

# FALSE ADDRESS CAN LEAD TO ARREST

## IMPORTANT NOTICE TO PARENTS

### SUBJECT: RESIDENCY

**Your child has the right to attend school in the boundary in which you, the parent, reside. It is the responsibility of the parent to provide proper and accurate documentation to the school to prove residency. **The school shall have the right to verify any information that is provided to them.****

### Submission of Fraudulent Documentation

**In accordance with School Board Policy 5.1, any parent who submits fraudulent documentation to register a student gives cause for such student **to be withdrawn immediately** and referred for enrollment in the appropriate boundaried school.**

### False Information

**Florida Statute 837.06 states: “Whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of his or her official duty **shall be guilty of a misdemeanor of the second degree, punishable by law.**” Additionally, a person who knowingly makes a false declaration under penalties of perjury is guilty of the crime of perjury by false written declaration, a felony of the **third degree** under Florida Statute 92.525 and will be reported to the State’s Attorney’s office.**

### Renting Homestead Exemption Property

**Florida Statute 196.061 prohibits the rental of an entire dwelling previously claimed to be a homestead for tax purposes. **Such action shall constitute abandonment of said dwelling for homestead exemption purposes and will be reported to the Broward Property Appraiser. Homestead Exemption may be lost.****



**The School Board of Broward County, Florida**

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*Individuals with disabilities requesting accommodations under the Americans with Disabilities Act (ADA) may call Equal Educational Opportunities (EEO) at 754-321-2150 or Teletype Machine TTY 754-321-2158. [www.browardschools.com](http://www.browardschools.com)*

**\*\*\*IMPORTANT\*\*\***  
**Code of Student Conduct 2008-2009**

PLEASE REVIEW THIS BOOK WITH YOUR STUDENT SO THAT YOUR FAMILY IS AWARE OF WHAT IS AND IS NOT APPROPRIATE IN SCHOOL, DURING SCHOOL-SPONSORED ACTIVITIES, AND ON SCHOOL BUS TRANSPORTATION.

**Since** \*parent(s) can be held responsible for the actions of their children, **it is important that they are aware of the rules and the consequences if their students break the rules.** However, parents also have the right to advocate for their children. **Therefore, the school system must have proof that every student and every parent has had a chance to read this Code of Student Conduct.**

Sign and return the Acknowledgement & Media Release Form to the school within 3 days of receipt of the Code of Student Conduct 2008-2009 to confirm that you have received the book and you know what the rules are. **Your signature does not mean that you agree or disagree with the rules, but rather that you have received a copy of these rules and that you have indicated your choice(s) for media release.**

A copy of the Acknowledgement & Media Release Form is provided on page 5 of this booklet and should be retained for your records. **The District's Discipline Matrix that assigns specific consequences for misbehavior and is part of the school's discipline plan is available to parents upon request and on the District's website at [www.browardschools.com](http://www.browardschools.com).** For more information on the matrix, talk with a school administrator.

\*Whenever the term "parent " is used, it also refers to either or both parents, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of a parent.

*Parents, Students, Teachers, Staff...*



**For Free, Confidential**  
access to health and human service programs  
in Broward County  
**DIAL 2-1-1 or**  
**(954) 537-0211**

**Health Issues? Substance Abuse Problems? Mental  
Health Concerns? Need Help Coping? Need Help with  
Rent or Utilities? Short on Food? Depressed?  
Suicidal?**

**You don't have to handle it alone!**

## SUMMARY OF CHANGES

### Code of Student Conduct 2008-2009

- Adds “Battery on a teacher/school district employee” to the list of offenses not eligible for the Workback Program.
- Clarifies that parents should contact law enforcement for serious incidents that do not occur on School Board property. For bullying incidents (see bullying definition, pp. 12-14), school officials should be notified and may provide intervention, including the use of the SRO.
- Extends the deadline for secondary students to complete the make-up work of an "I" grade to the end of the next marking period.
- Defines “safety to life” issues where use of cellular telephones are allowed on a school bus to include a bus accident, mechanical breakdown which delays the normal route, and/or 30 minutes in a route delay. The use of text messaging is permitted at any time on a school bus as long as it does not disrupt the bus driver.
- The media release section on the "Parent/Student Acknowledgement and Media Release Form" has been separated out to delineate between District and school communications; parent and student signatures indicate reception of the Code booklet (not agreement) as well as the media release selection(s).
- Adds a comprehensive definition of bullying and cyber-bullying.
- Allows for additional flexibility of dress code, allowing spaghetti straps/tank tops, only if covered with an over blouse or jacket.
- Clarifies that all articles of clothing with spikes or sharp objects are not allowed.
- Provides notice that possession, i.e., “within arm’s reach”, of an electronic device during FCAT testing, **will** invalidate the test - no exceptions, per State requirements.
- Adds language under the “Offenses for Mandatory Expulsion” section to include referrals for appropriate counseling services for these offenses.
- Limits when work can be made up for credit and grades to **excused** absences only.

# PARENT/STUDENT ACKNOWLEDGEMENT & MEDIA RELEASE FORM

## Code of Student Conduct 2008-2009

This booklet lists the District's rules for students in Broward County. The rules apply to all activities occurring on school grounds, on other sites being used for school activities, and on any vehicles authorized to transport students. Your signature below does not indicate that you agree or disagree with the rules, but rather that you have received a copy of these rules and that you have indicated your choice(s) for media release by checking one or more of the boxes below. Return this form to school within 3 days of receipt of the Code.

**Media Release: PLEASE CHECK ALL THAT APPLY.** As the parent of a student in the Broward County Public Schools, I understand that my student's picture may appear in newspapers, on television, on District and school websites, in School Board and school publications, e.g., school yearbooks, school newspapers, class pictures, or other communication tools.

- I WILL allow my student to be photographed and/or filmed for newspapers, television, District websites, and in School Board publications or other District communication tools.
- I WILL allow my student to be photographed and/or filmed for school publications, such as school yearbooks, school newspapers, class pictures, or other school communication tools.
- I WILL NOT allow my student to be photographed and/or filmed for District or school communications.

\_\_\_\_\_  
Student Name (PRINT)

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

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

**Parents need to be involved in the education of their children and have the responsibility to:**

- **Know that for school safety**, schools are not required to provide supervision more than 30 minutes prior to the official starting time, nor are they required to provide supervision for more than 30 minutes after the official school closing time (Florida Statute 1003.31(2)).
- **Know that for school safety**, for students who ride a school bus, drivers are NOT permitted to let students off the bus except at the designated stop (p. 15).
- Provide the school with the names of current emergency contact person(s) and/or telephone numbers.
- Notify the school of anything that may affect their child's ability to learn, to attend school regularly, or to take part in school activities.
- Be aware that medicine must be administered in accordance with SB Policy 6305, as may be amended, and that consequences for transmittal and/or sale or attempted sale of over-the-counter medications and possession and/or use of unauthorized medications can be found in SB Policy 5006. SB Policy 6305 outlines the rules regarding over-the-counter and prescription drugs and SB Policy 5006 outlines the consequences for violating those rules. You may view the complete health and suspension and/or expulsion policies, as well as all School Board policies, on the Web at <http://www.broward.k12.fl.us/sbbcpolicies>.
- Be aware that parents have rights with regard to the privacy and confidentiality of student records that are maintained by schools (pp. 21-23).
- Be aware that employees of the School Board of Broward County will not be held liable for items that are prohibited and are lost, stolen, or confiscated or for wireless communication devices (e.g., cellular telephones, ipods, and pagers) or other personal technology that is lost, stolen, or confiscated (p. 12).
- Be aware that confiscated items not claimed by the end of the school year will be donated to local charities.
- Recognize that they are responsible for their student's behavior on the way to and from school and at the bus stop. For serious incidents that occur at bus stops and/or that are not on School Board property, parents should contact law enforcement directly. For bullying incidents (see bullying definition, pp. 12-14), school officials should be notified and may provide intervention, including the use of the SRO.
- Ensure that their children demonstrate legal and responsible use of technology, as defined in Section IV of this booklet, including but not limited to e-mail and Internet research (p. 18).

# Opt Out Notification Form

## To Prevent Release of Student Information

(11<sup>th</sup> & 12<sup>th</sup> Grade Students Only)

If you decide to opt out of providing Directory Information (pp. 21-22) to armed services/military recruiters and/or postsecondary educational institutions, please complete this form to be submitted with the Acknowledgement and Media Release Form on the reverse side.

School Year: 2008-2009

Pursuant to federal law, I request that my son's/daughter's Directory Information NOT BE DISCLOSED to the following entities without my prior permission.

\_\_\_\_\_ Armed Services/Military Recruiters

\_\_\_\_\_ Postsecondary Educational Institutions

Student Name \_\_\_\_\_

High School \_\_\_\_\_

Parent/Guardian Name \_\_\_\_\_

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

NOTE:

**“Opt out” notification must be a written request provided ANNUALLY and must be submitted to the principal WITHIN 10 DAYS FROM THE DATE OF ENROLLMENT of a student after the start of each school year.**

**PARENT/STUDENT ACKNOWLEDGEMENT & MEDIA RELEASE FORM**  
**Code of Student Conduct 2008-2009**

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- I WILL allow my student to be photographed and/or filmed for newspapers, television, District websites, and in School Board publications or other District communication tools.
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- I WILL NOT allow my student to be photographed and/or filmed for District or school communications.

