Gangs and Gang Activity

The Florida Legislature addresses the criminal street gang issue:

1. To maintain public order and safety,
2. To respond to the ever-increasing crime caused by street gangs that threatens and terrorizes peaceful citizens,
3. To stop this mounting criminal activity, and
4. To provide for increased penalties for those found guilty of criminal gang involvement and eliminate the patterns, profits, and property helping criminal street gang activity, including street gang recruitment.

A criminal gang is a formal or informal ongoing organization, association, or group that has as one of its primary activities the committing of criminal or delinquent acts.

A criminal gang member is a person who meets two or more of these criteria:

1. Admits to criminal street gang membership;
2. Is identified as a gang member by a parent/guardian;
3. Is identified as a gang member by a documented reliable informant;
4. Reside in/frequents a gang's area, adopts their style of dress, hand signs, or tattoos, and associates with known gang members;
5. Is identified as a gang member by an informant of previously untested reliability and such identification is corroborated by independent information;
6. Was arrested more than once in the company of identified gang member for offenses which are consistent with usual criminal street gang activity; or
7. Is identified as a criminal street gang member by physical gang members four or more times.

Flagler County Schools will not tolerate any gang-related activity, to include dress, graffiti, hand signals, or verbal slang. Violation that disrupts the educational process will lead to disciplinary action. Any student identified as a gang member by the school resource deputy will be photographed and entered into the Florida Department of Law Enforcement's Gang Net.

JUDICIAL "NO CONTACT" ORDERS

The Department of Juvenile Justice will report to the school district all court orders in which a Flagler County School student is mandated to have "no contact" with his/her victim or victim's siblings.

Upon notification of the order, the principal/designees of the school where the offender attends will request an administrative hearing at the District Office. The purpose of this hearing will be to determine whether the offender is required to attend another school in the district or if other

measures can be taken in the current school attended to ensure that the “no contact” order is enforced.

A “no contact” order may be issued by a circuit judge at or before the time of adjudication, withholding of adjudication, or plea of guilty or nolo contendere’ for the following offenses: homicide, assault, battery, culpable negligence, kidnapping, false imprisonment, luring or enticing a child, custody offenses, sexual battery, lewdness and indecent exposure, abuse of children, robbery, robbery by sudden snatching, carjacking, or home invasion robbery.

PROHIBITED ITEMS

Possession of these items may result in suspension, alternative placement, expulsion, and/or criminal charges being filed:

| | |
|---------------------------------|--|
| AIR-SOFT GUNS | ICE PICKS |
| ALCOHOL (in any form or amount) | KNIVES (any type or size) |
| BB OR PELLET GUNS | LASER LIGHTS |
| BOWS AND ARROWS | NARCOTICS/DRUGS |
| BOXCUTTERS | NON- PRESCRIPTION MEDICATIONS |
| BRASS KNUCKLES | NUMCHAKUS |
| BULLETS | PAINT-BALL GUNS |
| CHAINS OR PIPES | PEPPER SPRAY |
| CHINESE STARS | SLING SHOTS |
| CROSS BOWS | STUN GUNS |
| DRUG PARAPHERNALIA | TOBACCO PRODUCTS |
| FIREARMS | TOY GUNS |
| FIREWORKS | WALKIE-TALKIES |
| FLAMMABLES | WEAPONS (other, including common items which cause injury or are used in a harmful or threatening way) |

DISCIPLINARY ACTION

The following types of discipline may be used, as well as those found in the school discipline plan at each school.

Detention

Students can receive a detention either before school, after school, and/or during lunch or between classes. The parent is responsible for transportation when a student has detention.

In-School Suspension

Students can be assigned and sent to designated rooms or programs (examples: ICE, ACE) in the school during the school day. S/he will receive full credit for class work completed while in the assigned room or program, and the absence will be excused.

Student Work Assignments

If the parent and a school administrator/designee agree, the administrator/designee can assign a student to a work detail at the school. The principal/designee will decide who will supervise the work.

Saturday School

Students can be sent to Saturday School if an administrator/designee has contacted the parent and had a conversation with them in advance. Non-attendance at Saturday school may result in out-of-school suspension.

Removal from Class

A teacher may require that a student be removed from class if it has been documented that behavior has seriously disrupted the teaching or learning in the classroom. If a student is removed from a class, the principal/designee may place him/her in another appropriate classroom, in-school suspension, an alternative education program, or the principal/designee may recommend suspension or expulsion. The student cannot be returned to that teacher's classroom unless the teacher consents or a school-based placement review committee has determined that doing so is the best or only available alternative. A decision on whether to return the student to the classroom must be made by the teacher or the committee within (5) days of the removal.

Out-of-School Suspension

Students can be suspended from school for up to ten (10) days at a time. Throughout the duration of an out-of-school suspension, the student may not come onto School Board owned property or attend any activities. The student is also prohibited from attending athletic events, extra-curricular activities, or any other school related function until the suspension is completed. Students may continue learning activities in the form of at-home assignments, during periods of suspension. During out of school suspension, it is the responsibility of the parent to pick up assignments from the school. All assignments must be turned in at the end of the suspension period according to the make-up policy or as directed by the principal/designee. All assignments will be graded and appropriate credit given.

Student Excluded from School Activities

Students may be barred from extra-curricular and other special activities. Extra-curricular activities include exclusion from graduation exercises.

Alternative Placement

Students may be assigned to an alternative placement away from the regular setting. The alternative setting/school will have established guidelines for returning the student to the regular setting.

EXPULSION

As pursuant to Flagler County School Board Policy 516, expulsion is the removal of the right and obligation of a student to attend public school under the conditions set by the Flagler County School Board for a period of time, not to exceed the remainder of the term or the school year and one (1) additional year of attendance.

