



**flagler**schools  
Striving to be the Nation's Premier Learning Organization

# Elementary Code of Student Conduct

2018-19 School Year

James Tager  
Superintendent of Schools

# Flagler County School Board

<b>Chair</b>	<b>Trevor Tucker</b>
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*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
iFlagler	447-1520
Indian Trails Middle School	446-6732
Matanzas High School	447-1575
Old Kings Elementary	517-2060
Rymfire Elementary School	206-4600
Transportation Department	586-2145
Wadsworth Elementary School	446-6720

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

This document is available online at [www.flaglerschools.com](http://www.flaglerschools.com). All updates during the school year are online only. This document is updated annually, and the most recent Board approved version remains in effect until each update occurs.

This document is intended for use by students, faculty, staff, and families. 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.

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.

## **District Vision and Beliefs**

***Vision:*** *As a courageous, innovative leader in education, **Flagler County Public Schools will be the Nation’s premier learning organization** where ALL students graduate as socially responsible citizens with the skills necessary to reach their maximum potential.*

***Mission:*** *Flagler County Public Schools ensures educational success through high expectations and innovative thinking in a safe learning environment to empower students to reach their full potential as responsible, ethical, and productive citizens in a diverse and changing world.*

### ***Guiding Principles***

*Children First*

*Trust and Respect for All*

*Empower Others*

*Teamwork*

*Excellence, Quality, and Consistency*

*Commitment to Individual Needs*

*Get to “YES”*

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**  
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**Parent and Student Acknowledgment of Code of Student Conduct  
must be signed and returned (page 47).**

## INTRODUCTION

### General

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. The purpose of this *Code of Student Conduct* (legal authority: FS 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 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.

School administration may implement policies and procedures within their school site to address issues within the school; this applies to setting requirements for students to attend school-sponsored events such as after school activities and others (including behavioral, attendance, and/or other guidelines). Individual schools may not implement rules or policies that conflict with district policy. Should this inadvertently occur, district policy will prevail. Alternative programs/settings may implement additional policies and rules that are more restrictive and/or may not apply to the other schools.

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 poor choices. Students are encouraged to promote responsibility among students and to assist in the reporting of criminal and/or inappropriate behavior(s) within the schools.

This Code applies to all District students 24 hours a day, 7 days a week:

- While on school grounds,
- While being transported by School District transportation or waiting at the bus stop, and
- During school-sponsored events, such as field trips, athletic functions and similar activities, whether on or off school grounds.

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.

Flagler County Schools recognizes the need for a collaborative approach between schools, families, and the community to help all of our students reach their maximum potential.

\*\* Note: For the purposes of this *Code*, the term “parent” also includes “legal guardian” and the term “principal” or “administrator” will also include “designee”.

### **Positive Behavior Interventions and Support (PBIS)**

All schools in Flagler County are expected to use a positive behavioral intervention and supports (PBIS) management system, which acknowledges and rewards appropriate behavior. Each school has its own system of rewards for students who meet positive behavioral criteria. As part of this system, students may participate in a universal behavior screening. Questions regarding this should be directed to the administration at the individual schools. Positive Behavioral Interventions and Supports (PBIS) is a system of school-based strategies, which provides positive and effective alternatives to traditional methods of discipline. PBIS methods are evidence-based and proven to significantly reduce the occurrence of problem behaviors in the school, resulting in a more positive school climate and increased academic performance. PBIS is consistent with the Individuals with Disabilities Education Act, which advocates the use of positive behavior interventions and school-based disciplinary strategies that reduce or eliminate the need to use suspension and expulsion as disciplinary options. As part of the classroom management system, teachers will use a classroom behavior intervention form to document attempts at intervention prior to students receiving a referral for a behavior that falls under classroom management. For more information on PBIS, please visit <http://flpbis.cbcs.usf.edu/>.

### **Multi-Tiered System of Supports (MTSS)**

When students are experiencing difficulties in school, they may be referred for additional services and supports. MTSS is built upon three “tiers” of intervention. Tier 1 refers to supports and interventions available and/or provided to all students. Tier 2 interventions/supports are more student-specific, often provided in a small group setting. Tier 3 interventions/supports are student specific and are targeted to the specific needs of an individual student. The goal of MTSS as applied to student behavior is to determine why a student is having behavioral concerns and address that concern help prevent it from reoccurring. Students will be referred to the MTSS process for behavior based on certain infractions and/or the total number of disciplinary infractions accumulated. For more information visit: <http://flaglerschools.com/district/curriculum-and-instruction/mtss-multi-tiered-systems-support>.

### **Progressive Discipline**

Student disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions, and responses to them become progressively more severe. When deciding what disciplinary action should be taken, the principal or designee shall consider the student’s age, exceptionality, previous conduct, probability of a recurring violation, intent, attitude, and severity of the offense and, whenever possible, shall impose disciplinary action in a progressive manner. Some infractions require specific disciplinary actions and are not appropriate for the progressive discipline plan.

### **Student Rights**

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

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

### **Parent Rights Under Section 504**

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. These rights may be viewed at <http://flaglerschools.com/district/about-us/plans-and-procedures>; hard copies may be requested from the Office of Student and Community Engagement.

The Section 504 coordinator for the School District is the Director of Exceptional Student Education. If you have any questions or concerns the contact information is as follows:

State Office:	Flagler County School District:	Regional Office:
David Wheeler	Director of Exceptional	U.S. Dept. of Education
Florida Department of Education	Student Education	Office of Civil Rights
Tallahassee, Florida	1769 E Moody Blvd; Bldg. 2	61 Forsyth Street S.W.
850-245-0477	Bunnell, Florida 32110	Atlanta, Georgia 30303
	386-437-7526	404-562-6350

### **Parent and Student Rights Under FERPA, HIPAA, and PPRA**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age certain rights with respect to the student's education records. For detailed information see <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>. The Health Information Privacy Act (HIPAA) creates standards to protect student's personal health information. It sets limits on the use and release of health records. For detailed information see [http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/consumer\\_rights.pdf](http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/consumer_rights.pdf).

The Protection of Pupil Rights Amendment (PPRA) affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These rights may be viewed at <http://www2.ed.gov/policy/gen/guid/fpco/ppra/index.html>. Hard copies of these documents are available from the Office of Student and Community Engagement.

### **Discipline for Exceptional Students (ESE)**

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 their non-disabled peers. 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 Exceptional Student Education.

If a student with a disability receives an in-school suspension, the student's Individual Education Plan (IEP) will continue to be in effect. 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, are a violation of FAPE under IDEA.

A student with a disability may be suspended from school just like any other student. If there are 10 days of out-of-school suspension during the school year, the IEP team shall convene to review services and complete a “Manifestation Determination.” In addition, a Functional Behavioral Assessment and a Behavior Intervention Plan shall be considered.

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 interim alternative educational setting (IAES) 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.

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 Individuals with Disability Education Act (IDEA) 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.

## **Investigations at School**

### **Criminal**

School-based 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 must 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 a student is suspected of violating the *Code of Student Conduct*, school officials can question him/her without first contacting the parent. The student does not have the right to have a parent present or a right to an attorney when questioned.

### **Victim or Witness**

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

### **Removal of Student from School Property**

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

## **Prohibited Items and Contraband**

Students should not bring items to school, which are not required to participate in school activities or lessons. All weapons (including toys and replicas) are prohibited. A weapon is defined as any item, which could be used to cause injury, induce fear of injury, or common items used in a harmful or threatening way. Examples include air soft guns, knives of any kind, fireworks, box cutters, ice picks, pepper spray, etc.