\_\_\_\_\_  
Student Name (PRINT)

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

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

**Parents need to be involved in the education of their children and have the responsibility to:**

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- Ensure that their children demonstrate legal and responsible use of technology, as defined in Section IV of this booklet, including but not limited to e-mail and Internet research (p. 18).



# THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 SOUTHEAST THIRD AVENUE • FORT LAUDERDALE, FLORIDA 33301-3125

**James F. Notter**  
*Superintendent of Schools*

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July 2008

## Welcome to the 2008-2009 School Year!

Dear Students and Parents:

Broward County Public Schools is committed to providing all students with a quality education in a safe and secure learning environment. The Code of Student Conduct booklet is designed to help promote those goals.

This Code provides you with information about the rules that students are expected to follow as well as the \*consequences for unacceptable and serious misbehavior. Furthermore, the Code addresses expectations for students related to consistent and timely attendance, respect for persons and property, appropriate dress, technology usage, student publications, student activities, student records, and the right to appeal, including grievance procedures. **Please review all information in the Code of Student Conduct carefully and discuss the consequences of violating the rules.** Students and parents are required to sign a statement that indicates they have received the Code of Student Conduct, are aware of the explanation of rules it provides, and have selected their option(s) for media release.

Since there have been some changes, it is important for you to review this booklet even if you have read the Code in previous years. A complete list of the changes can be found on page 2. Some of these changes include: new media release options, limits to when make-up work can be accepted for credit and grade, allowing cell phone use on buses under certain conditions, Dress Code changes, revised FCAT administration rules, and notice to parents to contact law enforcement for serious incidents that occur off-campus.

Additionally, the School Board of Broward County has adopted a strong anti-bullying policy that prohibits any form of bullying in our schools (see definition on pp. 12-14). This includes cyberbullying, defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, social websites (e.g., MySpace, Facebook), chat rooms, and instant messaging. Strict consequences will be applied in documented bullying incidents.

One of the school district's strategic plan objectives is to engage the public in dialog about important decisions, like the Code of Student Conduct. This year, the committee sought input from a variety of parent, student, and staff groups through committee representatives and through the browardschools.com website. You can be assured that we are planning to continue our commitment to student achievement, safe and secure schools, and positive character development. You may view the **Code of Student Conduct 2008-2009, Policy 5.8, under School Board Policies on the District's website ([www.browardschools.com/schoolboard](http://www.browardschools.com/schoolboard))**, and you may also view the Code's accompanying video on the School Board of Broward County cable station during the first two weeks of school. Schools will provide parents with a schedule.

With mutual understanding and cooperation, I know this year will be a successful one for all of us. Have a wonderful year!

Sincerely,

James F. Notter

\*For IDEA-eligible ESE students, suspension and expulsions shall follow applicable laws, School Board policies, and provisions of the Individual Education Plan (IEP). Likewise, for students determined to be disabled under Section 504 of the Rehabilitation Act of 1973, suspension, expulsion, and other disciplinary measures shall follow applicable laws, School Board policies, and provisions of the Section 504 Accommodation Plan.

*Transforming Education: One Student At A Time*  
*Broward County Public Schools Is an Equal Opportunity/Equal Access Employer*

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**Haitian-Creole** Règleman sou Kondwit Elèv disponib an kreyòl nan lekòl-la.

**Spanish** El Código de Conducta de Estudiantes está a su disposición en español, en la escuela.

**Portuguese** O Código de Conduta do Estudante encontra-se disponível em português, em sua escola.



## SECTION I - ATTENDANCE

The parent of a child of compulsory age is responsible for the child's daily school attendance (**Florida Statute 1003.24**). School staff, parents, students, and appropriate state agencies are expected to work together to ensure that laws are obeyed including, but not limited to, referral to the state designated agency for possible court action for extended absence or truancy (**Florida Statute 1003.27**). SB Policy 5.5 outlines the rules that apply to attendance and attendance procedures. You may view this policy and all School Board policies on the Web at <http://www.broward.k12.fl.us/sbbcpolicies>.

A student's presence in class is required to maximize the attainment of instructional objectives. For students who demonstrate patterns of non-attendance, interventions may be recommended.

Rights	Responsibilities
Students have a right to know how the District defines and handles excused absences, unexcused absences, and tardiness. The District's Discipline Matrix that assigns specific consequences for misbehavior and is part of the school's discipline plan is available to parents upon request.	Students have a responsibility to attend all classes.
Students have a right to make-up work they missed during an excused absence.	Students have a responsibility to be on time for school and all classes.
Students who are married, are parents, or are expectant mothers have a right to remain in the regular school program or to attend a special program designed to meet their needs.	Students have a responsibility to ask their parents to notify the school when they are absent.
Students have a right to be protected from exposure to communicable diseases and infestations when in school.	Students have a responsibility to ask teachers for, and to complete, make-up assignments.
	Students have a responsibility to get medical advice and/or counseling about how to adjust their schooling for marriage, pregnancy, and parenthood.
	Students having or suspected of having a communicable disease are not allowed to attend school. In order to return to school, parents must obtain a doctor's note stating that the student is no longer contagious. Chickenpox is the only infectious disease that does not require a doctor's note.

**RULE -** The School Board of Broward County, Florida stresses the importance that all students attend school regularly and remain in school until they graduate from high school. However, "a child who attains the age of 16 years [or age specified by state statute, whichever is older] during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the child files a formal declaration of intent to terminate school enrollment with the District's School Board. The declaration must acknowledge that terminating school enrollment is likely to reduce earning potential and must be signed by the child and the child's parent. The school district must notify the child's parent of receipt of the child's declaration of intent to terminate school enrollment" (**Florida Statute 1003.21**). Declaration of Intent forms are available at each school's administration office. Also be aware that students who drop out of school are not eligible to receive a driver's license or permit or will have their license or permit revoked (p. 9).

### Non-Attendance and Early Signs of Truancy

**IT IS IMPORTANT TO BE IN SCHOOL EVERY DAY.** If your child is not in school, he or she MAY BE showing early signs of truancy through a pattern of non-attendance (**SB Policy 5.5**).

#### WHAT IS A PATTERN OF NON-ATTENDANCE?

A student may be establishing a pattern of non-attendance when 1) he or she has an accumulation of tardiness, early sign outs, and/or absences (excused and unexcused) that exceed 5 days in one marking period or 10 days in 2 marking periods or when 2) he or she is absent and unexcused 5 days in 30 calendar days or 10 days in 90 calendar days (**Florida Statute 1003.26 (b)**). However, a student does establish a pattern of non-attendance when he or she has an accumulation of 15 unexcused absences within 90 calendar days, with or without a parent's knowledge (habitual truant) (**Florida Statute 1003.01 (8)**).

Parents and students may verify absences at any time at school or at home by contacting the school or by accessing electronic attendance records through Virtual Counselor. If after an accumulation of absences as noted above, the principal and/or his designee determines that the reasons for time out of school are invalid, the principal/designee shall refer the student to 1) the child study team (Collaborative Problem Solving Team) to determine if early patterns of truancy are developing and provide appropriate interventions (**Florida Statute 1003.26 (1)(b)**), and/or 2) the State Attorney's Office will be notified due to non-compliance with compulsory school attendance laws. However, if the principal and/or his designee determine that the reasons for the absences are valid and there are no early signs of truancy, the parent must provide a note (to be kept on file at the school) that provides the reasons for those absences. No further action will be taken.

## ABSENCE REPORTS

Absences may be reported by telephone or written note. The report must come from a parent and give the date(s) of the absence(s) and the reason for the absence(s). Parents **MUST** report these absences within 2 days, although school principals **MAY** make exceptions in cases of need. School staff members have a legal right to ask for a written medical excuse.

*For High School Only*, absences for shared-time students must be reported to both schools.

*For Elementary Only*, the Broward Truancy Intervention Program (BTIP) is a joint partnership program of the Broward State Attorney's Office and the School Board of Broward County. The program is designed to prevent excessive absences through parent notification and accountability, school interventions, and daily monitoring of attendance. Parents are expected to communicate with school personnel regarding absences. Parents who do not comply are referred to the State Attorney's Office for failure to comply with **Florida Statute 1003.27** which provides that a parent commits a misdemeanor of the second degree, punishable as provided by law, if the parent refuses or fails to have a child attend school regularly or refuses to participate in meetings concerning the child's truancy.

## EXCUSED ABSENCES

Students must be in school. However, when it is necessary to be out of school, absences may be excused for one of the reasons listed below. (Students on field trips, in in-school suspension, or attending alternative-to-suspension programs are not considered absent.) **For reasons 1-5, parents must report the absence the day before, the day of, or within 2 school days following the absence, or the absence will be considered unexcused.** Any absence is unexcused until the school receives a telephone call or a note to excuse the absence. Some situations will require written documentation from a private physician or public health unit. Excused absences include:

1. Illness. Students who expect to miss at least 15 consecutive school days due to illness, a medical condition, or for social/emotional reasons, or who would miss excessive days intermittently throughout the school year for the same reasons and could benefit from instruction, should obtain a copy of the Hospital/Homebound referral packet from the Hospital/Homebound contact person at their school.
2. Illness of an immediate family member.
3. Death in the family.
4. Religious holidays of the student's specific faith.
5. Required court appearance or subpoena by a law enforcement agency.
6. Special event. Examples of special events include important public functions, conferences, state/national competitions, as well as exceptional cases of family need. Students must get permission from the principal/designee at least 5 days in advance.
7. Scheduled doctor or dentist appointments.
8. 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 5 days excused absence for each infestation of head lice.