Only the School Board can expel a student based upon a recommendation by the Superintendent. The Superintendent will make a recommendation for expulsion only after receiving a recommendation from the District Discipline Review Committee. The District Discipline Review Committee, as appointed by the Superintendent, shall review cases referred for expulsion to insure due process and adherence to the *Code of Conduct*. A copy of the procedures for committee review may be obtained from any school administrator or the office of the Director of Student Services. The District Discipline Review Committee recommendation will contain a detailed explanation of the incident including the student's record of attendance, academics, and discipline.

The Superintendent may recommend to the Flagler County School Board expulsion of a student who violates the *Code of Conduct* or a criminal law; is found to have committed a delinquent act which would be a felony if committed by an adult; has had adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or repeatedly and willfully commits acts of a serious threat to the school environment.

If the student is an Exceptional Education Student and an expulsion is recommended, an IEP meeting must be held prior to the review by the District Discipline Committee and a manifestation determination conducted to determine if the misconduct is a manifestation of the student's disability. If the school board decides to expel the student, the board will ensure that FAPE is available.

The student and his/her parents will be notified in writing if the Superintendent recommends that the School Board consider expulsion. The written documentation will include the allegations against the student. If the student/parent disagrees with the recommendation of the Superintendent, a hearing may be requested in writing by the student and/or his/her parent.

The Superintendent will schedule the hearing and notify the respective parties in writing of the date, time, and place of the hearing. The student is entitled to have an attorney or other representative provide legal representation. Any fees for such representation will be the parents' responsibility. At the hearing, witnesses and documents may be presented to support the allegations. The parents or attorney may have an opportunity to cross-examine the witnesses and to present witnesses and evidence on the student's behalf. An audio recording of the hearing will be made for School Board records. A copy of the audio tape may be requested.

If a hearing is not requested, the student and parents may come to the *public* School Board meeting to talk about the expulsion or the length of the expulsion.

The School Board will make the final decision on whether or not a student should be expelled and if so, for how long. The student/parent can appeal the School Board's decision to the District Court of Appeal in Daytona within 30 days of the final decision.

Alternative Educational services and counseling may be available to expelled students through the Pathways Afternoon Program or the Flagler County Virtual School (iFlagler). Students must contact the Director of Student Services for information.

ACCEPTABLE USE POLICY AND GUIDELINES FOR NETWORK ACCESS

The Flagler County School District (FCSB) believes network access is an exciting opportunity to expand learning for educators, students, and parents. The fundamental goal of the network is to provide Flagler County students and educators with equal access to the computing resources which serve public education. Schools in the district will have the capacity to connect to the Internet, World Wide Web, electronic mail, and each other. With this opportunity comes the responsibility for appropriate use.

Flagler County School District considers cyber-bullying to be an unacceptable use of the network. Careful consideration will be taken with regards to cyber-bullying and appropriate action will be taken.

Cyber-bullying involves the use of communication technology and information in a deliberate, predatory, defamatory, repeated and hostile behavior with the intention of harming another person. The use of a cell phone, pager, text messaging, laptops, desktops, the Internet, and computer websites in supporting cyber-bullying is unacceptable. The school district will consider inappropriate use of personal and school district property in the determination of consequences which may include filing of charges with law enforcement and/or referral for expulsion.

Network Warning

With access to computers and to people all over the world, there will be some material that may not be considered to be of educational value. There may be some material, individual contacts, or communication, which is not suitable for school-age children. The FCSB supports only those materials which will enhance the research and inquiry of the learner within the context of a school setting.

However, on a global network it is impossible to control all materials, and an industrious user may discover inappropriate information. The FCSB cannot prevent the possibility that some users may access material that is not consistent with the school district's educational mission, goals, and policies.

General Policy & Guidelines

It is a general policy that the network will be used in a responsible, efficient, ethical, and legal manner in accordance with the mission of FCSB. Users must acknowledge their understanding and agreement with the "Acceptable Use Policy and Guidelines" as a condition of receiving access. Failure to adhere to the Policy and Guidelines may result in access privileges being suspended or revoked. In addition, school disciplinary action and/or appropriate legal action may be taken.

Network Resources

Classroom resources will be expanded enormously by making information and people from all over the world available to students, teachers, and others. It brings instant access to original source material, general information, data, images, and computer software. It makes contact with people possible, bringing into the classroom experts from all over the world. Such access

spawns individual and group projects, collaboration, curriculum materials, and idea sharing. As a hands-on tool, the network can motivate students.

GUIDELINE I

Acceptable uses of the network are activities which support teaching and learning. Users are encouraged to develop uses which meet their individual needs and which take advantage of the network's function: electronic mail, conferences (video or audio), bulletin boards, data bases, and access to the Internet.

GUIDELINE II

Unacceptable uses of the network include:

- 1) Using the network to access material that is considered inappropriate for educational purposes.
- 2) Trying in any way to interfere with the computer systems within the Flagler County Schools or anywhere, or in an effort to obtain private information, have the computer malfunction or destroy data.
- 3) Violating federal and state law dealing with students' rights to privacy.
- 4) Using profanity, obscenity, or other language which may be offensive to another user.
- 5) Reposting personal communications without the author's prior consent.
- 6) Copying commercial software and other copyright protected material in violation of copyright law.
- 7) Using the network for any illegal activity.

GUIDELINE III

Users must cooperate to conserve resources and to assure equitable access for all. Users are expected to:

- 1) Observe a self-imposed limit of one hour on-line during a six-hour period except under special circumstances.
- 2) Prepare text files for uploading before logging on.
- 3) Log off before editing and printing downloaded files.

GUIDELINE IV

The person in whose name the account is issued is responsible at all times for its proper use and will not give his/her password to others.

GUIDELINE V

Users must avoid knowingly or inadvertently spreading computer viruses. They must not upload files from unknown sources. Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity by state and federal law.

GUIDELINE VI

Never consider electronic communications to be completely private. Instances of misdirected mail inadvertently forwarded to others and public posting of private correspondence by users have occurred from time to time.