For purpose of this Code, "contraband" is any item or substance that is prohibited by federal and/or state law, School Board rule, or this Code from being used or possessed on School Board property, a school bus or school-approved transportation, or at any school-related function or activity. Contraband includes, but is not limited to, drugs, drug paraphernalia, alcohol, unauthorized non-prescription medications, tobacco, weapons, ammunition, matches, lighters, laser beam devices, firecrackers and fireworks, pornography, and gang- related signs or symbols. Students are not permitted to sell any personal items at school.

### **Search and Seizure**

Students, their lockers, vehicles, and other possessions are subject to search upon reasonable suspicion that they may possess drugs, other prohibited substances, objects, or contraband, while on school property or wherever students are under school supervision, such as on field trips, at extracurricular activities, or while being transported by school bus or school-approved transportation.

The routine checks by sniff-screening dogs are not considered a search by law. They are a safety measure to help ensure a safe and healthy learning environment (FS 1006.09 (9)).

### **Video Surveillance**

All Flagler schools and school busses use video surveillance in an effort to maintain safety. Video records are considered private student records unless subpoenaed.

### **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.

Flagler School Board Policy 404 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."

### **Reporting Concerns**

Flagler Schools strongly encourages parents, students or community members to report any type of suspicious activity or other concerns (i.e. bullying) involving a student(s) as soon as possible to school based personnel. Reports can be made in person, over the phone, or electronically using our "SEE SOMETHING? SAY SOMETHING." link on our district web page <http://flaglerschools.com/district/see-something-say-something>. Please note in cases where somebody may be in immediate danger, we suggest you to call 9-1-1.

## SECTION ONE: UNIFORM DRESS CODE

The Board finds that school uniforms are necessary for the safety and welfare of students and school personnel. Uniforms promote an environment that enhances learning and safety; encourages you to express your individuality through personality and achievements, not outward appearances; and creates a sense of pride and belonging. All staff members are required to enforce the dress code. The administration/designee will be the final judge as to whether a student's clothing meets policy requirements. 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 Flagler Schools' Dress Code Policy. Students are required to wear a school uniform at all times while attending school or any school-sponsored activity during the school day.

### I. Specific Requirements:

#### A. Pants/Bottom Attire

1. Must be khaki (tan), grey, white, navy blue, or black slacks, shorts, skirts, skorts or jumpers, or plain blue or black denim jeans, shorts, skirts, skorts, or jumpers. A small trademark logo is acceptable. Athletic type bottom attire such as mesh shorts, spandex pants, or sweatpants would not be considered appropriate for the uniform dress code policy.
2. Bottom attire must be plain without any holes, tears, or unfinished hems, and must be worn securely at the waist.
3. If bottom attire has visible belt loops, a belt must be used. Students in grades K-3 are exempt.

#### B. Shirts

1. Shirts must be standard short or long sleeve polo style, oxford style, or button-up dress shirt with a collar. A small trademark logo is acceptable.
2. K-6 schools may use the district colors of white, black or grey and choose up to two additional standard school colors. Shirts must be solid color and fabric. No lace or sheer materials, including "cut outs."
3. On designated school Spirit Days or special events, students may wear their school logo t-shirt, team jersey, or club shirt. Items must represent the school the student attends. Friday of each week will be a designated Spirit Day. Special school event days (such as Homecoming Week, Cancer Awareness Day, Red Ribbon Week, etc.) will be designated by the school and dates will be released in advance.
4. It is recommended shirts be tucked in. Cleavage must be covered.

#### C. Outer or cool weather attire must be school appropriate.

1. Zip-up, button-up or "over the head" sweatshirts or sweaters are acceptable as long as required dress attire is worn beneath.
2. Items must be solid color.
3. Standard, required dress code must be worn, even when wearing cool weather attire.

### II. The following general rules apply to dress code:

- A. Shorts, skirts, skorts or jumpers are acceptable if they are within 4" above the knee.

- B. Head coverings (bandanas, sweatbands, and du-rags, etc.) will not be allowed. School appropriate hats are allowed outside the buildings.
- C. No undergarments are to be seen at any time.
- D. Wearing apparel, which tends to identify association with secret societies or gangs as prohibited in Florida Statutes is not allowed.
- E. No sunglasses can be worn inside buildings.
- F. All chains and jewelry that hang outside clothing are not allowed.
- G. Any jewelry or accessory that presents a safety or health hazard, or causes a major disruption to the educational process is not allowed.
- H. Footwear that is a safety hazard will not be allowed (ex. footwear with wheels or slippers).
  - a. K-6 grade students must wear enclosed shoes or athletic shoes.
- I. All clothing must be the appropriate size for the student; it may not be oversized or undersized. The waist of the garment shall be worn so that the waistband is worn at waist level and not below the waist.
- J. Tattoos deemed inappropriate by staff must be covered.
- K. Contact lenses that alter the appearance of the eye (other than to another naturally occurring color) are not allowed.
- L. No trench coats.
- M. No sheer or lace fabrics may be used in top or bottom attire.
- N. No clothing, insignia or logos related to drugs, alcohol, violence, gangs, or other topics deemed inappropriate by administration allowed.

### III. Exceptions

- A. Students who enter the Flagler County School system after the start of the school year will have a grace period of ten (10) school days before being required to wear the school uniform.
- B. The Superintendent, in consultation with the principal, may waive the school uniform policy on a case-by-case basis for reasons such as, but not limited to, medical necessity or sincerely held religious belief, documented by a medical physician or religious leader.
- C. A student wears a uniform of a nationally recognized youth organization, such as the Boy Scouts or Girl Scouts, on regular meeting days.
- D. A student wears a costume, special clothing, or dress attire necessary for participation in a school-sponsored or extracurricular activity provided the clothing complies with District policy.

### IV. Financial Considerations/Assistance

- A. Students will not be denied attendance at school or be otherwise penalized for failing to wear clothing that complies with the school uniform if such failure is due to financial hardship. Your parent/guardian should notify the principal if assistance is needed.
- B. The Superintendent shall develop procedures to offer assistance to students who would have or are having difficulty complying with the school uniform policy due to financial hardships and shall develop a program to provide for uniform donations or uniform clothing.

## V. Discipline

- A. The principal or designee has the authority to decide if your clothing complies with Board Policy.
- B. If the principal determines that your clothing does not comply with Board policy, your parent/guardian may be asked to bring an appropriate change of clothes to school. You may also receive a disciplinary consequence for violating the school's dress code policy. Repeated violations of the Dress Code Policy shall be treated as disruptive behavior under the Student Code of Conduct.

The schools will use a common system of discipline for dress code violations. The student would either have to change or parents would have to bring proper attire.

### **K-6: In all cases, the student will not be allowed to attend class out of dress code.**

Initial Correction	Verbal warning
1st Offense	Verbal warning. Parent contact/call
2nd Offense	Referral. 1 period in-school suspension. (**Note: For this and subsequent offenses, if the clothing worn "exposes underwear or body parts in an indecent or vulgar manner or disrupts the orderly learning environment," participation in extracurricular and interscholastic activities may be impacted, if applicable.
3rd Offense	Referral. 3 periods in-school suspension.
4th Offense and up	Referral. 1-day in-school suspension.

- C. Any absence resulting from a violation of the Student Dress Code policy will be considered an unexcused absence.

According to FS 1001.43, the School Board has the right to adopt programs and policies to ensure the safety and welfare of individuals, including requiring uniforms. It is important for students and parents/guardians to work with the school in adhering to district dress code.

## **SECTION TWO: STUDENT DISCIPLINE**

### **Overview**

A violation of any school rule will result in disciplinary action. Students are expected to behave appropriately and follow behavior expectations at all times while at school, during school activities, on the school bus, and while waiting at the school bus stop. Certain law violations or activities off campus may have consequences at the school.