## UNEXCUSED ABSENCES

It is the responsibility of the school principal to ensure that parents are contacted after each unexcused absence and to ensure that there are specific, appropriate consequences/interventions as a result of each unexcused absence. Parents may receive letters to inform them of their student's unexcused absences. These letters are generated from official attendance records.

1. Absences are excused only for the reasons previously listed. If absences are not excused, as defined in the previous section, the absences are considered unexcused.
2. Students who have been assigned an out-of-school suspension and choose not to participate in an alternative-to-suspension program will be considered suspended. (ESE students will be considered absent.)
3. Students who have been assigned an out-of-school suspension and do not attend all of the assigned days in the alternative-to-suspension program, those days that they do not attend will be considered suspended. (ESE students will be considered absent.) Students will not be impacted academically for behavioral issues.
4. Students without a completed Certificate of Immunization indicating compliance with the current required schedule of immunizations will not be allowed to attend classes until this document is provided or a waiver is obtained. Students who receive the first shot in a series of immunizations but who are late obtaining subsequent shots will be given 3 days grace period after which they will be excluded from school and resulting absences will be considered unexcused.
5. *For Secondary Only*, students 14-18 years of age who drop out of school or who have 15 unexcused absences within 90 calendar days and have a driver's license will have their driver's license suspended by the Division of Highway Safety and Motor Vehicles or will not be issued a license if they apply for one. Additional information about procedures and waivers is available from school administration or guidance offices.

## MAKE-UP WORK

1. Students have 2 class days to make-up the work for each class day absent, **not including the day of return**. However, previously assigned work is due the day of return. These deadlines may be extended by the principal for extenuating circumstances.
2. Make-up work for credit and grade is only allowed for excused absences.
3. Students who are assigned in-school suspension are expected to be in school. These students must complete assignments and turn in work daily.
4. Students who are assigned out-of-school suspension and who attend alternative-to-suspension programs are allowed to make-up work. (Alternatives to out-of-school suspension may include in-school suspension, Saturday School, off-campus alternative-to-suspension programs, and community partnership alternative-to-suspension programs.) Students who elect not to participate in alternative-to-suspension programs will be marked suspended.
5. *For Secondary Only*, when class work is not completed for a marking period due to excused absences, a grade of "I" may be given. Students must complete the work prior to the end of the next marking period and may earn a grade to replace the "I." In extenuating circumstances, the principal has the authority to extend the deadline. But in most cases, when these deadlines are not met, the "I" changes to an "F" and may cause a semester course failure. If and when the class is repeated and students earn a grade, the "I" or the "F" will not be counted in computing grade point averages.
6. *For Secondary Only*, when a semester exam is not completed, a grade of "I" is given. If students are absent on an exam day, the exam must be made up in order for credit to be given. For each semester exam day students are absent, they will have 2 days to make-up the exam, not including the day of return. These deadlines may be extended by the principal for extenuating circumstances.

**A child may be taken into custody by a law enforcement officer when the officer has reasonable grounds to believe that the child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent or legal guardian, for the purpose of delivering the child without unreasonable delay to the Juvenile Assessment Center (JAC) (Florida Statute 984.13). JAC is a partnership between the School Board and the Broward County Sheriff's Office. Intake staff do a screening to determine risk factors that might lead to the cause of excessive tardiness or truancy. This is NOT a learning environment. The day spent at JAC is an unexcused absence.**

## TARDINESS

Tardiness is disruptive to the learning environment and can have a negative impact on student achievement. Tardiness may also count toward establishing a pattern of non-attendance that may indicate early signs of truancy (p. 8). A pattern of non-attendance may be established by an accumulation of tardiness, absences (excused and unexcused), and early sign outs that exceed 5 days in a marking period or 10 days in 2 marking periods.

1. A tardy is excused for the same reasons that an absence is excused. Excused absences/tardiness include: illness, illness of an immediate family member, death in the family, religious holidays of the student's faith, required court appearance or subpoena by a law enforcement agency, special event, scheduled doctor or dentist appointments, or communicable disease. In extenuating circumstances, principals and/or their designee may also excuse a tardy for reasons other than those stated if documentation is provided. Parents must follow the same process to excuse a tardy as they do to excuse an absence.
2. Tardiness is defined as a student not being in the classroom when classes are scheduled to begin. A student who has an excused tardy (note or telephone call) should report directly to class after first checking in at the designated check-in area of the school.
3. Excessive tardiness will be addressed on a case-by-case basis to determine if there is a pattern of non-attendance.
4. Tardiness to any class without documentation may be considered unexcused.

## EARLY SIGN OUTS

When students are signed out early on an ongoing basis, their academic performance may be negatively impacted. The school system strongly encourages parents to ensure their student is in school for the full school day every day. Signing out early may count toward establishing a pattern of non-attendance that may indicate early signs of truancy (p. 8). A pattern of non-attendance may be established by an accumulation of tardiness, absences (excused and unexcused), and early sign outs that exceeds 5 days in a marking period or 10 days in 2 marking periods.

1. All schools will establish procedures for early release that ensure all students are treated consistently.
2. Students shall not be released within the final 30 minutes of the school day unless the principal/designee determines that it is an emergency or the student has a medical/dental appointment that cannot be reasonably scheduled at another time.
3. Excessive early sign outs will be addressed on a case-by-case basis to determine if there is a pattern of non-attendance.

## SECTION II – RESPECT FOR PERSONS AND PROPERTY

Character education is woven into the policies and procedures of Broward County Public Schools. Responsibility, Citizenship, Kindness, Respect, Honesty, Self-Control, Tolerance, and Cooperation are the foundation of this Code of Student Conduct.

<b>Rights</b>	<b>Responsibilities</b>
Students have the right to be treated with respect and honesty.	Students have the responsibility to demonstrate the character education traits.
Students have the right to privacy.	Students have the responsibility to treat others with respect and honesty.
Students have the right to a safe and orderly school.	Students have the responsibility to respect the rights of others.
	Students have the responsibility to treat school property and the property of others with respect and to act in a way that does not interfere with the rights of others and is not harmful to the health and safety of others.

**RULE** - It is important for students to know their rights and responsibilities, which include obeying teachers and all other school employees, obeying each individual rule as defined by the school, and obeying bus drivers. Students are expected to honor their responsibilities and behave in ways that respect the rights of all. Consequences for unacceptable behaviors are found on pp. 24-28.

### Expected Behaviors

- Treat others with respect and honesty.
- Prepare for class by bringing paper, pencil, pen, books, and other needed supplies.
- Complete all class work and homework.
- Use class time properly.
- Take home and return necessary forms.
- Follow rules and regulations about field trips.
- Take care of and return all textbooks, library books, or other school-owned materials loaned to them.
- Act responsibly on campus, on buses, on field trips, and at all school-sponsored events, regardless of location.
- Wear properly fitted safety-rated helmets when riding a bicycle. Law enforcement officers may issue traffic citations and assess fines to riders under age 16 who do not comply (**Florida Statute 316.2065**).

### Unacceptable Behaviors Leading to Disciplinary Action

#### ATTENDANCE INCIDENTS

- Leaving class or school without permission.
- Not attending school (truancy).
- Being tardy excessively.
- Skipping class.
- Out of assigned area.

#### RULE VIOLATION INCIDENTS (INCLUDING, BUT NOT LIMITED TO)

- Violating the dress code.
- Taking, possessing, displaying, distributing, and/or transmitting pictures using a camera telephone during the school day. Note: Use of a camera telephone may result in additional consequences (beyond confiscation) if used to take pictures that are pornographic or obscene or to break rules or laws.
- Littering.

## Disruptive Incidents (including but not limited to)

- Disturbing the class or school by: being disrespectful or rude, refusing to obey any staff member, failing to follow classroom rules, running in the halls, throwing objects, possessing or igniting fireworks or smoke/stink bombs, fighting, gambling, or bringing distracting items to school including, but not limited to: skateboards, scooters, in-line skates/roller blades/heelies (sneakers with wheels), toys, playing cards, toy weapons, games, cigarette lighters, radios, audio recorders, headphones, laser pointers/pens and other laser devices, bullets, or shell casings.
- Sole possession of a wireless communication device (camera telephone, cellular telephone, or pager) is not a violation of the **Code of Student Conduct**. However, the possession of a wireless communication device which disrupts the educational process; the use of a wireless communication device during school hours; the use of a wireless communication device on school buses in the absence of an emergency concerning safety-to-life issues (defined as a bus accident, mechanical breakdown which delays the normal route, and/or thirty (30) minutes or more in a route delay); and the possession or use of a cellular telephone (other than text messaging that does not disrupt the bus driver), camera telephone, or pager which disrupts or interferes with the safety-to-life issues would be a violation of the **Code of Student Conduct**, subjecting violators to progressive discipline.