FLAG DISPLAY AND PLEDGE

The United States flag and the official flag of Florida shall be displayed daily on a suitable flag staff on the grounds of each school when weather permits. Each classroom, auditorium, and other such rooms and School Board facility appropriately designated by the Superintendent, shall display the United States flag.

The pledge of allegiance to the flag shall be recited at the beginning of each school day in elementary, middle, and secondary schools. A notice shall be conspicuously posted on each school campus informing students that they have a right not to participate in reciting the pledge.

Students who do not participate in the salute and pledge of allegiance to the flag will stand or sit in silence.

- A. Parents of elementary students who choose not to participate will be asked to provide a written request to excuse the student from reciting the pledge.
- B. Students who do not participate in the pledge and salute, who stand or sit quietly, shall not be disciplined.
- C. Students not participating in the pledge and salute to the flag who interfere with others doing so will be considered disruptive. In those instances where interference or disruption occurs, the school staff will take appropriate disciplinary action.

DISCIPLINE FOR STUDENTS WITH DISABILITIES

Students with disabilities are expected to comply with the *Code of Student Conduct* and school rules and are subject to the same disciplinary action as students served in the general education setting. There are, however, some special rules that pertain to suspensions and expulsions for those students protected under the Individuals with Disabilities Education Act 2004 (IDEA – 2004) or Section 504 of the Rehabilitation Act of 1973. The Flagler County School District has a specific procedure for guaranteeing a student’s protection under IDEA and section 504. The IDEA 2004 Procedural Safeguards may be reviewed at the student’s school or by contacting the Director of Special Education.

If a student with a disability receives an in-school suspension, the student's Individual Education Plan (IEP) will continue to be in force. The student must be provided a free, appropriate public education (FAPE) as outlined in their Individualized Education Plan (IEP). The student shall be provided education and related services under the supervision of an Exceptional Student Education (ESE) teacher, in accordance with their specific IEP provisions. Suspensions totaling more than 10 days, without special education services being provided in accordance with the IEP, is a violation of FAPE under IDEA.

A student with a disability may be suspended from school just like any other student. During the 10 days of an out-of-school suspension in any one school year, a student with a disability may receive educational services during the suspension. If there are more than 10 days of out-of-school suspension during the school year, the IEP team will convene to review services and complete a “Manifestation Determination”. A Functional Behavioral Assessment and a Behavior Intervention Plan shall be considered at this time.

For students with disabilities, when disciplinary actions and short term suspensions (less than 10 days) occur, they will be subject to the same disciplinary procedures as their non-disabled peers. These disciplinary actions may include detentions, in-school suspension, or Saturday school.

A student with a disability may be reassigned to an alternative school under certain circumstances. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability in cases where a student:

- A. carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;
- B. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or
- C. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

Such a reassignment to an alternate program may or may not constitute a change in placement.

Students with disabilities are subject to the same behavioral expectations as their non-disabled peers when utilizing school bus transportation and may be suspended from the bus. During the bus suspension, it is the student's responsibility to obtain transportation to school, unless specialized transportation is being utilized. The need for specialized transportation must be identified in the student's Individual Education Plan (IEP).

Students in the Evaluation Process

If a student commits an infraction and the school/parent has already requested an evaluation to consider eligibility for services under IDEA-2004 or under a 504 plan, the student may be suspended for up to 10 days and the following must occur:

- The evaluation must be conducted in an expedited manner.
- The results of the evaluation must be considered in determining eligibility for services as a student with a disability and services provided as soon as possible.
- Pending the results of the evaluation, the student shall remain in the educational placement as determined by the school authorities.

SEXUAL HARASSMENT POLICY

Guidelines to Prevent Sexual Harassment

The Flagler County School Board prohibits sexual harassment (which is a form of sexual discrimination), in any form, involving employees, vendors, school volunteers, or students within this system. Sexual harassment can cause serious physical or psychological damage to students or staff, affecting grades, attendance, performance, and pride in one's work. Incidents of sexual harassment may occur only once or on a repeated basis, and often the situation gets worse if it is not stopped.

Definition

Sexual harassment is any inappropriate sexual comment, sexual behavior, or unwanted sexual attention from anyone dealt with in the school system (including, but not limited to, any employee, consultant, volunteer, or student) at any school or school-related activities.

Behaviors considered to be sexual harassment include, but are not limited to, the following:

1. Spreading sexual gossip;
2. Unwanted sexual comments (whether intended to be serious or humorous);
3. Pressure for sexual activity;
4. Any unwanted physical contact of a sexual nature;
5. Making unwanted sexually suggestive telephone calls or writing unwanted suggestive letters;
6. Creating a hostile, offensive, or intimidating environment based on or related to gender that has the purpose or effect of interfering with an individual's work performance; or
7. Any offers of or requests for sexual favors or advances to secure favorable employment conditions or to avoid unfavorable conditions.

Reporting

Students who are victims of sexual harassment by other students should report to the school administration (i.e., teacher, dean, assistant principal/designee, principal/designee). Students who are victims of sexual harassment by employees or volunteers should immediately report the situation to the dean, assistant principal/designee, principal/designee, or Assistant Superintendent/designee.

Any staff member who becomes aware of an allegation of the sexual harassment of a student shall immediately report that allegation to the school administration or to the Superintendent/designee whether or not the staff member feels the allegation is well founded. All complaints will be investigated promptly, in a fair and adequate manner. No retaliation against individuals who file complaints in good faith will be tolerated. An attempt will be made to complete the investigation within thirty (30) days although certain cases may take longer because of unavailability of witnesses, vacation or other school holidays, or other extenuating circumstances. Confidentiality will be protected to the extent possible.

A substantiated charge against a staff member in the district shall subject such staff member to disciplinary action, including discharge. A substantiated charge against a student in Flagler County Schools shall subject that student to disciplinary action for serious misconduct, including expulsion.

Training

All administrator/designees and supervisors are responsible for assuring that their staff members are familiar with the policy on harassment and that new employees are oriented as necessary throughout each school year.