Student disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions, and responses to them become progressively more severe.

School District staff should intervene in an effort to prevent or curtail misconduct. If further action is necessary, staff should refer the student to the school administration for disciplinary action. After hearing the student's explanation, consulting with staff members and doing any other investigation necessary, the administration will decide if disciplinary action is necessary.

When discipline action is necessary, all school administrators will follow Flagler County Schools' Discipline Matrix, which can be accessed at <http://flaglerschools.com/district/discipline>.

### **In-Lieu of Suspension Options**

Students in grades 6 through 12 are afforded a one time in lieu of option to reduce or remove an Out of School Suspension.

Reduction schedule:

1-0 days

3-1 days

### **In-Lieu of Out of School Suspension options include:**

Community Service

Parent/Student Seminar Night

Fire Prevention Seminar

Tobacco Seminar

### **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 a concern has not been solved after talking with the teacher, dean, or assistant principal/designee, the parent should describe the issue in writing and give it to the principal/designee within three (3) school days of when the problem occurred.

The principal/designee will investigate the concern and give an explanation of findings. That decision will be provided within 48 hours from the time the written description of the problem was given to the principal/designee.

If the parent is not satisfied with the way that the principal/designee has resolved the problem, she/he 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 the final decision within 24 hours (one school day) from the time that the office received the written request to review the matter.

If the problem originally was with the principal/designee and the parent does not believe the problem was solved after talking with the principal/designee, she/he 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 the final written decision will be provided within 24 hours (one school day) from the time the written description of the problem was received.

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. The Superintendent's designee in matters of discipline is the Coordinator of Student Supports and Behavior.

### **Multidisciplinary Team**

Students who are having discipline issues that show concerns related to violent or disruptive behaviors (and/or legal charges) may be brought before the District's Multidisciplinary Team (MDT) for review. The MDT will determine supports, interventions and placements for the student. Interventions may include but are not limited to extended suspension, alternative placement, alternative plans for education, or recommendation of expulsion, and others. The team may consist of the following members:

1. Legal Rep
2. Exceptional Student Education Rep
3. Substance Abuse and Mental Health Agency Rep
4. Adult Education Rep
5. Department of Juvenile Justice Rep
6. Elementary Education Rep
7. Secondary Education Rep
8. Curriculum Specialist Rep
9. School Psychologist
10. Behavior and Discipline Rep

This team is responsible for making placement and intervention decisions when the school options have been exhausted or a student has a major placing event. The team will determine short-term (6-20 days) and long-term (more than 20 days) removals as well as developing a re-entry plan. The recommendations of the committee must be followed to maintain. Consequences requiring School Board approval must be submitted by the District's Multidisciplinary Team.

### **Levels of Discipline**

#### **General**

All offenses defined in this Code are prohibited behaviors. NOTE: All responses and sanctions that include removal from class will involve a parent contact.

#### **Level I**

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

#### **Level I Offenses:**

- A. **Computer Mischief Minor:** Use of technology/computer resources in an unacceptable manner, but without meaning to harm others. Examples might include, but are not limited to: accessing unauthorized websites, etc.
- B. **Disruption (level 1):** Non-threatening activity that is not appropriate in a school setting and/or is disruptive to the learning process. Engaging in loud or rough behavior

that interferes with the safe and purposeful order of a school. Examples include, but are not limited to: horseplay, chasing another student in the hallway or classroom, etc.

- C. **Dress Code Violation:** Failure to conform to School Board policy regarding the uniform dress code or failure to abide by required dress for specific courses/class, such as physical education or culinary classes, etc.
- D. **Electronic Device:** Possession and use of any electronic device without permission of staff. Examples include, but are not limited to: includes iPod, , cell phones, tablets, smart watches, etc.
- E. **Failure to Return Daily Use Computer:** Failure to return school issued device for daytime or daily use students.
- F. **Inappropriate Location:** Presence of the student in an unapproved location or during an unapproved time.
- G. **Misconduct I:** Engaging in conduct not appropriate for the school setting, whether it is disruptive to the educational process or not.
- H. **No Show Academic Assistance:** Failure to report as assigned by staff.
- I. **PBIS Step 4:** Attainment of 4 notices of minor classroom behavior infractions. On the 4<sup>th</sup> such incident, as documented on the Classroom Behavior Intervention Form as utilized in the Positive Behavior Interventions and Support (PBIS) plan, the student will receive a referral.
- J. **Tardy:** Late arrival to school or class.

### **Responses and Sanctions**

If a student commits a Level I offense, the school administration shall take such action as deemed appropriate in the exercise of its judgment and discretion including, but not limited to:

- Counseling and direction with the student
- Verbal reprimand/warning
- Parental contact
- Parent conference
- Confiscation of item (with or without return to parent)
- Time out
- Written apology
- Special work assignment
- Withdrawal of privileges which may include, but not be limited to, computer access, participation in extracurricular or afterschool activities, bus riding privileges, etc.
- Return of property, payment for same, or restitution for damages
- Behavior plan/contract
- Lunch detention
- In-school suspension
- Detention
- Extended detention
- Saturday detention
- Referral to guidance
- Referral to MTSS team
- Schedule change

- Level II sanctions for repeated offenses
- Other school-based consequences as deemed appropriate by administration

## **Level II**

Level II offenses are acts of misconduct that are more serious or disruptive than offenses in Level I. Level II offenses also includes repeated acts of Level I misconduct and acts directed against people or property that do not seriously endanger the health or safety of others.

### **Level II Offenses:**

- A. **Cheating/Plagiarism:** Willful or deliberate unauthorized use of the work of another person for an academic assignment or test.
- B. **Chemical Spray Misuse:** Use of a spray item with malicious intent or intent to cause harm or a disruption.
- C. **Disrespect:** Conduct or behavior, which demeans, shames, irritates, humiliates, or embarrasses a person or group of persons.
- D. **Disruption (level 2):** Behavior, which disrupts the educational process, but is not criminal or a safety concern.
- E. **Disruption for Substitute:** Conduct that interferes with the process of teaching/learning, or disrupts the orderly nature of a learning environment while under the supervision of a substitute teacher.
- F. **Failure to Report:** Failure to report to an office or area as designated by staff.
- G. **Failure to Sign In:** Failure to comply with school policy for signing in to school after having arrived late.
- H. **False Reporting:** Intentionally providing non-valid or misleading information or the withholding of valid information to a school system staff member.
- I. **Forgery/False Document:** 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.
- J. **Inappropriate Touching/PDA:** Engaging in clearly inappropriate contact not suitable in a school setting.
- K. **Leaving Class Without Permission:** Leaving a classroom or educational experience without staff permission, but remaining on the campus.
- L. **Leaving School Without Permission:** Leaving a school campus without staff permission.
- M. **Misconduct (bus):** Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of students or other authorized riders.
- N. **Misconduct II:** Engaging in behavior not appropriate for the school setting, whether disruption to the educational process or not and causes a safety concern on campus.
- O. **No Show to detention:** Failure to report as instructed by staff.
- P. **No Show to in-school suspension:** Failure to report as instructed by staff.
- Q. **No Show to lunch detention:** Failure to report as instructed by staff.
- R. **Pornographic Materials:** Possession of adult pornographic materials. Does not include possession of child images or materials.
- S. **Possession of Laser Light:** Possession of laser light, without intent to harm and without unintended harm occurring.
- T. **Possession of Lighter/Matches:** Possession of lighter/matches, without intent to harm/use and without occurrence of fire.