[Note: If students possess a cellular telephone (other than text messaging that does not disrupt the bus driver), camera telephone, or pager, it should be turned off and kept out-of-sight inside a pocket, book bag, purse, or similar container, and it may not be used or allowed to emit any ring tone or other noise on school grounds during school hours. Violations of this policy will result in confiscation, and the device will only be released to the parent. Progressive discipline will apply for repeated violations.] School Board employees will not be held liable for wireless communication devices that are lost, stolen, or confiscated. **Florida Statute 1006.07 (2)(e)** requires school districts to notify parents that students who use wireless communication devices in the commission of a criminal act may face school disciplinary action and/or criminal penalties.

- Sole possession of personal technology including, but not limited to, ipods, MP3 players, laptops, etc. is not a violation of the **Code of Student Conduct**. If students possess personal technology, they should be turned off and kept out-of-sight inside a pocket, book bag, purse, or similar container. However, using personal technology at the direction of a teacher will not be subject to discipline under this policy. Violations of this policy will result in confiscation, and the device will only be released to the parent. Progressive discipline will apply for repeated violations.
- Using scooters and inline skates/rollerblades/heelies in the school building is also prohibited.
- Behaving inappropriately on field trips.
- Displaying disruptive behavior.
- Possessing and/or distributing materials prohibited by law including, but not limited to, pornographic/obscene material.
- Storing pornographic/obscene materials and drug paraphernalia in school lockers, in or on any student's personal belongings, or in vehicles parked on school property.
- Misrepresenting oneself by cheating, copying, plagiarizing, counterfeiting, using false identification, or making false reports by posing as a parent to excuse absences or tardiness, sign a report card, etc.
- Unauthorized possession or use of school/county documents or forms.
- Abusing another student or staff member including, but not limited to, verbal abuse, actual or threatened physical harm, extortion, destruction of personal property, intentionally making a false accusation, or **intentionally** providing misinformation.
- Conducting, recruiting, or participating in youth gang activities on campus.
- Using gang-related or cult-related gestures and/or signs.
- Unauthorized presence on school property.
- **For Secondary Students Only**, parking a motorized vehicle on school grounds without an official permit or in unauthorized areas.
- Endangering the lives of students and staff by setting off unfounded fire alarms.
- Gambling.

## SUBSTANCE ABUSE/DRUG INCIDENTS (INCLUDING, BUT NOT LIMITED TO)

- Possessing or using drugs, alcohol, and/or tobacco products, including unauthorized over-the-counter medications.
- Sale or attempted sale and/or transmittal of drugs, alcohol, and/or tobacco products, including authorized or unauthorized over-the-counter medications.
- Possessing drug paraphernalia.

## ACTS AGAINST PERSONS (INCLUDING, BUT NOT LIMITED TO)

- \*\*\*\*Bullying.
- \*\*\*\*Cyber-bullying during school hours, on school grounds, or using school technology.
- Taking part in physical acts of a sexual nature, engaging in sexual harassment, or offending others by indecent exposure.

- Using insulting, profane, racially or sexually offensive written or oral language, or making obscene remarks or gestures.
- Harassing others because of age, color, gender, \*\*\*national origin, marital status, race, religion, or sexual orientation.
- Harassing others because of a disability.
- Harassing others because of ethnicity, socio-economic background, or linguistic differences.
- Harassing others because of physical appearance or for any other reason.
- \*Hazing.
- Threatening, stalking, hitting, or hurting a teacher or other school personnel.
- Intentionally making a false accusation that jeopardizes the professional reputation, employment, or certification of a teacher or other member of a school staff.
- Committing a \*\*hate crime.

#### **PROPERTY INCIDENTS (INCLUDING, BUT NOT LIMITED TO)**

- Damaging, destroying, or vandalizing school property.
- Misusing technology.
- Starting a fire (arson).
- Committing petty theft.
- Breaking and entering/burglary.

#### **OTHER CRIMINAL INCIDENTS (INCLUDING, BUT NOT LIMITED TO)**

- Having and/or hiding a weapon.
- Threatening or hurting a person with a weapon.
- Committing robbery.
- Forcing someone to give money, possessions, or other things of value to another or oneself (extortion).
- Endangering the lives of students and staff by failing to report a threat of violence against others.
- Making a bomb threat.
- Sexual battery.
- Kidnapping or abduction.
- Homicide.
- Committing other criminal acts.

\*Hazing means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student regardless of: 1) the student's willingness to participate or; 2) that the conduct or activity was not sanctioned by the organization or; 3) that the activity was not done as a condition of membership to an organization (**Florida Statute 1006.63**).

\*\*A hate crime refers to an attack on an individual or his/her property in which the individual is intentionally selected because of his/her race, color, religion, \*\*\*national origin, gender, disability, or sexual orientation. The attack or offense may range from racial remarks or graffiti on school walls to threats of physical harm, intimidation, hate mail and hate e-mail, vandalism, arson, physical assault, etc. Students who believe they have been victims of a hate crime must immediately report the act to a teacher and/or school administrator. **The District's Special Investigative Unit conducts hate crime investigations.**

\*\*\*National origin pertains to, but is not limited to, an individual's or his/her ancestor's place of origin, as well as, physical, cultural, or linguistic characteristics.

\*\*\*\* In addition to any definition of bullying in Florida Statute, *"bullying"* is defined as unwanted, purposeful, written, verbal, nonverbal or physical behavior, including, but not limited to, any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; 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:

- |                      |                                                            |
|----------------------|------------------------------------------------------------|
| 1. Unwanted teasing  | 8. Theft                                                   |
| 2. Threatening       | 9. Sexual, religious, or racial harassment                 |
| 3. Intimidating      | 10. Public humiliation                                     |
| 4. Stalking          | 11. Destruction of school or personal property             |
| 5. Cyberstalking     | 12. Social exclusion, including incitement and/or coercion |
| 6. Cyberbullying     | 13. Rumor or spreading of falsehoods                       |
| 7. Physical violence |                                                            |

*"Harassment"* means any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
2. Has the effect of substantially interfering with a student's educational performance, and employees work performance, or either's opportunities, or benefits;
3. Has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being; or
4. Has the effect of substantially disrupting the orderly operation of a school.

*“Cyberstalking”* as defined in s. 784.048(d) means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

*“Bullying,” “Cyberbullying,”* and/or *“Harassment”* also encompasses:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination.
2. Retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
3. Perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
  - a. Incitement or coercion;
  - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system; or
  - c. Acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.

*“Bullying,” “Harassment,”* and *“Discrimination”* also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived: sex, race, color, religion, \*\*\*national origin, age, disability (physical, mental, or educational), marital status, socioeconomic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, social/family background or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student by any Board member, 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.

Note: Suspected acts of persistent bullying encompassing “Discrimination” relating to any “Protected Category” by any student, Board member, 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 (refer to the School Board of Broward County (SBBC) Policy 4001.1, Nondiscrimination Policy Statement) shall be reported to the school based administration, but the complaint shall also be filed with, and investigated by, the EEO/Title IX Coordinator (754) 321-2150.

## **School Bus Behavior**

Misconduct by any student while riding a school bus represents a serious threat to the safety of all occupants of the bus as well as other motorists, pedestrians, and members of the community. All rules that apply to the school grounds and school activities also apply to the school bus. Parents are responsible for their student’s behavior on the way to and from school and at the bus stop when the bus stop is not on School Board property. Refer serious **incidents that occur at the bus stop and/or are not on School Board property directly to law enforcement.** For bullying incidents (see bullying definition on pages 12-14), **school officials should be notified and may provide intervention, including the use of the SRO.**

## **Unacceptable Behaviors on a School Bus Leading to \*Disciplinary Action**

### **Level One Violations**

- Eating or drinking on the bus.
- Failing to sit in the seat assigned by the bus operator.

### **Level One Consequences**

First Offense	Verbal or written reprimand from the school principal or designee.
Second Offense	Parent Conference.
Third Offense	3-day suspension from school bus transportation.
Repeated Offenses	Repeated Level One unacceptable behaviors will be considered willful disobedience and/or open defiance of authority, resulting in suspension from the bus for the remainder of the school year and/or suspension and/or possible expulsion from school.

### **Level Two Violations**

- Disrupting, distracting, or disobeying a bus operator.
- Failing to utilize required safety equipment on the bus.
- Getting out of the seat while the bus is in motion.
- Loud talking, inappropriate remarks, or spitting **out of the bus window** at other students, pedestrians, or motorists.

### Level Two Consequences

First Offense	Verbal or written reprimand from the school principal or designee.
Second Offense	1-day to 10-days suspension from school bus transportation.
Repeated Offenses	Repeated Level Two unacceptable behaviors will be considered willful disobedience and/or open defiance of authority, resulting in suspension from the bus for the remainder of the school year and/or suspension and/or possible expulsion from school.

### Level Three Violations

- Placing head, arms, or legs outside the window of the bus.
- Opening a school bus emergency door and/or exiting the bus when the bus is stopped, unless directed by the school bus operator in an emergency or during an evacuation drill.
- Threats against the bus operator, bus attendant, or passengers on the bus.
- Profanity directed at the bus operator or bus attendant.
- Fighting on the bus.
- Smoking on the bus.
- Opening a school bus emergency exit door while the bus is in motion.
- Throwing objects out of the window of the bus, which may or may not cause injury to persons or physical damage.
- Throwing objects at a bus after leaving the bus, which may or may not cause injury to persons or physical damage.
- Vandalism of seats or other bus equipment.
- Boarding or attempting to board a bus route other than the student's assigned bus route or attempting to leave the school bus at other than the student's assigned bus stop without permission of the school principal or designee.