As part of the review of the *Code of Student Conduct* at the beginning of the school year, this policy will be discussed in student classes, school advisory councils, and parent and teacher

associations. Students enrolled after the beginning of the school year will be provided a copy of the *Code of Student Conduct* and advised of this policy.

The Director of Student Services/designee will insure that School Board policies concerning sexual harassment are implemented. The address is: P.O. Box 755; 1769 E. Moody Blvd. Bunnell, FL 32110. The telephone number is: 386-437-7526.

HARASSMENT POLICY

Harassment on the basis of a student's race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation, physical attributes, personal attributes, or social and family background or that of his/her relatives, friends or associates, constitutes discrimination in the terms, conditions, and privileges of education or employment and is prohibited. The Flagler County School Board provides a working and education environment for employees and students free from discriminatory intimidation, insult, and ridicule, and takes action to eliminate such practices or remedy their effects.

Definition

Harassment is verbal or physical conduct that denigrates or shows hostility toward an individual because of his/her race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation, physical attributes, personal attributes, or social and family background or that of his/her relatives, friends or associates, and that:

1. has the purpose or effect of creating an intimidating, hostile, or offensive environment;
2. has the purpose or effect of unreasonably interfering with an individual's performance; or
3. otherwise adversely affects an individual's education or employment.

Harassing conduct includes, but is not limited to, the following:

1. epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to his/her race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation, physical attributes, personal attributes, or social and family background or that of his/her relatives, friends or associates; and
2. written or graphic materials that denigrate or show hostility toward an individual or group because of his/her race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation, physical attributes, personal attributes, or social and family background or that of his/her relatives, friends or associates and that is placed on walls, bulletin boards, or circulated in schools or departments.

The policy covers student to student harassment, staff/faculty to student harassment, third party harassment of students, same sex harassment, male to female harassment, and female to male harassment

Reporting

Students who are victims of harassment by other students should report the situation to the teacher, dean, assistant principal/designee or principal/designee. Students who are victims of

harassment by employees or volunteers should immediately report the situation to the assistant principal/designee, Assistant Superintendent, or the Director of Student Services.

Any staff member who becomes aware of the harassment of a student shall immediately report it to the school administration, the Assistant Superintendent, or the Director of Student Services. Complaints will be investigated in a fair and adequate manner. No retaliation against individuals who file complaints in good faith will be tolerated. Confidentiality will be protected to the extent possible.

A substantiated charge against a staff member in the district shall subject such staff member to appropriate disciplinary action. A substantiated charge against a student in Flagler County Schools shall subject that student to appropriate disciplinary action.

Training

All administrator/designees and supervisors are responsible for assuring that their staff members are familiar with the policy on harassment and that new employees are oriented as necessary throughout each school year. Training to recognize, address and the prevention of sexual harassment will be provided to all staff members throughout the year.

As part of the review of the *Code of Student Conduct* at the beginning of the school year, this policy will be discussed in student classes, school advisory councils, and parent and teacher associations. Students enrolled after the beginning of the school year will be provided a copy of the *Code of Student Conduct* and advised of this policy.

GRIEVANCE PROCEDURE for Students Alleging Unlawful Discriminations or Sexual Harassment

The Board and the Superintendent recognize that unlawful discrimination and sexual harassment are inappropriate in our schools and prevent students from achieving at their highest level. Problems are solved as they arise by sincere efforts of all persons concerned to work toward constructive solutions of such problems in an atmosphere of courtesy and cooperation. Whenever a student feels that he or she has a complaint concerning unlawful discrimination or sexual harassment, every effort will be made to arrive at a satisfactory resolution of the problem on an informal basis. When this is not successful, a student can resort to the more formal procedures as provided herein.

Definitions

"Unlawful Discrimination" is when a student is excluded from participation in, is denied the benefits of, or is subjected to discrimination under any education program or activity conducted by this School District, on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, social and family background, or use of a language other than English by Limited English Proficiency (LEP) students (except when allowed by law).

"Sexual Harassment" is defined as unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal, or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of a student's

education; submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting such individual; such conduct has the purpose or effect of unreasonably interfering with a student's educational performance, or creating an intimidating, hostile or offensive work or school environment.

Examples of sexual harassment may include, but are not limited to, the following: verbal harassment or abuse of a sexual nature; subtle pressure for sexual activity; repeated remarks to a person with sexual or demeaning implications (e.g., a person's body, clothes or sexual activity, etc.); unwelcome or inappropriate physical contact (e.g., patting, pinching, or unnecessary touching); suggesting or demanding sexual involvement accompanied by implied or explicit threats; and display of sexually suggestive objects, pictures, or written materials.

Sexual harassment does not refer to occasional compliments or welcomed interactions of a socially acceptable nature.

Complaint Procedure

Informal discussion. If a student believes there is a basis for a complaint, he or she shall discuss the complaint with his or her immediate teacher or a school administrator/designee (except in cases of discrimination or harassment allegations involving the teacher or a school administrator, in which case they can report and discuss the issue with the Superintendent/designee) within sixty (60) days.

Level one. If the complainant is not satisfied with the informal discussion, he or she may, within ten (10) days, file a formal complaint with his or her Principal/designee. If the complaint involves the Principal/designee, it may be filed with the Superintendent/designee. The Principal/designee, or the Superintendent/designee, shall communicate an answer in writing to the complainant within ten (10) days after receipt of the complaint.

Level two. If the complainant is not satisfied with the resolution at level one he or she may, with ten (10) days of the answer, file a copy of the complaint with the Superintendent/designee. Within ten (10) days of receipt of the complaint the Superintendent/designee shall indicate his or her disposition in writing to the complainant.

Board Appeal. If the complainant is not satisfied with the resolution by the Superintendent, he or she shall have the right to appeal the Superintendent's decision to the School Board, provided request for placement on Board Agenda is filed within ten (10) days.