- U. **Profane language:** The use of either oral or written language, gestures, objects, or pictures which are inappropriate for the school setting or which tend to disrupt the orderly school environment, a school function, or extracurricular/co-curricular activity.
- V. **Skipping Class:** Intentionally out of assigned class for a period of time greater than 10 minutes without staff approval.
- W. **Skipping School.** Intentionally out of assigned classes for a period of time greater than half of the school day.
- X. **Social Media.** General use of social media on campus without malicious intent.
- Y. **Testing Misconduct** – Not following testing policies and procedures set forth by state, district, or classroom guidelines that may jeopardize the integrity of the test but does not meet criteria for cheating/plagiarism. Examples include but are not limited to: having cell phone out during testing, talking, leaving the testing area without permission, etc. Testing misconduct may result in receiving a zero or invalidation of the test.
- Z. **Vandalism (under \$100):** Purposeful destruction of property with a replacement or repair cost of less than \$100.00.

### **Responses and Sanctions**

If a student commits a Level II offense, the school administration may use any Level I response/sanction, and add Level II sanctions as deemed appropriate in the exercise of its judgment and discretion, including but not limited to:

- OSS (1-3 days)
- Assigned to OSS in-lieu program
- Mediation (peer or adult)
- Paired to a mentor
- Law Consult
- MTSS interventions and/or placements
- Intent to Harm evaluation
- Loss of credit on assignment or required to retake of assignment/test
- Safety Assessment
- Other school-based consequences as deemed appropriate by administration
- Schedule Change
- No Contact Agreement
- Infraction CC may lead to criminal proceedings

### **Level III**

Level III offenses are major acts of misconduct, which constitute a serious breach of conduct. They include repeated misconduct acts from Level II, serious disruptions of school order, and threats to the health, safety and property of others. A student who commits a Level III offense may also be subject to criminal proceedings.

#### **Level III Offenses:**

- A. **Ammunition Possession:** Possession of any projectiles together with their fuses, propelling charges, and primers that are fired from guns.
- B. **Assault on Employee (non-SESIR):** An intentional threat on an employee (to

- include all FCSB staff) 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.
- C. **Assault on Student (non-SESIR):** An intentional threat on a student 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.
  - D. **Computer/Technology (major):** Misuse of a computer/technology with malicious intent. Examples may include, but are not limited to: “system hacking” or making unauthorized changes to operating systems, breaking into restricted accounts or networks, modifying or destroying files without permission, illegally copying software, etc.
  - E. **Defiance/Insubordination:** Refusal or failure to comply with a direction or an order from a staff member. Failure to comply with State Law, School Board Policy, local school rule, behavior contracts, or classroom rules.
  - F. **Disruption (level 3):** Behavior, which causes a major disruption to the educational process or causes safety concerns on campus.
  - G. **Drug Paraphernalia (non-SESIR):** Possession of any item used to smoke, ingest, or apply illegal, prescription, or over-the-counter drugs. Examples include, but are not limited to: pipes, papers, or other devices used to smoke or ingest marijuana or other illegal substances.
  - H. **Excessive Referrals:** 3 or more referrals in a five day (school day) period
  - I. **Explosives:** Unauthorized possession and/or igniting of explosive device.
  - J. **Extortion:** 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.
  - K. **False Accusation Against Staff:** Intentionally making any claim against a staff member that is unfounded.
  - L. **Fighting Mutual (non-SESIR):** Two or more individuals participating in physical conflict with both parties engaged. Applies when there is no injury AND the engaged party stops on verbal command.
  - M. **Fireworks:** Unauthorized possession and/or igniting of fireworks or firecrackers.
  - N. **Forgery (checks):** Submitting a check with either a false signature or other false information on the check or under false pretenses.
  - O. **Hazing:** 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.
- P. **Hit/Striking:** Non-mutual physical contact with malicious intent, but without injury to the victim.
  - Q. **No Show to Saturday Detention:** Failure to report as instructed by staff.
  - R. **Non-prescription drug possession/sale/use:** Possession of any medication, other than prescription medication. Examples might include, but are not limited to: cold, pain, or allergy medication, etc.
  - S. **Off-campus felony:** Any charging affidavit listing a felony crime for a student will be reviewed to determine if the student's presence may have an adverse effect on the school environment.
  - T. **Possession of a pocketknife:** Possession of a knife without intent. These knives are typically expected to be four inches or smaller when closed and have a hinged blade that closes into a covering, without a locking mechanism to keep the blade secured in an open position.
  - U. **Possession of a stolen item:** Possession of an item stolen by someone else.
  - V. **Possession of prohibited items:** Possession of any item not required for school/educational lessons.
  - W. **Profanity to Staff.** Any use of profanity directed at any Flagler County School Board staff member.
  - X. **Secret Society:** Participating or joining in the initiation to any group that is not approved by school administration.
  - Y. **Sexting:** Sending, or receiving without immediate deletion, any inappropriate texts, emails, messages, photos, etc. of a sexual nature on campus.
  - Z. **Slur (Federally Protected Groups):** Use of inappropriate words with negative connotations, including verbal and written, words directed at a certain individual or group of individuals. Examples include, but are not limited to comments based on race, gender, religion, ethnic background, sexual orientation, etc.
  - AA. **Social Media (Major).** Use of social media on campus, on school transportation or school sponsored events with malicious intent.
  - BB. **Threat to Harm Employee (non-criminal):** Making a verbal or written statement, which does not meet the criteria of criminal assault. A low-level threat that poses minimal risk to the victim and public safety. The threat is vague and indirect; the information contained in the threat is implausible or seems unlikely to be carried out.
  - CC. **Threat to property of staff:** Threat to harm property of a staff member. Examples might be written or verbal threats made directly to the staff member or shared with other students or staff. This could include a threat to vandalize a staff member's car or break into a home.
  - DD. **Tobacco/Electronic Cigarettes possession/use/distribution (18 and older):** Possession/use/distribution of tobacco or electronic cigarette products by a student aged 18 or older.
  - EE. **Trespassing:** Any unlawful presence on school property, usually applied when a student enters campus or a school bus while on OSS. Unlawful presence during non-school hours is a Level IV offense; this code does not apply.
  - FF. **Unauthorized Photograph/Recording-** Recording/photographing anyone through the use of electronic devices to include but not limited to: videotaping, audio recording,

- photographing, etc. without administrative or staff approval.
- GG. **Under the influence (non-SESIR):** Student is under the influence of some substance as determined by physical response to stimuli or inability to perform in the normal manner of the student without other medical explanation.
- HH. **Vandalism (\$101- 999):** Malicious destruction of property with a repair or replacement value between \$101.00 - \$999.00.
- II. **Violation of Restriction Notice:** Violating the rules and guidelines that are set forth in a school based restriction notice which are put in place to help keep students safe and engaged in learning.
- JJ. **Vulgarity:** Engaging in inappropriate physical actions or words usually of a sexual nature, but without meeting criteria for sexual harassment.

### **Responses and Sanctions**

If a student commits a Level III offense, the school administration may use any Level I or II response/sanctions, and add Level III sanctions as deemed appropriate in the exercise of its judgment and discretion, including but not limited to:

- Diversity Assignment
- Assigned to In Lieu of OSS
- Referred for counseling
- MTSS interventions and/or placements
- District Discipline Review hearing with Multidisciplinary team
- Alternative Placement
- Expelled with or without services
- Schedule Change
- No Contact Agreement (Restriction Notice)
- Law Consultation

### **Level IV**

Level IV acts of misconduct are the most serious. All infractions must be reported to the Office of Student and Community Engagement. A student who commits a Level IV offense may also be subject to criminal proceedings. Level IV offenses must be coded into data using SESIR (School Environmental Safety Incident Reporting) codes for data collection by the Florida Department of Education. The definitions of these events are provided directly by the FLDOE.