### Level Three Consequences

First Offense	1-day to 10-days suspension from school bus transportation and/or school.
Second Offense	10-days suspension from school bus transportation and/or school.
Third Offense	Repeated Level Three unacceptable behaviors will be considered willful disobedience and/or open defiance of authority, resulting in suspension from the bus for the remainder of the school year and/or suspension and/or possible expulsion from school.

\*For IDEA-eligible ESE students, suspension and expulsions shall follow applicable laws, School Board policies, and provisions of the Individual Education Plan (IEP). Likewise, for students determined to be disabled under Section 504 of the Rehabilitation Act of 1973, suspension, expulsion, and other disciplinary measures shall follow applicable laws, School Board policies, and provisions of the Section 504 Accommodation Plan.

The principal or designee of all disciplinary centers may review individual cases before assigning consequences.

## Discrimination and/or Harassment

The School Board of Broward County, Florida, **prohibits any policy or procedure that results in discrimination on the basis of age, color, disability, gender, \*national origin, marital status, race, religion, or sexual orientation.**

If any \*\*student feels that he or she has been discriminated against or harassed, there are specific procedures to report such offenses. See pp. 30-31 for further information.

*\*\*Whenever the word "student" appears, parents may become involved.*

### FORMS OF DISCRIMINATION

Harassment is a form of discrimination. Harassment based on age, color, disability, ethnicity, gender, linguistic differences, \*national origin, marital status, race, religion, or sexual orientation are violations of School Board policies and civil rights laws and statutes and should be addressed in a similar manner as detailed above.

*\*National origin pertains to, but is not limited to, an individual's or his/her ancestor's place of origin, as well as physical, cultural, or linguistic characteristics.*

### SEXUAL HARASSMENT AND SEXUAL VIOLATIONS

Sexual harassment is a form of sex discrimination that violates the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and SB Policy 4001.1. Sexual violence is a physical act of aggression that includes a sexual act of sexual purpose. Sexual violence is also a violation of these same statutes and may also represent a criminal law violation. The school district prohibits any form of sexual harassment and sexual violence.

Sexual harassment and sexual violence are unlawful and will be grounds for disciplinary action. Students who believe they have been victims of sexual harassment or sexual violence should report the alleged act immediately to a teacher and/or school administrator. Because sexual harassment can take on many forms, the following are some definitions of sexual harassment/violence.

### SEXUAL HARASSMENT/SEXUAL VIOLENCE DEFINED

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or communication of a sexual nature. Sexual harassment includes, but is not limited to, the following behaviors:



- Unwelcome statements of a sexual nature.
- Unwelcome solicitation or pressure for sexual activity.
- Intentional brushing against, patting, or pinching of another's body.
- Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, unwanted physical contact, and blocking movements.
- Leering with sexual overtones, gestures, display of sexually suggestive objects, posters, or cartoons.
- Indecent exposure.

**Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA)**

SB Policy 4001.1, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against any students with regard to access to programs, services, and activities on the basis of disability. If any \*\*student feels he or she has been discriminated against because of such disabilities, there are specific procedures to report such offenses. See pp. 30-31 for the steps to report such offenses.

### SECTION III - DRESS CODE

Appropriate dress and grooming can help to create a positive learning environment. Other attire may be allowed for special school activities with approval of the school administration. Possible consequences for violating the dress code are found in the Discipline Matrix. **Changes in clothing trends will not override the dress code policy.**

Rights	Responsibilities
Students have a right to wear stylish clothes of their choice as long as those clothes are appropriate for school, are not dangerous to health and safety, and do not create a substantial and material disruption of the school.	Students have a responsibility to dress neatly, appropriately, be clean, and well groomed.

**RULE -** All students are expected to honor their responsibilities and dress in a way that respects the rights of others.

1. Footwear must be worn at all times. For grades K-12, bedroom slippers are not allowed, and for elementary students, backless footwear is not allowed. Parents should ensure that footwear their students do wear to school would not impede their safety.
2. Special clothing, including footwear, may be required for safety reasons in certain programs such as physical education, home economics, career/technical education, and science.
3. Revealing clothing or clothing that exposes the torso is not allowed. Examples include, but are not limited to: tank tops or spaghetti straps without overblouses (long shirts) or jackets; see-through garments; mini-skirts or mini-dresses; halters; backless dresses; jackets, shirts, or blouses tied at the midriff; and bare midriff outfits.
4. Clothing which is not worn appropriately, is not properly fastened, or has tears that are \*indecent will not be permitted. All trousers, including oversized or low-hanging trousers, must be worn and secured at waist level.
5. Garments including, but not limited to, pajamas, boxer shorts, bloomers, and bustiers, which were traditionally designed as undergarments, sleepwear, or beachwear, may not be worn as outer garments. Other clothing not allowed are: leggings without overblouses (long shirts) that reach mid-thigh, tights, bodysuits, or hosiery, including those with lace trim, and bicycle racing attire unless they are worn underneath dresses, skirts, or shorts of appropriate length. Appropriate T-shirts may be worn as outer garments.
6. Clothing that exposes the upper thigh is not allowed. Shorts that are not shorter than mid-thigh, including walking shorts, Bermuda shorts, and split skirts (culottes), are allowed. *For Pre-K through 3*, shorter shorts may be worn since these are standard attire for these ages.
7. Clothing, jewelry, buttons, haircuts, or other items or markings which are, \*suggestive, \*revealing, or \*indecent, associated with gangs or cults, encourage the use of drugs, alcohol, or violence, or support discrimination on the basis of age, color, disability, ethnicity, gender, linguistic differences, marital status, national origin, race, religion, socioeconomic background, sexual orientation, physical appearance, or for any other reason are not allowed.
8. Head coverings including, but not limited to, caps and hats are not allowed unless they are necessary for safety in programs such as home economics, technology education, vocational education, and athletics or are worn for religious or medical reasons. Bandannas are not allowed. Hats, that do not violate #7 above, are allowed to be worn outdoors for physical education and recess as a safety precaution from sun damage.
9. Curlers and other hair grooming aids are not allowed. Personal grooming including, but not limited to, combing, brushing, and/or spraying hair, and applying cosmetics is allowed only in restrooms and/or designated areas.
10. Sunglasses may not be worn indoors unless a doctor's authorization is on file. Sunglasses are allowed to be worn outdoors for physical education and recess as a safety precaution from sun damage.
11. Any articles of clothing or jewelry that may cause injury including, but not limited to: items with spikes or sharp objects, wallet chains, and heavy link chains are not allowed.

12. Violators of the uniform policy (SB Policy 5309) shall be subject to the same penalties as violators of the dress code policy. For further clarification, see the District's Discipline Matrix that assigns specific consequences and is part of the school's discipline plan. The Discipline Matrix is available to parents upon request. You may view the complete uniform policy and all School Board policies on the Web at <http://www.broward.k12.fl.us/sbbcpolicies>.

\*Indecent, suggestive, and revealing refer to exposure of private body parts and/or pictures or words with a sexual connotation.

## We Love Broward's Dress Code!



## SECTION IV - TECHNOLOGY USAGE

Computers, networks, and online telecommunications such as the Internet and e-mail are becoming more commonplace in our classrooms and media centers every year. While these systems have the power to deliver a huge number of resources to our classrooms, their ability to serve students and teachers depends on the responsible and ethical use of every device and system.

<b>Rights</b>	<b>Responsibilities</b>
Students have a right to use online telecommunications and networks to increase their access to information and resources.	Students have a responsibility to understand the difference between appropriate and unacceptable uses of online telecommunications and networks.
Students have a right to use online telecommunications and networks to obtain information, create intellectual products, collaborate and communicate for educational purposes.	Students have a responsibility to use online telecommunications and networks in a responsible, efficient, ethical, and legal manner in accordance with their educational mission.
Students have a right to use online telecommunications and networks without the fear that their products or their personal reputation will be violated, misrepresented, tampered with, destroyed, or stolen.	Students have a responsibility to recognize that the use of online telecommunications and networks is a privilege that can be withdrawn if they engage in unacceptable or illegal use of this resource.

**RULE** - Students are expected to use technology responsibly.

SB Policy 5306 defines the appropriate use of technology throughout the District. This policy describes how computers and networks must be used to support research and instructional activities in our classrooms, labs, and media centers. First, it promotes the use of technology as a powerful educational tool that is increasingly becoming a common part of every student's day. Second, it provides those students who use these computers, and the networks to which they are connected, to act in accordance with prescribed rules and behavioral codes detailed in the policy. Several major provisions are noted below. The full text of SB Policy 5306 is available upon request from each school's media center and on the Internet. You may view the complete technology policy and all School Board policies on the Web at <http://www.broward.k12.fl.us/sbbcpolicies>.

### Major Policy Provisions:

- Use of computers, networks, and online telecommunications systems must be related to students' educational activities.
- Students must recognize that computers, networks, and equipment used to support online telecommunication systems are shared devices and agree to use them in ways which will maintain their continued operability for all users.
- No illegal activity may be conducted using the District's computers, networks, or online telecommunications systems.
- Students must not access or distribute offensive, obscene, inflammatory, or pornographic material.
- Students shall not intentionally spread computer viruses, vandalize data, infiltrate systems, or degrade/disrupt computer and/or network performance.
- All users of computers, networks, and online telecommunications systems shall adhere to laws regarding copyright.