Confidentiality and protection from retaliation will be provided to the extent possible to any student who alleges unlawful discrimination or harassment.

CONDUCT ON SCHOOL BUSES

In General

1. Anytime you are riding a school bus, you are being Audio/Video recorded.
2. School bus surveillance videos are considered “student records” for the purpose of sunshine law records requests. Student records are confidential and are not subject to disclosure and release under the sunshine law. Only a student and/or his or her parent may request release and view records that qualify as “student records.” The rights of a student and his or her parent under the sunshine law protect both the student’s access to those records and the student’s privacy interests in the content of those records.
3. You must ride your assigned bus. Switching buses is not permitted.
4. Parents are responsible for their child's behavior at the bus stop and should be present to ensure appropriate behavior prior to the arrival of the bus in the morning and after the departure of the bus at the end of the day. School officials have jurisdiction at bus stops. Bus drivers may issue bus referrals based on behavior observed at bus stops, and administrators may investigate and discipline accordingly. In addition, behavior not directly observed at bus stops, but reported and confirmed by witnesses, may be acted upon.
5. Students are to be on time 10 minutes prior to bus arrival and stand off the roadway. If you cause any damage to the bus or another vehicle, your parent shall be responsible to pay for the damage. You can be disciplined for doing anything at the bus stop that is witnessed by a school employee (i.e. bus driver) which violates the code of conduct.

Florida Statute 232.28(3) Authority of school bus drivers; school district duties.

The school bus driver shall have the authority to control students during the time students are on the school bus, but shall not have such authority when students are waiting at the school bus stop or when students are en route to or from the school bus stop, except when the bus is present at the bus stop.

You must wait for the bus to come to a stop and then walk in front of the bus to get on the bus. *Riding the bus is a privilege. Do not abuse it.*

Things You Cannot Bring on a Bus: glass containers of any kind, sharp objects, balls, bats, roller skates or blades, toys (examples: game boys, video games, silly string, cards of any type), cutting instruments of any kind, any large or bulky item that interferes with proper seating of students (examples: large musical instruments *defined as those that the student is not able to hold on his/her lap and/or impedes the driver, walkway, or adjacent seat*), scooters, skateboards or athletic equipment, any animal, batons, drum sticks, tennis rackets (unless in proper carrying case), electronic equipment (examples: walkmans, CD players, DVD players, MP3 players, laser pens, voice recorders, or cameras with flash), fire arms, stink bombs, tobacco products, lighters, matches, lighters fireworks, or illegal drugs, cologne, nail polish, hair spray, spray paint, or chemicals, food, candy, gum or drinks other items prohibited elsewhere in the *Code of Student Conduct*.

A cell phone **MUST** be turned off and kept out of sight (i.e. inside a pocket, a book bag, a purse, or similar container) while on the school bus. If a student uses a cell phone while on the school bus (including text messages) or the device is on and emits any ring tone or other noise, (i.e. vibration), it will be confiscated. Violators will be subject to disciplinary measures. The school bus driver will turn the student's name into the Principal or designee who will confiscate the cell phone. Repeated offenses will result in contact with the parent to pick up the cell phone.

Rules While on the Bus

The bus driver is in charge. You must obey the driver at all times. You must tell the bus driver your correct name when asked. The bus driver and school will keep a seating chart. You will be disciplined if you do not follow all district and school rules and the following special rules:

- * sit in your assigned seat and use the seat belt if available
- * stay seated at all times while the bus is in motion
- * do not put any part of your body outside the bus windows
- * do not distract the driver with loud conversation or noises
- * do not eat or drink on the bus
- * maintain absolute silence at all times when the overhead dome lights are on for railroad crossings
- * do not throw any items on the bus or out of the bus windows
- * do not mark, cut, or damage bus seats or the bus itself
- * do not display signs from the bus
- * do not use obscene language or gestures

The following infractions will result in a bus suspension and/or suspension from school up to 10 days: possession of weapons, illegal drugs, tobacco products, laser pens, students involved in fighting, vandalism, profanity towards driver, use of matches, lighters or fireworks, sexual harassment, throwing of objects in or out of bus, and use of any object or situation causing a safety problem.

Discipline If Students Do Not Follow the Rules

Violation of District School Board transportation policies, including disruptive behavior on a school bus or that is a witnessed act at the school bus stop with the bus present (FS 1006.10) by a student, is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed. (FS 1006.07)

The School Board believes that all students, as well as the bus driver, should be able to ride safely on school buses. Therefore, if students misbehave, they will be removed from the bus. If you commit minor infractions, the school bus driver has the authority to address your behavior appropriately. If you cause repeated problems on the bus by doing something the bus driver considers a more serious rule violation, the bus driver will report you to your school Principal/designee. The bus driver will give the school a written referral about what you did. School administrator/designees can take any of the following disciplinary steps against you for misbehaving at a bus stop or on a bus, and will notify your parent/guardian, on an approved form when they take any of these steps:

1. Warn you that your behavior is not allowed and if repeated, will result in further discipline as well as suspension of your bus riding privilege.
2. Discipline you the same as if you had misbehaved at school (detention, ACE/ICE room, Saturday school, suspension, expulsion, etc).
3. Suspend you from riding the bus if prior warning and other discipline have not improved your behavior. You can be suspended for up to ten (10) days at a time.
4. Expel you from riding a school bus if previous discipline has not worked or if you commit a serious offense. The process by which you are expelled from riding the bus is the same as the process for being expelled from school. The principal/designee makes a recommendation to the Superintendent, who then recommends it to the School Board. If fewer than thirty (30) school days remain in the semester when the School Board considers the issue, then the expulsion may include the remainder of the current semester as well as the designated semesters of expulsion. Even if you transfer to a new school, you will be held responsible for any previous incidents of bus misconduct from your previous school. (See the section on “Expulsion” for details of the expulsion process.)