#### **Level IV Offenses (SESIR):**

- A. **Alcohol possession/use/sale:** Possession, sale, purchase, or use of alcoholic beverages. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.
- B. **Arson:** Intentionally setting a fire on school property. To damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents.
- C. **Battery with Injury:** Physical attack/harm. The physical use of force or violence by an individual against another. The attack must be serious enough to warrant consulting law enforcement and result in more serious bodily injury. (To distinguish

- from fighting, report an incident as battery only when the force or violence is carried out against a person who is not fighting back).
- D. **Breaking and Entering into a Building or a Vehicle/Burglary:** Illegal entry into a facility. Unlawful entry with force, or unauthorized presence in a building or other structure or conveyance with evidence of the intent to damage or remove property or harm a person(s).
  - E. **Bullying (repeated):** Intimidating behaviors. Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation.
  - F. **Disruption/Disorderly Conduct:** Major disruption of all or a significant portion of campus activities, school-sponsored events, and school bus transportation. Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others. Example: Bomb threat, inciting a riot, initiating a false fire alarm. (Do not use this code for students defying authority, disobeying or showing disrespect to others, using inappropriate language or gestures, or classroom disruption). Any incidents meeting this definition require a referral to mental health services.
  - G. **Drugs Distribution (excluding alcohol):** (illegal sale or distribution of drugs) The manufacture, cultivation, sale, or distribution of any drug, narcotic, controlled substance or substance represented to be a drug, narcotic, or controlled substance, including false substance used as a drug.
  - H. **Drug possession/use:** Illegal drug possession or use, including false substance used as a drug. The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. Use means the person is caught in the act of using, admits to use, or is discovered to have used in the course of an investigation.
  - I. **Fighting (mutual):** Mutual combat, mutual altercation. When two or more persons mutually participate in use of force or physical violence that requires either 1) physical restraint or 2) results in injury requiring first aid or medical attention. (Does not include lower level fights involving pushing, shoving, or altercations that stop upon verbal command).
  - J. **Harassment:** Insulting behaviors. Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.
  - K. **Hazing:** Any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades K through 6 for purposes of initiation or admission into or affiliation with any school-sanctioned organization.
  - L. **Homicide:** Murder, manslaughter. The unjustified killing of one human being by another.

- M. **Kidnapping:** Abduction of an individual. Forcibly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority.
- N. **Other major crime:** Major incidents that do not fit within the other definitions. Any serious, harmful incident resulting in the need for law enforcement intervention not previously classified. Examples: Student producing or knowingly using counterfeit money, participating in gambling activities, possessing child pornography, or possessing drug paraphernalia.
- O. **Physical Attack:** An actual and intentional striking of another person against his/her will, or the intentional causing of bodily harm to an individual.
- P. **Robbery (forced):** Using force to take something from another. The taking or attempted taking of anything of value that is owned by another person or organization, under the confrontational circumstances of force, or threat of force or violence, and/or by putting the victim in fear.
- Q. **Larceny/theft over \$300:** Taking of property from a person, building, or a vehicle. The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm.
- R. **Sexual Assault.** An incident that includes threat of rape, fondling, indecent liberties, child molestation, or sodomy.
- S. **Sexual Battery:** Attempted or actual. Forced or attempted oral, anal, or vaginal penetration by using a sexual organ or an object simulating a sexual organ, or the anal or vaginal penetration of another by any body part or object.
- T. **Sexual Harassment:** Undesired sexual behavior. Unwanted verbal or physical behavior with sexual connotations by an adult or student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation or unreasonably interfere with the individual's school performance or participation (6A-19.008(1) SBE Rule) An incident when one person demands a sexual favor from another under the threat of physical harm or adverse consequence.
- U. **Sexual Offenses (other):** Lewdness, indecent exposure. Other sexual contact, including intercourse, without force or threat of force. Subjecting an individual to lewd sexual gestures, sexual activity, or exposing private body parts in a lewd manner. (Law enforcement must be notified to investigate.)
- V. **Tobacco/Electronic Cigarettes possession/use/distribution (under age 18):** Cigarettes or other forms of tobacco. The possession, use, distribution, or sale of tobacco products on school grounds, at school-sponsored events, or on school transportation by any person under the age of 18.
- W. **Trespassing:** Illegal entry onto campus. To enter or remain on school grounds/campus, school transportation, or at a school-sponsored event/off campus, without authorization or invitation and with no lawful purpose for entry. (Does not include students on OSS who enter onto campus during lawful school hours).
- X. **Threat/Intimidation:** Instilling fear in others. A threat to cause physical harm to another person with or without the use of a weapon that includes all of the following elements: 1) intent - an intention that the threat is heard or seen by the person who is the object of the threat; 2) fear - a reasonable fear or apprehension by the person who is the object of the threat that the threat could be carried out; and 3) capability - the

ability of the offender to actually carry out the threat directly or by a weapon or other instrument that can easily be obtained. Any incidents meeting this definition require a referral to mental health services.

- Y. **Vandalism (over \$1,000):** Destruction, damage, or defacement of school or personal property. The intentional destruction, damage, or defacement of public or private/personal property without consent of the owner or the person having custody or control of it.
- Z. **Firearm possession/other weapons:** Possession of firearms and other instruments, which can cause harm. Possession of any instrument or object, as defined by Section 790.001, Florida Statutes, or District Code of Conduct, that can inflict serious harm on another person or that can place a person in reasonable fear of serious harm. (Possession of a common pocketknife is exempted from state zero tolerance expulsion requirement 1006.07(2) F.S.; however, law enforcement should be notified of any weapon or knife, including pocketknives, for investigation.) Any incidents meeting this definition require a referral to mental health services.

### **Responses and Sanctions**

If a student commits a Level IV offense, the school administration may use any Level I, II, or III response/sanctions, and add Level IV sanctions as deemed appropriate in the exercise of its judgment and discretion, including but not limited to:

- Expulsion without services

### **Offenses with specific required responses and sanctions**

#### **Alcohol, Tobacco, and Drugs**

The use, possession, delivery, or sale of alcohol, tobacco or other drugs including counterfeit or synthetic drugs, whether on school property or at a school function, will not be tolerated.

#### **Alcohol**

Students are prohibited from using, possessing, delivering, selling or being under the influence of alcoholic beverages on school property, on a school bus or school-approved transportation, or at any school-related function or activity. Violation of this rule is a Level IV offense.

#### **Tobacco/Electronic Cigarettes**

Smoking and tobacco possession is prohibited in school buildings, on school property, or at any school sponsored activity by persons of any age. All Flagler facilities and sites are tobacco-free 24 hours a day, 7 days a week. If a student is found to have violated this provision, the parents or guardian and law enforcement will be notified and civil penalties may be imposed.

#### **Drugs**

"Drugs" shall include any unlawful drug, narcotic or controlled substance (including prescription medications), and any substance represented to be such a drug, narcotic or controlled substance. Students are prohibited from using, possessing, delivering, selling, intending to sell, or being under the influence of drugs on school property, on a

school bus or school-approved transportation, or at any school-related function or activity. They are likewise prohibited from possession of drug paraphernalia, which includes devices, products and things used or intended to be used for the ingestion of drugs.

Students are also prohibited from possessing, using, delivering, selling, or intending to sell any counterfeit drug, which is a substance that (i) is represented to be, (ii) is represented to contain, or (iii) appears to be (looks like) a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, intoxicant, or controlled substance of any kind, on school property, on a school bus or school approved transportation, or at any school-related function or activity.

A violation of these rules is a Level IV offense, and may subject a student to arrest and prosecution.