### FCAT Administration Policy

- It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education for mandatory tests, such as FCAT, and knowingly and willfully fail to follow test administration directions specified in the test administration manuals (F.S. 1008.24).
- The FCAT Administration Manual states:  
"During FCAT testing, possession of any electronic device that reproduces, transmits, calculates, or records is cause for invalidation. "Possession" is defined as "within arm's reach," even if the electronic device is not visible. For example, students [shall] not have cellular phones in their pockets, clipped to their belts, at their desks, or anywhere they can be easily accessed during testing."
- Schools will direct students on the appropriate storage of electronic devices during testing.

Illegally using school district technology and/or software to alter information is a felony. Misusing school district technology and/or software to transmit insulting, profane, racially or sexually offensive written language, or to make obscene remarks or gestures is unacceptable behavior that will lead to disciplinary action. Using technology including, but not limited to, computers, networks, online telecommunication systems, cellular telephones, and camera telephones to bully or libel another student or staff member is a violation of the **Code of Student Conduct** and will result in disciplinary action.

## SECTION V - STUDENT ACTIVITIES AND ASSEMBLY

School activities give students a chance to interact in positive ways. They can learn from each other how to work together harmoniously for common goals.

Rights	Responsibilities
<p>Students have a right to take part in extracurricular activities, assemblies, and school-approved organizations without discrimination on the basis of age, color, disability, ethnicity, gender, linguistic differences, marital status, national origin, race, religion, socioeconomic background, sexual orientation, physical appearance, or for any other reason.</p> <p>Students have a right to take part in electing officers for student government.</p> <p>Students have a right to consult with faculty advisors of school-approved clubs and groups.</p> <p>Students have a right to seek office in student government and/or school-approved clubs and groups without discrimination on the basis of age, color, disability, ethnicity, gender, linguistic differences, marital status, national origin, race, religion, socioeconomic background, sexual orientation, physical appearance, or for any other reason.</p> <p>Students have a right to attend educational field trips or educational school-sponsored activities. However, non-educational field trips are a privilege. Students on field trips will have the same rights, as it pertains to make-up work, as students with excused absences.</p>	<p>Students have a responsibility to keep their extracurricular activities from interfering with their academic work and to know and follow the rules for the activities they choose.</p> <p>Students have a responsibility to ensure that their actions as members of school clubs and groups meet the standards that have been set by the school administration.</p> <p>Students have a responsibility to educate themselves as to the qualities needed for leadership and choose officers who have those qualities.</p> <p>Students who hold office have a responsibility to learn how to do their jobs, support the goals of the group that elected them, and to treat other members of the group fairly.</p> <p>Students who participate in field trips, social and/or extra curricular activities that are school-approved and/or sponsored by school clubs or groups, have a responsibility to follow the rules set forth in the <b>Code of Student Conduct</b>, and where applicable, by the conferences, conventions or contests they may attend. (See SB Policy 6303.) You may view the complete field trip policy and all School Board policies on the Web:  <a href="http://www.broward.k12.fl.us/sbbcpolicies">http://www.broward.k12.fl.us/sbbcpolicies</a>.</p>

**RULE -** Many students take part in school-related activities that are extracurricular (take place outside of school hours), social, and interscholastic (engage in competition with other schools). Students must attend half of the classes on the day of an activity in which they want to take part unless they have been excused or exempted from class by the school administration in advance. Students are expected to have prior approval from the school administration for many activities related to school-approved and school-sponsored clubs and groups. They need approval to:

- Present a program or an assembly.
- Collect funds. Items cannot be sold for personal gain such as food, jewelry, T-shirts, etc.
- Have a fundraising project on or off school grounds. Fundraising drives among students initiated by outside organizations such as the Salvation Army, United Way, Girl Scouts, etc., are not permitted in the schools.
- Hold a demonstration.

### FIELD TRIPS

Under special conditions, students may be denied participation in educational or non-educational field trips and educational school-sponsored activities (See SB Policy 6303).

### INTERSCHOLASTIC EXTRA CURRICULAR ACTIVITIES

**RULE -** Students must maintain satisfactory conduct in school and in the community to participate in interscholastic, extra curricular activities (See SB Policy 6201). This policy outlines the requirements to participate in these activities. You may view the complete student eligibility policy and all School Board policies on the Web at <http://www.broward.k12.fl.us/sbbcpolicies>.

### MIDDLE SCHOOL ELIGIBILITY *(Based on each 9-week marking period)*

To participate in interscholastic extracurricular athletics, middle school students must meet the following requirements:

1. Students must have been regularly promoted and must maintain a quarterly grade point average of 2.0 or above on a 4.0 scale. Middle school students must pass 5 of 6, or 4 of 5 classes, depending on the schedule.

2. Middle school students may receive no more than one "U" in conduct.
3. Failure to meet requirements makes the student/athlete ineligible for contests for the entire next nine weeks. This will take effect as of report card issue date.
4. Requirements are subject to the principal's appeal based on extreme circumstances. A copy of the principal's appeal must be filed with the County Athletic Department.

**HIGH SCHOOL ELIGIBILITY** *(Based on an 18-week semester regardless of class scheduling format, i.e., block and rotator)*

To participate in interscholastic extracurricular athletics, high school students must meet the following requirements:

1. Students shall be progressing satisfactorily toward graduation as provided for in the District's approved pupil progression plan.
2. Students must have been regularly promoted from the 8th grade and must maintain a cumulative grade point average of 2.0 or above on a 4.0 scale or its equivalent in the courses required for high school graduation. The cumulative grade point average and courses for graduation include all attempted credits in high school.
3. Students, if convicted of, or found to have committed, a felony or a delinquent act that would have been a felony if committed by an adult, regardless of whether adjudication is withheld, student participation will be disallowed.
4. Since representing a school either as an elected school officer or in extracurricular activities is both an honor and a privilege, only students meeting requirements established by their club, school, instructional services, and/or the Board shall be eligible to serve as representatives of their school.

## SECTION VI - FREE SPEECH AND STUDENT PUBLICATIONS

The Constitution of the United States guarantees the right to express ideas freely. A basic education should prepare students to do that in responsible ways.

Rights	Responsibilities
Students have a right to hear all sides of subjects about which people disagree.	Students have a responsibility to be informed about all sides of controversial issues.
Students have a right to give their opinions and points of view.	Students have a responsibility to listen politely to the viewpoints of others.
Students have a right to be free of censorship within a framework of mutual respect.	Students have a responsibility to use good judgment in developing student publications.
Students have a right to expect that materials listed under Section 1 below will not be allowed in the schools.	Students have a responsibility to use good judgment in selecting sources of information.

1. No printed or written materials or electronic or electro-magnetic media (hereafter "material") may be distributed in the schools or on school grounds unless the principal or his/her designee has granted permission. A principal or designee may only deny permission to distribute if the material can reasonably be interpreted as:
  - a. Obscene or pornographic;
  - b. Libelous or slanderous;
  - c. Likely to create a material and substantial disruption of normal school activity or appropriate discipline in the operation of the school. Material will not be deemed to fall within this subsection only because students, faculty or staff may disagree with or find the contents of the material offensive;
  - d. Profane, vulgar, or lewd language;
  - e. Selling a commercial product or attempting to make a commercial profit from the sale of products. (For rules governing student/school fundraisers, refer to Section V. Student Activities and Assembly, p. 19.)
2. If material is denied distribution, the principal or designee must state to the student the specific reasons why such material was denied distribution.
3. If the material is denied distribution under Subsection (1)(c) as likely to cause a material and substantial disruption, the principal or designee must state to the student the specific reasons why a disruption is likely to occur as a result of the distribution and why such disruption would be material and substantial.
4. Notices of student non-curricular group meetings posted on general purpose student bulletin boards do not necessarily represent the viewpoint of the School Board and/or the administration. The Board is only offering physical space to such groups and does not promote, endorse, or otherwise sponsor such materials. Students are encouraged to be sensitive to other viewpoints and beliefs when posting such notices.
5. Students may not hand out petitions or surveys during class time unless curriculum-based.
6. A principal or designee must either approve or reject a request from a student to distribute materials within 24 hours of the request by the student. Any request to distribute materials not acted upon within 24 hours by the principal or designee is deemed approved.

- a. For approved materials, the principal or designee may assign reasonable restrictions with regard to time, place, and manner of distribution.
  - b. For approved materials, the publication shall contain this phrase: "THE OPINIONS AND/OR ACTIVITIES ARE NOT ENDORSED OR SPONSORED BY THE SCHOOL BOARD."
7. Any student aggrieved by a decision made under this section has the right to appeal such decision as specified in Section IX of this policy on pp. 30-31.

## SECTION VII - PRIVACY OF STUDENT RECORDS

Rights	Responsibilities
<p>Students have the right to expect that schools will keep student records safe, secure, and private. Students who are eighteen (18) years or older have the right to see their own school records.</p> <p>Students have a right to expect that others will respect personal belongings.</p>	<p>Students have a responsibility to learn how the information in their school records is gathered, how it is used, and what it means.</p>

**RULE -** Students have the right to personal privacy and have the responsibility of respecting the rights of others.

1. Information about another person must be treated with respect and privacy.
2. Student aides may not be in areas where they would be able to read student records and files that are private.

### Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act became a federal law in November 1974, and were further revised in 1975, 1976, 1997, 2000, and 2002. The intent of this law is to protect the accuracy and privacy of students' educational records.