Flagler County School District Bus Incident Procedures

Step 1 – Verbal Warning Parent/ Guardian Contacted

1. Students who misbehave or who demonstrate potentially unsafe behavior shall receive a verbal warning on a bus incident report form.
2. The student’s signature in the provided space acknowledges the formal warning. If the student refuses to sign the warning, the driver documents the refusal on the form, and provides this information to the appropriate school personnel and transportation office.
3. The driver shall telephone the student’s parent/guardian to seek help in correcting the student’s behavior. The student’s behavior will be described in the comments section, and the driver shall write the date, time, student’s name, name of the person spoken to, and a brief description of the conversation.
4. After two attempts, if a driver is unable to make contact with the parent/guardian by telephone, the driver must document the attempt and result on the referral and request assistance from the appropriate school administrator/designee for his/her assistance.
5. After any step, a student’s behavior must become acceptable immediately and remain acceptable for the remainder of the school year.
6. If an additional incident occurs, the next step will be taken.

Step 2 – Written Notice to Parent/Guardian

1. Written notice shall be sent home if a student’s behavior has not become acceptable immediately.
2. Student will go to Step 3 if the written notice is not signed and returned to the driver or school within 48 hours after contact is made.

Step 3 – Administrative Referral

1. Students who continue to violate bus rules, possess contraband, and jeopardize the safety of others will receive an immediate referral to the school administrator/designee.
2. After presentation of documentation by the driver to the administrator/designee, it is the authority of the school administrator/designee to determine cause for suspension or recommendation of expulsion. Based on the infraction, suspension time is determined by the school.

NOTE: Riding the bus or attempting to ride the bus while on suspension could result in another referral, loss of bus riding privileges, and referral to the School Resource Deputy for a trespass warrant.

Due to safety concerns, penalties for not wearing a seat belt, when it is part of the available equipment, or unbuckling a seat belt prior to the arrival at school will result in:

Step #1 – Verbal warning and phone contact to the parent

Step #2 (next offense) – Suspension. Suspension for first offenses after a warning will be three (3) days; five (5) days suspension for subsequent violation and ten (10) days suspension for repeated misconduct.

Appeal of Bus Suspension

Your parent may appeal a bus suspension by calling the school principal/designee. The parent must come to the school and have a conference with a school administrator/designee and a representative from the transportation department/district office as part of the appeal. You may be permitted to ride a bus pending the outcome of your bus suspension appeal as long as there are no additional incidents of misconduct.

If expulsion has been recommended, you cannot ride a bus until the School Board rules on your expulsion. If you engage in violent or very unsafe behavior while riding the bus, the school shall additionally suspend your bus riding privileges until the school can hold a conference with your parent. The school will then determine whether to take additional disciplinary steps, including bus expulsion, and whether to impose further rules for your return to bus riding

NOTIFICATION OF ELECTRONIC COLLECTION OF FUNDS

Automated Recovery Systems (ARS) will electronically monitor a bad check writer’s account and are authorized to make two (2) electronic attempts for the FACE amount of the check plus a state authorized Returned Fee as follows:

| <u>Amount of Check Written</u> | <u>Return Fee</u> |
|--------------------------------|---------------------|
| \$.01 to \$50.00 | \$25.00 |
| \$50.01 to \$300.00 | \$30.00 |
| \$300.01 to \$800.00 | \$40.00 |
| \$800.01 to Plus | 5% of Face of Check |

If a check is returned Account Closed, Fraudulent, Stop Payment, or the NSF Item is unable to be electronically recovered due to zero balance, letters will be sent notifying the check writer to pay the Full Face amount plus the above authorized state Fees within (15) business days. If not, the bad check writer can be referred to the State Attorney’s office where they will be charged the Face amount of the original check, plus (3) times the Face amount in fees, plus costs, as allowed per state law.

By signing the receipt of this handbook you are consenting to electronic collection of any returned check plus the above listed state authorized return fee, without further notification.

Should you have any questions or need additional information you are welcome to contact Automated Recovery Solutions at 800-390-3948 or visit their website at www.automatedrecoveryolutions.com .

CONCLUDING STATEMENT

Should any item in this *Code of Student Conduct* be deemed contrary to the Flagler County School Board Policies, State Department of Education rules and regulations, state statutes, or federal laws that particular item shall be null and void, and the aforesaid regulation shall prevail. The School Board of Flagler County in adherence to all state and federal laws makes the final decision regarding disciplinary action.

Appendix A Glossary of Terms

Alcohol/Drugs: The use or possession of alcoholic beverages, unauthorized drugs, drug paraphernalia, over-the-counter drugs, or any other substance capable of modifying mood or behavior, or any substance represented to be of said nature (counterfeit drugs). (See “Expulsion-alternative Program” for students violating Drug and Alcohol Policies).

Alcohol/Drugs: The selling, transmitting, or distributing of alcoholic beverages, drugs, drug paraphernalia, over the counter drugs, or any other substance capable of modifying mood or behavior or the selling, transmitting or distributing of substances represented to be of said nature.

Altercation/Threats: Minor physical conflict between two or more students; threat by word or act to do violence to another student(s). Any act which substantially disrupts the orderly conduct of an extracurricular/co-curricular program or activity. Behavior not specifically described above which substantially disrupts the orderly learning environment or poses a threat to the health, safety, and/or welfare of students, staff, or others. This may include being arrested for a felony committed outside the school.

Assault: An intentional threat by word or act to do violence to another person, coupled with an apparent ability to do so, or doing some act that creates a well-founded fear in another person that such violence is imminent without subjecting him or her to physical attack.

Battery-Aggravated: A person commits aggravated battery that is committing battery and intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement, or uses a deadly weapon.

Battery: The offense of battery occurs when a person actually and intentionally touches or strikes another person against the will of the other or intentionally causes bodily harm to another person.

Beepers and Other Communication Devices: Electronic communication devices for talking with text messaging, signaling, or alerting another person.