### **Use of Alcohol and Drugs**

A student who is under the influence of alcohol or drugs on school property, on a school bus or school-approved transportation, or at any school-related function or activity shall be deemed to have used and possessed alcohol or drugs. Evidence of such use includes, but is not limited to, a student's admission of use of alcohol or drugs on or off campus; witness statements; a positive Portable Breath Test result indicating use of alcohol; red and/or glassy eyes; drooping eyelids; odor of alcohol or drugs; difficulty communicating, walking or standing; difficulty with other motor skills; or other impaired faculties.

Students who violate the District's alcohol and drug policies are subject to the penalties provided for Level IV offenses. In addition, the principal may revoke the student's privilege of participating in non-academic school activities including, but not limited to, extracurricular activities, athletics, school trips, prom, and graduation exercise, and/or the revocation of school privileges.

Delivery or sale of alcohol or drugs, or intent to deliver or sell alcohol or drugs, is a more serious offense than use and possession of drugs or alcohol and shall result in a more serious penalty.

### **Bullying and Harassment**

Students and employees should be provided a safe and secure learning and work environment, free from bullying and harassment of any kind. The complete text of the School Board's bullying and harassment policy is set forth in School Board Policy 511.2.

#### **I. Statement Prohibiting Bullying and Harassment**

- A. It is the policy of the Flagler County School District that all of its students and school employees have an educational setting that is safe, secure and free from harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

- B. The district upholds that bullying or harassment of any student or school employee is prohibited:
1. During any education program or activity conducted by a public K-12 education institution;
  2. During any school related or school sponsored program or activity;
  3. On a school bus of a public K-12 educational institution;
  4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 education institution within the scope of the School District, meaning regardless of ownership, any computer, computer system, computer network that is physically located on school property or at a school-related or school sponsored program or activity; or
  5. Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program that is not owned, leased, or used by the School District or a school, if the bullying substantially interferes with or limits the alleged victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. School staff is not required to monitor any non-school-related activity, function, or program.

## II. Definitions

- A. Accused is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.
- B. Bullying includes cyberbullying and cyberstalking and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power. Bullying may involve but is not limited to:

Teasing  
Social Exclusion  
Threat  
Intimidation  
Stalking  
Cyberstalking  
Physical Violence  
Theft  
Sexual, religious, or racial harassment  
Public or private humiliation

Destruction of property

The term bullying shall include cyberbullying whether or not specifically stated.

- C. Complainant is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally or in writing.
- D. Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.
- E. Cyberstalking as defined in s. 784.048(1)(d), F. S., means to engage in a course of conduct to communicate, or cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.
- F. Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:
  - A. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
  - B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
  - C. has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being; or
  - D. Has the effect of substantially disrupting the orderly operation of the school.
- G. Bullying, Cyberbullying/Cyberstalking and Harassment also encompass:
  - A. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment
  - B. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school

employee. A. Incitement or coercion; Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system or computer network within the scope of the District school system; acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

### III. Behavior Standards

- A. The Flagler County School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.
- B. The District believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for District and community property on the part of students, staff, and community members. Because students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.
- C. Refer to the Code of Conduct for specific behavior expectations.

### IV. Consequences

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

B. Wrongful and intentional accusation of an act of bullying or harassment

1. Consequences and appropriate remedial action for a student, found to have wrongfully and intentionally accused another as a means of bullying or harassment, range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.
2. Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another as a means of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements.
3. Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement official.

V. Reporting an Act of Bullying or Harassment

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

- J. All bullying reports shall be submitted through the online "Report Bullying Incident" system that will then alert the District and/or school based administration to initiate an investigation.

## VI. Investigation of a Report of Bullying or Harassment

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

- H. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment and the investigative procedures that follow.

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

- A. The principal or designee will assign an individual(s) who is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the School District.
- B. The trained investigator(s) will provide a report on results of the investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District.
  - 1. If it is within the scope of the District, a thorough investigation shall be conducted.
  - 2. If it is outside the scope of the District and determined not a criminal act, the principal or designee shall inform the parents/legal guardians of all students involved.
- C. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

VIII. Notification to Parent/Guardians of Incidents of Bullying or Harassment

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

1. The principal or designee shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by the policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

C. Notification to local agencies where criminal charges may be pursued.

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

IX. Referral of Alleged victims and Perpetrators of Bullying and Harassment for Counseling

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

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

## X. Reporting Incidents of Bullying and Harassment

- A. Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline data required under S 1006.09(6), F. S. The report shall include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. Cyberbullying incidents shall be included within the bullying incidents category. The report shall also include, in a separate section, each reported incident of bullying or harassment that did not meet the criteria of a prohibited act under this section with recommendations regarding such incidents.
- B. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/ and harassment as incident codes as well as bullying as a related element code.
  1. Bullying and/or harassment incidents shall be reported through SESIR, reports of bullying (BUL), harassment (HAR), unsubstantiated bullying (UBL) and unsubstantiated harassment (UHR).
  2. If the bullying/ or harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code and the bullying related code. Such incidents are:
    - a. Alcohol
    - b. Arson
    - c. Battery
    - d. Breaking and Entering
    - e. Disruption on Campus
    - f. Drug Sale/Distribution Excluding Alcohol
    - g. Drug Sale/Possession Excluding Alcohol
    - h. Fighting
    - i. Homicide
    - j. Kidnapping
    - k. Larceny/Theft
    - l. Robbery
    - m. Sexual Battery
    - n. Sexual Harassment
    - o. Sexual Offenses
    - p. Threat/Intimidation
    - q. Trespassing
    - r. Tobacco
    - s. Vandalism
    - t. Weapons Possession
    - u. Other major (Other major incidents that do not fit within the other definitions)
- C. Discipline and referral data shall be recorded in Student Discipline/Referral Action Report and Automated Student Information System.

- D. The District shall provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 2, 3 and 5 from Education Information and Accountability Services, and at designated dates provided by the Department.
- E. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents as well as any bully-related incidents that have as a basis sex, race, or disability shall include the incident basis. Alleged victims of these offenses shall have the incident basis (sex, race, or disability) noted in their student records.

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

- A. The District shall ensure that schools sustain healthy, positive, and safe learning environments for all students. It is committed to maintain a social climate and social norms in all schools that prohibit bullying and harassment. This requires the efforts of everyone in the school environment - teachers; administrators; counselors; school nurses; other non-teaching staff such as bus drivers; custodians; cafeteria workers; school librarians; parents/legal guardians; and students.
- B. Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's policy and regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment as well as how to effectively identify and respond to bullying or harassment in schools.
- C. The District shall establish a list of programs that provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying and harassment including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations. The list of authorized programs shall be available at each school, District offices, and on the District website.

XII. Reporting to an Alleged Victim's Parents/Legal Guardian the Legal Actions Taken to Protect the Alleged Victim: The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day as investigation of the incident has been initiated. According to the level of infraction, parent/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions for the Family Educational Rights and Privacy Act of 1974 (FERPA).

#### XIII. Publicizing the Policy

- 1. At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.

2. Each District school shall provide notice to students and staff of this policy through appropriate references in the Code of Student Conduct and employee handbooks and through other reasonable means.
3. The Superintendent shall also make all contractors contracting with the District aware of this policy.
4. Each school principal shall develop an annual process for discussing the school district policy on bullying and harassment with students in a student assembly or other reasonable format.
5. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the District school buses.

#### XIV. Review of Policy

The Superintendent and appropriate staff shall review this policy at a minimum every three (3) years. The review shall include input from parents, law enforcement, and other community members. The Superintendent shall present the policy and any recommended changes to the School Board for consideration.