The Family Educational Rights and Privacy Act (FERPA), **Florida Statute 1002.22**, and SB Policy 5100 afford parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

- (1) *The right to inspect and review a student's education records within 30 days of the day the District receives a request for access.* Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. When the educational records contain information about more than one student, parents may review the information related only to his or her child.
- (2) *The right to request the amendment of a student's education records that the parent or eligible student believes are inaccurate or misleading.* Parents or eligible students may ask the Broward County School District to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the District decides not to amend the record as requested, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided when the parent or eligible student is notified of the right to a hearing.

- (3) *The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.* FERPA permits disclosure without consent to \*school officials with \*\*legitimate educational interests.

The School Board reserves the right to release limited and appropriate Directory Information to law enforcement agencies and other governmental agencies. However, federal and state law provides that knowledge of the information in a student's educational records may be released to appropriate parties in connection with an emergency if necessary to protect the health or safety of the student or other individuals. Student names, addresses, and telephone numbers (if listed) also will be released to the military and/or Florida public institutions of higher education. "Directory Information" includes the student's name, residential address, telephone number (if it is a listed number), date and place of birth, major field of study, participation in school-sponsored activities and sports, height and weight of athletic team members, dates of school attendance, degrees and awards received, and the name of the most recent previous school or program attended.

A parent/guardian may refuse to permit the release of any or all of the above Directory Information with respect to their child by notifying the principal of his or her school. This notification must be submitted to the principal, in writing, identifying the information that should not be released and to whom. This notification must be delivered to the principal prior to the beginning of the school year or within 10 days from the date of enrollment of a student after the start of each school year. Such requests must be submitted annually.

- (4) *The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.* The name and address of the office that administers FERPA is **Family Policy Compliance • U. S. Department of Education Office • 400 Maryland Avenue, S.W. • Washington, DC 20202-4605.**

\* School official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health and medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); a clerical or paraprofessional staff member assisting another school official in performing his or her professional tasks.

\*\*Legitimate educational interest is when a school official needs to review an educational record in order to fulfill his or her professional responsibility.

For additional information refer to SB Policy 5100. This policy outlines the confidentiality and the transfer of student records. You may view the complete student records policy and all School Board policies on the Web at <http://www.broward.k12.fl.us/sbbcpolicies>.

## **THE SCHOOL BOARD OF BROWARD COUNTY'S NOTICE OF PRIVACY PRACTICES RELATED TO STUDENTS & FAMILY MEDICAL/MENTAL HEALTH RECORDS (HIPAA)**

### **PLEASE REVIEW CAREFULLY**

This Notice is the outcome of a new federal law that requires all organizations, including school districts, to maintain the privacy of your and your child's mental health and medical records. The law calls these records protected health information (PHI). This Notice of Privacy Practices tells you how your and your child's PHI may be used and how the school district keeps this information private and confidential. The school district has always kept this information confidential; this notice simply explains the school district's legal responsibilities, according to the new law.

The law requires the school district to give this Notice of Privacy Practices to you. The school district is required to do what this Notice of Privacy Practices says we will do. If the school district changes how it handles your or your child's records, you will be told. The most current Notice of Privacy will be posted on the SBBC website at [www.browardschools.com](http://www.browardschools.com).

### **HOW WILL THE SCHOOL DISTRICT USE AND SHARE YOUR AND YOUR CHILD'S PROTECTED HEALTH INFORMATION?**

PHI includes demographic and medical information about the past, present, or future physical or mental health of an individual. Demographic information could include your and your child's name, address, telephone number, social security number, and any other means of identifying you and/or your child as a specific person.

PHI the school district has can be information created or received by the school district. As an example, a psychological or psychosocial evaluation completed by a school district employee is PHI, as well as a report from your child's doctor.

Your or your child's PHI may be used or shared by the school district for purposes of medical and/or mental health treatment and/or payment for these services. Health care professionals may use this information in the clinics, schools, and/or hospitals to take care of you or your child.

It is important for you to be aware that this law allows the school district to share your and your child's PHI without your consent under the following circumstances:

- With another health care provider for purposes of your or your child's treatment;
- To insurance companies, Medicaid, or local, state, or federal agencies to pay for the services provided to you or your child;
- Reporting abuse of children, adults, or disabled persons;
- Investigations related to a missing child;
- Internal investigations and audits by the school district or any grant funding body;
- Investigations and audits by the State's Inspector General, Department of Education, and Auditor General;
- Public health purposes including vital statistics, disease reporting, and regulation of health professionals;
- Medical examiner investigations;
- Research approved by the school district;
- Court orders and/or subpoenas; and,
- Judicial and administrative proceedings.

Other uses or times the school district will share your and/or your child's PHI will require your written consent. This consent will have an expiration date: additionally, you can revoke the consent in writing at any time. Certain uses and sharing of psychotherapist (counseling) notes will also require your written consent.

## INDIVIDUAL RIGHTS

- **You have the right to request the school district to restrict the use and with whom you and/or your child's PHI may be shared. The school district will consider any of your requests but is not required to agree to them.**
- **You have the right to be assured that your information will be kept confidential.** The school district may mail or call you with appointment reminders or regarding your responsibility to pay for services. We will make contact with you in the manner and at the address or telephone number you select. You may provide an address other than your residence where you can receive mail and where you may be contacted. You may be asked to put your contact information in writing.
- **You have the right to review and receive a copy of your PHI.** Your review of the PHI will be supervised and will be at a time and place that is convenient to you and a representative of the school district. You may be denied access as specified by law. This might occur if your child consented to care and the parent's consent was not required by law or if your child is receiving care at the direction of a court or a person appointed by the court. If access is denied, you have the right to request a review by a licensed health care professional who is not involved in the decision to deny access. The licensed health care professional will be designated by the school district.
- **You have the right to correct your PHI.** Your request to correct your or your child's PHI must be in writing and provide a reason to support your requested correction. The school district may deny your request, in whole or part, if it finds the PHI:
  - Was not created by school district;
  - Is not PHI;
  - Is by law not available for your review; or,
  - Is accurate and complete.

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

- **You have the right to receive a list of the individuals and/or agencies with which the school district has shared your PHI.** The list will **not** include:
  - Information shared with you;
  - Information shared with individuals involved with your care;
  - Information you authorized to be shared;
  - Information shared to carry out treatment and/or payment;
  - Information shared for public health purposes;
  - Information shared for health professional regulatory purposes;
  - Information shared to report abuse of children, adults, or disabled persons;
  - Information shared in response to court orders and/or subpoenas;
  - Information shared for purposes of research, other than those you authorized in writing; and,
  - Information shared prior to April 14, 2003.

## FOR FURTHER INFORMATION

Requests for further information about the matters covered in this notice may be directed to the person who gave you this notice or the school district's Privacy Officer, who can be reached at 754-321-3203.

## COMPLAINTS

If you believe your privacy rights have been violated, you may file a complaint with the Secretary of the U.S. Department of Health and Human Services at 200 Independence Avenue, S.W., Washington, D.C. 20201, telephone toll-free 1-877-696-6775, or contact the school district's Privacy Officer, at 7770 W. Oakland Park Boulevard, Suite 206, Sunrise, FL 33351. The school district will not retaliate against you for filing a complaint.

This notice of Privacy Practices is effective April 14, 2003, and shall be in effect until a new Notice of Privacy Practices is approved and posted.



## SECTION VIII – INTERVENTION and/or CONSEQUENCES

When students do not follow the rules and expectations outlined in this **Code of Student Conduct**, one or more of the following actions may be taken until the problem is resolved.

### Possible Interventions and/or Consequences of Misbehavior

It will not be necessary to use each consequence or to use consequences in the order listed. However, per the Discipline Matrix, certain rule violations do require specific consequences. The District's Discipline Matrix that assigns specific consequences for misbehavior and is part of the school's discipline plan is available to parents upon request at the school and on the District's website at [www.browardschools.com](http://www.browardschools.com). For more information on the Discipline Matrix, talk with a school administrator. A copy of the Discipline Matrix was also provided to each student in the beginning-of-the-year information.

- Guidance Counselor intervention.
- Social Worker intervention.
- Family Counselor intervention.
- Timeout for students.
- Teacher/student conference, including record review.
- Disciplinary action initiated by teacher.
- Restitution, work detail, etc.
- Before or after school detention (parent responsible for transportation).
- Saturday School.
- Referral to administrator.
- School/parent contact.
- School/parent conference.
- Conflict mediation.
- Alternative probationary contract.
- Confiscation.
- Principal involvement.
- Guidance/administration referral to school Social Worker.
- Removal from class by teacher.
- Suspension from the bus. Students must attend school and the parent(s) must provide transportation.
- *For Secondary Only*, warning, notification, or towing for motor vehicle violations:
  - a. First offense: Warning
  - b. Second offense: Parent notification
  - c. Third offense: Tow vehicle
- Administrative referral to student services, outside agencies, counseling programs, alternative education programs, and/or placement in other special programs such as a telecommunications class or state-licensed drug rehabilitation program.
- Out-of-school suspension from classes and all school activities in accordance with SB Policy 5006. This policy outlines the violations and the procedures for out-of-school suspension and expulsion. You may view the complete suspension/expulsion policy and all School Board policies on the Web at <http://www.broward.k12.fl.us/sbbcpolicies>.
- Recommendation for expulsion in accordance with SB Policy 5006. (See above.)
- Referral to Special Investigative Unit/police.
- Full restitution by parent(s) for damage done by student in accordance with SB Policy 2303. This policy presents the School Board's position on financial responsibility for children's acts. You may view this complete policy and all School board policies on the Web at <http://www.broward.k12.fl.us/sbbcpolicies>.