Behavior Contract: An oral or written document developed between the student and a teacher, the principal/designee, and/or other school personnel.

Bomb Threats/Explosions: Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school system property, at a school function, or extracurricular/co-curricular activity, or the person in or on that property or attending the function. Preparing, possessing, or igniting explosives including unauthorized fireworks on school system property, at a school function, or extracurricular/co-curricular activity.

Bullying: Any overt acts repeated over time by a student or a group of students directed against another student with the intent to ridicule, humiliate or intimidate (including cyber-bullying).

Cheating: Willful or deliberate unauthorized use of the work of another person for academic assignment or test. In addition to corrective measures, the granting of credit for this assignment may be considered null and void.

Classroom Disruption: Conduct or behavior which interferes with actual classroom instruction or other class activity.

Co-Curricular Program or Activity: A school-sponsored activity which is an extension of the actual course of study.

Complaint: An allegation, verbal or written, officially made to an administrator/designee or school counselor.

Contraband: Any prohibited item. Students who bring to the school campus or to a school function materials or items which are prohibited or which are contraband may have the item or items confiscated. Once confiscated, the return of such items shall be at the discretion of the school.

Counsel and Direction: Students involved in misconduct may be given counsel and direction with the staff or administration where the misconduct is discussed and future expectations outlined. Parents can be involved.

Day: Reference to day or days for the purpose of calculating time throughout the *Code* shall refer to days that school is in session for students.

Destruction of Property/Vandalism: The willful or malicious destruction of school property or the property of others.

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

Disrespect for Others: Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons.

Dress Code: Conformity to established rules for appropriate school attire.

Expulsion: Expulsion is defined as the removal of the right and obligation of a student to attend a public school in Flagler County for a period of time and under conditions set by the School Board not to exceed the remainder of the term or school year and one additional school year of attendance. Expulsion also bars attendance at any public school function. THE SCHOOL BOARD OF FLAGLER COUNTY HAS THE SOLE RIGHT TO EXPEL A STUDENT FROM SCHOOL UPON RECOMMENDATION OF THE SUPERINTENDENT.

Extortion/Threats: The willful or malicious threats of harm, injury, or violence to the person, property, or reputation of another with the intent to obtain money, information, services, or items of material worth.

Extracurricular Program or Activity: A school-sponsored activity which is outside of the actual course of study and which carries no academic credit. Certain academic and behavioral expectations must be met for participation.

False Accusation: Any claim that is unfounded. A student may be recommended for expulsion if he/she is found to have intentionally made false accusations against a member of the school staff that could jeopardize the employee's employment, professional reputation or certification.

False and/or Misleading Information: Intentionally providing non-valid or misleading information or the withholding of valid information to a school system staff member.

False Threat or Report: Threat to throw, project, etc., a destructive device or make a false or inaccurate report about planting a bomb, explosive, or weapon of mass destruction.

Felony Suspension: A student arrested on a felony for an incident that occurs at a location other than on school property may be suspended until adjudication if the principal/designee determines that the student's continued school attendance would have an adverse impact on the school.

Fighting: A physical conflict between two or more individuals.

Firecrackers/Fireworks: Unauthorized possession and/or igniting of fireworks or firecrackers on school system property, at a school function, or extracurricular/co-curricular activity.

Forgery: The making of false or misleading written communications to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member.

Gambling: Any participation in games (or activities) of chance for money and/or other things of value.

Gang Activity: Any willful, intentional and/or malicious act with the intention of promoting gang organizations, activity, or membership. These acts include, but are not limited to, wearing colors or symbols, hand signals, graffiti, intimidation, participating in beatings and/or gang initiations, recruiting for membership, and/or crimes resulting from gang affiliations.

Grievance: A written allegation officially presented to a school administrator/designee.

Gross Insubordination/Open Defiance: Willful refusal to submit to or comply with authority; exhibiting contempt or open resistance to a direct order.

Inciting, Leading, or Participating in a Student Disorder: The willful act of inciting or participating in any disruption or disturbance which interferes with the educational process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others including gang activity.

In-School Suspension: Students may be removed from a class and assigned to other activities on the school campus. Other activities may include supervised work details.

Insubordination: Refusal or failure to comply with a direction or an order from a school system staff member. Failure to comply with State Law, School Board Policy, local school rule, behavior contracts, or classroom rules.

Internet/Computer Misuse: Inappropriate use, including but not limited to, breaking into restricted accounts or networks, modifying files without permission, illegally copying software, and entering or distributing unauthorized files (e.g. pornographic files).

Internet-Unauthorized Use of: The Internet is to be used for educational purposes only. Any misuse or abuse of the Internet may result in disciplinary action. A completed network access agreement must be on file at school for students to use the Internet.

Intimidation/Threats/Altercation: The verbal or physical threats to do harm or violence to another student(s) or the property of another person.

Manifestation: If a child's misbehavior is a result of his or her disability, the misbehavior is called a "manifestation" of the disability.

Misconduct on School Bus or other Approved School Transportation: Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of students or other authorized riders.

Motor Vehicle: Student violating driving privileges established by the school

Non-Alcohol: A student shall not knowingly possess, use, or transmit any non-alcoholic beverage such as O'Doul's, Sharps, Cutter, etc., (which are brewed by beer companies) on school grounds, at a school activity, function, or event.

Other Serious Misconduct: Behavior not specifically described above which substantially disrupts the orderly conduct of a school, school function, or an extracurricular/co-curricular activity. This may include profanity or other language intended or reasonably calculated to insult another person; "mooning"; or the activation of a fire alarm without reasonable cause, which at the discretion of the principal/designee, was not the result of a reckless or malicious act.

Out-of-School Suspension: 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/designee/designee, for a period not to exceed ten (10) school days, beginning at the end of the school day.

Parent Conference/Contact: In cases of student misconduct, a conference between school personnel and the parent or guardian may be held to discuss student behavior. During this conference, future plans, alternative educational opportunities, or behavior contracts may be determined.