This Statement Prohibiting Bullying and Harassment may also be viewed at <http://www.boarddocs.com/fla/flcsd/Board.nsf/Public#>; hard copies may be requested from the Office of Student and Community Engagement. Bullying or harassment will not be tolerated and disciplinary action will be taken. In addition to school consequences, criminal charges may be filed. This policy shall be interpreted and applied consistently with all applicable state and federal laws. Conduct that constitutes bullying or harassment is prohibited in all educational environments as outlined in School Board Policy 217, Prohibiting Discrimination, Including Sexual and Other Forms of Harassment. The Discrimination and Harassment Policy may be viewed at <http://www.boarddocs.com/fla/flcsd/Board.nsf/Public#>.

The Equity Coordinator for the Flagler School District can be reached by calling 386-437-7526. Concerns regarding bullying should be shared with school administration and may be referred to the Executive Director of Student and Community Engagement.

Unsubstantiated bullying must be coded to the accused student's data to track incidents. This means the staff has investigated a bullying report and determined the claim to either be false or to fail to meet criteria to classify as bullying. Unsubstantiated bullying coding is not a disciplinary event; in some cases, the behavior is a violation of the Code of Conduct and results in disciplinary measures.

#### **Wireless Communication Devices**

Students may possess cellular telephones, iPods, tablets, and other wireless communication devices at school, on buses, and at school functions. The device shall not be used during the school day without staff approval. Devices may not be used on the school bus. Failure to comply may result in the device being confiscated. Repeated failure to comply will be considered defiance of school rules.

Any disruptive, harassing or other inappropriate use of a cell phone or wireless communications device in violation of this policy or school rules, shall be cause for disciplinary action, including

confiscation of the device as contraband and, in the event of repeated or serious misuse, loss of the privilege to possess such a device on school property or while attending a school function. Inappropriate use includes, but is not limited to: (1) texting, phoning or web browsing during prohibited times; (2) taping conversations, music or other audio at any time; (3) photography or videography of any kind at any time; (4) “sexting;” and (5) any activity that could in any manner infringe upon the rights of other individuals, including but not limited to students, teachers and other staff members.

When there is reasonable suspicion that a student has used a cell phone or wireless communication device in violation of the Code of Conduct or other school rules, or for an unlawful purpose, the school administration may review the phone’s call log, voice messages, text messages, photographs and any other applications in furtherance of its investigation of the suspected violation.

Staff are not required to investigate theft of any personal electronic devices; students are encouraged not to carry electronic items not issued by the school district.

### **Cheating/Plagiarism:**

Cheating/Plagiarism: Willful or deliberate unauthorized use of the work of another person for an academic assignment or test. The discipline action for cheating/plagiarism will be as follows:

1<sup>st</sup> Offense: Referral, parent contact, zero on the assignment, and teacher/administrator providing a learning intervention with student.

2<sup>nd</sup> Offense +: Referral, Parent Contact, and Zero on the assignment

### **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 any student or school personnel at school or a school function, you may 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.

### **Flag Display and Pledge**

The United States flag and the official flag of Florida shall be displayed daily on a suitable flagstaff 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 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 must 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 if their parent note is on file.
- 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.

## **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, a student may be suspended for up to 10 days and/or assigned to an alternative education placement 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 or assigning them to an alternative education placement, 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 a “hearing.”

Adjudication of innocence or occurrence in court may not have bearing on the School Board’s decision. The principal/designee will determine if the student’s presence at school will have an adverse impact on the school environment or other persons. If it is determined that the student’s presence may have an adverse effect, the student will be referred for alternative placement or expulsion.

## **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 may be photographed and entered into the Florida Department of Law Enforcement's Gang Net.

### **Instructional Technology**

The District recognizes the value of instructional technology as a tool that assists student achievement within the classroom. Students may possess an instructional technology device and utilize it as an instructional tool in the classroom with the consent and under the direction of the school administration/staff, as it pertains to the current curricular unit, lesson, etc., and only within the scope and sequence of the District's Acceptable Use Policy. This policy may be viewed at <http://flaglerschools.com/district/technology/digital-learning-movement>; hard copies may be requested from the Office of Student and Community Engagement. However, this device must be turned off and put away when not being used. Failure to comply may result in the item being confiscated and disciplinary consequences.

When there is reasonable suspicion that a student has used an instructional technology device in violation of the Code of Conduct or other school rules, or if used for an unlawful purpose, the school administration may review the device's applications in its investigation of the suspected violation.

### **Judicial Orders of Protection**

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. A "no contact" order may be issued by a circuit judge and upon notification of such order, the school administration may remove the student named in the order, require him/her to attend another school, or implement other measures to ensure the "no contact" order is enforced. Students will not be required to move schools or removed from school without having a signed order from the courts, with the exception of recommendations from the district's discipline review committee. Students will be given an opportunity to remain on campus following the school-based no contact agreement on campus as deemed appropriate by the school-based discipline team. If the school-based no-contact order is violated, the student will be subject to removal from school.

### **Prescription and Non-Prescription Medicine**

Administration of medications during school hours is discouraged. All prescriptions administered by school staff must be prescribed by a physician who has determined that a student's health and well-being requires medication during school hours. The prescription must be documented by a note from the physician on file with the school nurse prior to use. The parent/guardian must deliver the medication to the nurse.

Students are prohibited from possessing prescription and non-prescription (over-the-counter) medication on school property, on a school bus or school-approved transportation, or at any school-related function or activity. Violation of this policy will result in disciplinary action.

### **Weapon Possession 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. No replicas are allowed on school property.

### 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, including replicas, onto school property.

### Weapons-Guns

Any student who brings guns or explosives onto a school campus, bus, or school function shall be considered for expulsion 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. (FS 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 the School Resource Deputy. The student may not be disciplined if he/she follows this procedure.

### **School Transportation Expectations**

#### **General**

Students must wait for the bus to come to a stop and wait for driver’s hand signal that it is safe to walk in front of the bus to get on the bus. *Riding the bus is a privilege. Do not abuse it.*

1. Buses should be considered “mobile school sites” where students are expected to be on their best behavior. Bus drivers should be treated and respected just as teachers and administrators are.

2. Students are audio/video recorded at all times while on a school bus. School bus surveillance videos are considered “student records.” Student records are confidential and are not subject to disclosure and release under the Sunshine Law. The rights of a student and his or her parent protect both the student’s access to those records and the student’s privacy interests in the

content of those records. School video recordings, which include multiple students, cannot be released to an individual parent as the tape contains “records” of all recorded students.

3. A student must ride the assigned bus. Switching buses is not permitted. Transportation is provided only to the documented address on file. Any change in address should be updated immediately at the student’s assigned school. Only students who live one mile or more from an elementary school and two miles or more from middle and high schools are authorized to ride the school bus. Distance from home to school is calculated by transportation routing software and is based on walking distance, not road mileage. Students must attend their zoned school and use the assigned bus stop based on their home address to receive transportation, or qualify under Exceptional Student Education (ESE).

4. Students are to be on time 10 minutes prior to bus arrival and stand off the roadway. 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. If a student causes any damage (vandalism) to the bus or another vehicle, the parent shall be responsible to pay for the damage. Restitution or arrangements must be made with transportation within 30 days of notification. Failure to make full restitution for vandalism cost can result in loss of bus riding privileges for the remainder of the current school year. Students can be disciplined for doing anything at the bus stop, which violates the Code of Student Conduct.

**Florida State Statute 1006.10 (3) Authority of school bus drivers and district school boards relating to student discipline and student safety on school buses.**

The school bus driver shall 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.