Payment for Damages: Students destroying school property or property of others may be assessed for payment of damages, and their parents may be held responsible to assure payment.

Permanent Removal from Extra-curricular/Co-curricular Program or Activity: Removal from such program or activity for the remainder of the school year.

Possession of Contraband Material (Other than Alcohol, Drugs, Tobacco Products, Weapons or Firearms): Possession, use and/or distribution of materials or items which are forbidden including but not limited to radios, tape decks, TV's, or stolen property. Contraband may be confiscated and not returned to the student.

Post-Expulsion Plan: A written contract or plan to be developed for each student expelled by the School Board from attending school. **Profane, or Obscene, Abusive Language/Materials:** The use of either oral or written language, gestures, objects, or pictures which are socially unacceptable or which tend to disrupt the orderly school environment, a school function, or extracurricular/co-curricular activity.

Repeated Misconduct of Minor Infractions: Repeated misconduct which tends to disrupt an orderly school environment or extracurricular/co-curricular program or activity.

Repeated Misconduct of a More Serious Nature: Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function or extracurricular/co-curricular activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals.

School/Classroom Positive/Negative Reinforcement Plans: Individual schools and/or teachers may develop structured discipline plans to encourage appropriate behaviors. Such plans may not conflict with the *Code of Student Conduct*.

Special Programs-Alternative Classrooms: Students may be assigned to special programs on the school campus or at special centers to assist in correcting student misbehavior and disruptive behavior.

Special Work Assignments: The assignment of a reasonable task to be completed by a student is permissible. Such a work assignment should not be to complete additional academic work.

Stealing: The taking of property of another without permission of the person.

Substance Abuse: Using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

Suspension: Suspension, also referred to as 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/designee or the Principal/designee's designee, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student's parent with specific homework assignments for the student to complete.

Suspension from Bus Riding Privileges: Students may be suspended from bus riding privileges for misconduct on the school bus for up to ten (10) school days. The School Board may suspend a student from bus riding privileges for longer periods of time. A student suspended from bus riding privileges continues with the responsibility to attend school. The

responsibility for transportation to and from school for the duration of the suspension becomes the responsibility of the student or the student's parents.

Smoking (and other use of Tobacco Products): The unauthorized possession, use, distribution or sale of tobacco products on school system property, at a school function, or extracurricular/co-curricular activity at all times. Smoking is also prohibited by students on or within 1000 feet of school property between 6 am and midnight unless they are in a moving vehicle or a private residence.

Tardiness: Excessive late arrival to school or class.

Temporary Removal from Extra-curricular/Co-curricular Program or Activities: Inappropriate behavior may result in suspension or removal from an activity or extra-curricular events.

Trespassing/Trespasser: Any unlawful invasion or presence on school property.

Unauthorized Absence from School or Class: Violation of the State Attendance Laws requiring school attendance or "skipping" an individual class or classes. Unexcused absence.

Unauthorized Assembly, Publication, etc.: Demonstrations and/or petitions by students, or possession and/or distribution of unauthorized publications, which interfere with the orderly process of the school environment, a school function, or extra-curricular/co-curricular activity.

Vandalism/Criminal Mischief: Destruction of school property causing disruption of normal school activities.

Verbal Correction/Reprimand: Any member of the school staff may verbally correct a student for misconduct in the classroom, hallways, on the school grounds, going to and from school, or a scheduled school function.

Violation of Early Re-entry Plan/Probation: Any act or series of acts which violates or has the practical effect of violating an early re-entry or a probationary plan.

Withdrawal of Privileges: The temporary withdrawal of an opportunity which does not impact the health and safety of students nor impair the development of the basic academic program for the student.

Work Detail: Students may be required to serve work detail at the school for misconduct. Each work detail shall not endanger the health or safety of a student but may require physical labor.

**HAVE YOUR CHILD RETURN THIS PAGE TO
SCHOOL AFTER SIGNING THE ACKNOWLEDGEMENT**

PARENT AND STUDENT ACKNOWLEDGEMENT

The *Code of Student Conduct* has been written so students and family members know what behavior is expected and prohibited at school or at school activities. It is helpful if parents are aware of school rules so they can help support them from home. Failure to return this acknowledgement will not relieve a student or the parent(s) from the responsibility for knowledge of the contents of the Flagler County Public Schools *Code of Student Conduct*.

_____ I will access the *Code of Student Conduct* online at www.flaglerschools.com, and I do not wish to have a printed copy.

_____ I wish to have a printed copy of the *Code of Student Conduct*.

_____ I have received and reviewed the *Code of Student Conduct*.

Parent/Guardian Signature

Date

Student's Signature

Date

Student Name (Print)

Grade

Parent/student: Please retain a copy of this document for your files. The original will be on file at the student's school.

Note: All corrections/updates to the Code during the school year will be made online only. Access is at www.flaglerschools.com.

The following committee members participated in the revision of this document for 2009 - 2010:

| | |
|------------------------------|--|
| Joe Astuto | Transportation |
| Barbara Beach | School Dean, FPCHS |
| Carl Coalson | District Behavior Specialist, ESE |
| Terrence Culver | School Dean, MHS |
| Martin Evans | Asst. Principal, BES |
| Chenita Johnson | School Dean, MHS |
| Travis Lee | School Dean, FPCHS |
| Paul Peacock | Asst. Principal, BTMS |
| Marcus Sanfilipo | BTMS |
| Barbara Sauvelpahkick | Asst. Principal, RES |
| Bob Sawyer | School Dean, FPCHS |
| Nick Schell | Asst. Principal, OKES |
| Carla Taylor | Principal, Pathways Academy |
| Fred Terry | Asst. Principal, WES |
| Katrina Townsend | Director Student Services |
| Dr. Tracy Umpenhour | School Psychologist, ESE/SS |
| Gayle Widing | School Dean, ITMS |
| Barry Wills | Asst. Principal, BTES |