**Items Students Cannot Bring on a Bus**

Students may not possess any of the following items while on a school bus: glass containers, any type of sharp or cutting object, roller skates, skate boards, scooters, toys, any bulky item that interferes with proper seating of students (large musical instruments that a student is not able to hold on his/her lap and/or impedes the driver, walkway, or adjacent seat), athletic equipment (bats, balls, lacrosse sticks, etc.), weapons, stink bombs, tobacco products, e-cigarettes, lighters, matches, fireworks, illegal drugs, cologne, nail polish, hair spray, spray paint, chemicals, food, candy, gum, drinks or other items prohibited elsewhere in the *Student Code of Conduct*.

**Rules While on the Bus**

Students must obey the driver at all times. Students must tell the bus driver his/her correct name when asked. The bus driver and school will keep a seating chart. Students will be disciplined if they do not follow all district and school rules and the following special rules:

- sit in the 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 the 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, and/or removal of bus riding privileges: possession of weapons, illegal drugs, tobacco products, laser pens, 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**

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 (3)) 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.

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 a student commits minor infractions, the school bus driver has the authority to address the behavior appropriately. If a student causes repeated problems on the bus by doing something the bus driver considers a more serious rule violation, the bus driver will report it to your school Principal/designee. The bus driver will give the school a written referral about what the student did. School administrator/designees can take any of the following disciplinary steps against a student for misbehaving at a bus stop or on a bus, and will notify the parent/guardian, on an approved form when they take any of these steps:

1. Warn the student that the behavior is not allowed and if repeated, will result in further discipline as well as suspension of bus riding privilege.
2. Discipline the student the same as if she/he had misbehaved at school (detention, in-school suspension, Saturday school, out-of-school suspension, expulsion, etc.).
3. Suspend the student from riding the bus if prior warning and other discipline have not improved the behavior. The student can be suspended for up to ten (10) days at a time.
4. Expel the student from riding a school bus if previous discipline has not worked or if a student commits a serious offense. The process by which a student is 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. Even if a student transfers to a new

school, he/she will be held responsible for any previous incidents of bus misconduct from the previous school.

## **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 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.
3. 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.
4. After any step, a student's behavior must become acceptable immediately and remain acceptable for the remainder of the school year.
5. 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, or 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 if there is cause for suspension or recommendation of expulsion. Based on the infraction, suspension time is determined by the administration.

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 warrants. No Trespass signs are clearly posted in every school bus vehicle and will be strictly enforced.

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) – Bus Suspension

### **Appeal of Bus Suspension**

A 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.

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

A helpful resource for bus expectations and general bus safety information may be accessed at <http://flaglerschools.com/district/school-bus-safety>

### **SECTION THREE: STUDENT ATTENDANCE**

All students, regardless of age, will attend school on a regular basis. All enrolled students are subject to the requirements of the Flagler County School's attendance policy. Parents should notify the school of a student's absence and the reason for the absence as soon as possible. Some schools have a phone line, but all absences should be documented in writing for the absence to be excused.

Parents may write up to 5 parent notes per term with a total of 10 per year, until 15 days of total absence is attained. 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, the Clerk of Court, and the School District.

School Attendance Procedures as follows:

1. Student is absent: contact with parent is attempted.
2. 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.
3. If a student continues to be absent, intervention by school staff is initiated.
4. The school will conduct a Student Success Team (SST) meeting, and invite the parent and student, where a contract or other intervention is established.
5. If no improvement is made, or if the student is absent for 15 days unexcused within 90 calendar days, a referral for services is completed and/or documentation is forwarded to the Clerk of Court for civil court action.
6. Students not required by law to attend school may be withdrawn due to failure to abide by attendance procedures.
7. Important note: for attendance monitoring purposes, three tardies or early sign outs equals an absence. If parents have not exceeded the amount of notes they may write each term, they can use one of these notes to excuse tardies or sign outs.
8. Out-of-school suspension (OSS) does not count as an absence for attendance monitoring purposes. Students are allowed to request and make up work within the timeline approved by the school and teacher.
9. Students must be in attendance at least half of the school day to participate in interscholastic or extra-curricular activities.

10. Any student enrolled in an iFlagler course must submit assignments and communicate with the assigned virtual teacher weekly in order to be considered in attendance.

The following are acceptable reasons for student absences:

1. Personal illness of the student
2. Death in the family.
3. Religious holiday of the student's faith (including: Yom Kippur, Rosh Hashanah, Epiphany, and others), with documentation, approved in advance by the school designee.
4. Special events, including, but not limited to, important public functions, student conferences, state/national competitions, administrative approved post-secondary educational institution visitation, as well as, exceptional cases of family need, 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. Note: Vacation trips during the school year are not considered excused absences.
5. Subpoena or forced absence by any law enforcement agency, provided that the student is not under immediate suspension from school. A copy of the subpoena or court summons must be presented to the principal/designee.
6. Students having or suspected of having a communicable disease or infestation that can be transmitted are to be excluded from school and are not allowed to return to school until they no longer present a health hazard (Florida Statute 1003.22). Examples of communicable diseases and infestations include, but are not limited to, fleas, head lice, ringworm, impetigo, and scabies. Students are allowed a maximum of three (3) days excused absence for an infestation of head lice.

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

For purposes of attendance, approved 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 notes submitted to excuse absences must be received at the school within 5 school days after the absence. After 5 days, absences will not be excused. 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.
4. When a student is absent from school due to having a medical related appointment for Autism Spectrum Disorder, that student's absence will be excused.

### **Make Up Work**

**Per F.S. 1003.26 (1)(a)** Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent to determine the reason for the absence. If the absence is an excused absence, as defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

### **Monitoring of Attendance and Tardies**

Each school is required to record a student's daily attendance. Students reporting to school/class after the official start time or ringing of the late bell, will be marked tardy. Students who are excessively absent, tardy, or leave school early 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 Clerk of Court for civil court action.

### **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 years 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 Office of Student and Community Engagement at 386-437-7526. 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.

**OPT-OUT NOTIFICATION for Information Release**  
**Complete only to make changes in your OPT-OUT status.**

School Name \_\_\_\_\_ Date \_\_\_\_\_  
Student Name \_\_\_\_\_  
Date of Birth \_\_\_\_\_

Federal public law 114-95, section 8528 of the ESEA, Every Student Succeeds Act requires school districts to release student names, addresses, and phone numbers to certain agencies and entities upon request. The law also requires the school district to notify you of your right to Opt-Out from this by requesting that the district not release your information. The completion and return of this form serves as your request to withhold your private information.

Yes\_\_\_ No\_\_\_ Student information may be released to armed forces and military recruiters, or military schools. (Military)

Yes\_\_\_No\_\_\_ Student information may be released to colleges and/or other institutions of higher education. (Higher Ed)

Yes\_\_\_No\_\_\_ Student information may be released to newspapers and other media. (Public)

Yes\_\_\_No\_\_\_ Student information may be used for district use for yearbook, photographs, sports information (such as programs or articles). (Local)

I understand that this will remain in effect until I revoke this option by notifying Flagler County Public Schools in writing of my decision. Submit notice to the school registrar.

Signature of Student \_\_\_\_\_

Signature of Parent or Guardian if student is under 18 years of age \_\_\_\_\_

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

**PARENT AND STUDENT ACKNOWLEDGEMENT**  
***Flagler Schools Code of Student Conduct 2018-19***

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*.

In an effort to conserve resources, Flagler Schools are providing printed copies of the *Code* by request only. The full document is available online. Please check the statement below, which applies to you.

\_\_\_\_\_ I will access the *Code of Student Conduct* online at [www.flaglerschools.com](http://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. The *Code* is located on the Student Engagement webpage at [www.flaglerschools.com](http://www.flaglerschools.com).

**For School Use Only (if book is requested)**

Code of Conduct book provided to student: (date) \_\_\_\_\_  
(by) \_\_\_\_\_

**Attach new acknowledgement sheet from back of book signed by parent before filing.**

Revised 6/27/18