If the student is suspended, the school shall provide the student's parent(s) with a written explanation of the reason for suspension.

\*For IDEA-eligible ESE students, suspension and expulsions shall follow applicable laws, School Board policies, and provisions of the Individual Education Plan (IEP). Likewise, for students determined to be disabled under Section 504 of the Rehabilitation Act of 1973, suspension, expulsion, and other disciplinary measures shall follow applicable laws, School Board policies, and provisions of the Section 504 Accommodation Plan.

## Consequences of Serious Misbehavior Leading to Suspension and/or Expulsion (Sections II-V of SB Policy 5006: Suspensions and/or Expulsion)

The Code also includes provisions for action that **MUST** be taken if there are serious problems involving weapons, drugs (including alcohol), mood-altering substances, steroids, and criminal acts. Specific action, outlined in SB Policy 5006, will be taken as a result of these violations. However, if the principal determines that the student uses an instrument or object in self-defense, the student will not be suspended or expelled. Self-defense is an attempt to “ward off” an attack or stop the process of confrontation. It is not self-defense when an object is used in retaliation or when the student uses an object to become an aggressor. SB Policy 5006 outlines all the violations that result in out-of-school suspension and expulsion and/or the consequences. You may view the complete suspension/expulsion policy and all School Board policies on the Web at <http://www.broward.k12.fl.us/sbbcpolicies>.

All violations under SB Policy 5006 will involve the following steps:

- Principal involvement.
- Immediate parent contact.
- Suspension from school grounds, all classes, and all school activities.
- Referral to Special Investigative Unit and police.

### OUT-OF-SCHOOL SUSPENSION

When, by the *school's administration*, a student is removed from school and school-related activities on or off school grounds.

### EXPULSION

When, by action of the *School Board*, a student is removed from school and school-related activities on or off school grounds.

## Over-the-Counter Medication, Use, Possession, and/or Transmittal Leading to Suspension and Possible Expulsion

**FIRST OFFENSE** for use and/or possession of unauthorized over-the-counter medications and sale or attempted sale and/or transmittal of authorized or unauthorized over-the-counter medications shall be counted at any time during which the student is enrolled in a Broward County Public School. First offense procedures: (1) If the student has been suspended or expelled for a prior drug offense by an in-state or out-of-state public, private, charter, or research school, then the disposition of this offense shall constitute a second offense and the procedures for second offenses shall apply. (2) Upon committing the first offense, a student may be referred to the area substance abuse case manager who shall refer the student to an appropriate counseling program.

**SECOND OFFENSE** for use and/or possession of unauthorized over-the-counter medications and sale or attempted sale and/or transmittal of authorized or unauthorized over-the-counter medications. Second offense procedures: (1) The student shall be suspended from the regular school program for 1-2 days. (2) The student may be referred to a substance abuse counselor.

**THIRD OFFENSE** for use and/or possession of unauthorized over-the-counter medications and sale or attempted sale and/or transmittal of authorized or unauthorized over-the-counter medications. Third and subsequent offense procedures: (1) the student shall be suspended for 10-days out-of-school suspension. (2) The student shall be referred to a substance abuse counselor. (3) The incident shall be considered a FIRST OFFENSE under Section III (A) of SB Policy 5006: Drug and Substance Abuse Offenses Leading to Suspension and Possible Expulsion and subsequent procedures will apply.

## Drug and Substance Abuse Offenses Leading to Suspension and Possible Expulsion

A student's locker or other storage area may be subject to a search by a school administrator based upon reasonable suspicion of possession of prohibited or illegal materials. Reasonable suspicion may also result in a search of person, possessions, and/or vehicle.

However, any personal property brought on school grounds may be inspected by drug-sniffing dogs for alcohol, drugs, or other prohibited substances. Personal property that may be inspected includes, but is not limited to, cars parked on school grounds, desks, backpacks, lockers, book bags, and gym bags. Reasonable suspicion of improper conduct is not required to use drug-sniffing dogs to inspect personal property. Drug-sniffing dogs will not be used to inspect students for alcohol, drugs, or other prohibited substances.

**FIRST OFFENSE** for use, possession, or being under the influence of \*mood-altering substances, including alcohol and alcoholic beverages. (If the mood-altering substance is an unauthorized prescription, refer to FELONY POSSESSION at the end of this subsection.) First offense procedures: (1) The first-time occurrence for the use, possession, or being under the influence of mood-altering substances, including alcohol and alcoholic beverages, shall be counted at any time during which the student is enrolled in Broward County Public Schools. If the student has been suspended or expelled for a prior drug offense by any in-state or out-of-state public, private, charter, or research school, then the disposition of this offense shall constitute a second offense, and the procedures for second offenses shall apply. (2) Upon committing the first offense, a student will be referred to the area substance abuse case manager who shall refer the student to an appropriate counseling program. Up to seven (7) days of the suspension may be waived if the student attends a counseling program authorized by the principal/designee in conjunction with the area substance abuse case manager. If the student does not complete the recommended counseling program, the full ten (10) days of suspension shall be imposed.

**SECOND OFFENSE** for use, possession, or being under the influence of \*mood-altering substances, including alcohol and alcoholic beverages. Second offense procedures: (1) The student shall be suspended from the regular school program for 10 days and expulsion shall be mandatory. (2) The expulsion shall be held in abeyance if the student completes a state-certified drug/alcohol rehabilitation program or a treatment program with a certified addiction professional. (3) If the student fails to complete the state-certified drug/alcohol rehabilitation program, the full term of the expulsion shall be implemented. (4) The student may return to the regular school program upon successful completion of the prescribed rehabilitation program. The area substance abuse case manager shall monitor/verify that the student has completed the program.

**THIRD AND SUBSEQUENT OFFENSES** for use, possession, or being under the influence of \*mood-altering substances, including alcohol and alcoholic beverages. Third and subsequent offense(s) procedures: (1) The student shall be suspended from the regular school program for 10 days and expulsion shall be mandatory. (2) The student shall be placed in an Expulsion Abeyance Program for a period of one calendar year, commencing with the date of the offense and shall complete a state-certified drug/alcohol rehabilitation program.

**SALE, ATTEMPTED SALE, OR TRANSMITTAL** of drugs or \*mood-altering substances, or other substances held out or represented to be drugs or mood-altering substances, including alcohol or alcoholic beverages. Procedures for sale, attempted sale, or transmittal: (1) Student shall be suspended from the regular school program for 10 days and expulsion shall be mandatory. (2) The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year, commencing with the date of the offense.

#### **FELONY POSSESSION OF DRUGS OR CONTROLLED SUBSTANCES**

A student found to be in possession of any drugs or controlled substance which constitutes a felony under **Florida Statutes 893.02 (4), 893.03, and 1006.07 (2)(d)** will be subject to the procedures for felony possession of drugs or controlled substances: (1) The student shall be suspended from the regular school program for 10 days and expulsion shall be mandatory. (2) The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year, commencing with the date of the offense.

\*Mood-altering substances including, but not limited to, alcohol and/or alcoholic beverages, cocaine, marijuana, hallucinogens, inhalants, narcotics, stimulants, depressants, steroids, and over-the-counter medications.

### **Other Offenses (Non-Drug and Non-Substance Abuse Offenses) Leading to Suspension and Possible Expulsion**

Students shall be suspended and may be recommended for expulsion when they:

- Habitually commit a serious breach of conduct including, but not limited to, willful disobedience and/or open defiance of authority.
- Commit assault.
- Commit battery.
- Commit or threaten to commit damage to property.
- Commit any act that substantially disrupts the orderly conduct of the school.
- Commit grand theft.
- Possess and/or display or transmit a Class B weapon (pp. 28-29).
- Possess, display, transmit, or handle laser pens/pointers and other laser devices in a manner that could potentially harm or injure another individual.
- Make an Internet/electronic transmission of a threat to do harm to person(s) on school grounds or to school property that results in a substantial disruption to the school climate.
- Conduct, recruit, or participate on campus in a formal or informal manner in order to foster youth gang activity. This activity may include an association or group of 3 or more persons who are gang-related individually or collectively who engage in a pattern of youth or street gang activity and have a common name or common identifying clothing, jewelry, buttons, colors, signs, symbols, or markings with the intent to threaten and/or present a danger to public order and safety.

- Commit other criminal actions on School Board property not set forth in this policy, including when the student is found to have committed a delinquent act which would be a felony, if committed by an adult; the student has had adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or the student has been found guilty of a felony.
- Are charged by a prosecuting attorney with a felony, or with a delinquent act which would be a felony if committed by an adult or found by a court of law to have committed a felony for an incident which allegedly occurred on property other than public school property, if that incident is shown in an administrative hearing to have an adverse impact on the educational program, discipline, or welfare of the school in which the student is enrolled.
- Use the school district's technology and/or software illegally.

### **Offenses Leading to Mandatory Expulsion**

Students shall not be subject to mandatory suspension and expulsion proceedings when the principal determines that an instrument or object was used solely for the purpose of defense against an aggressor. A student shall not be subject to mandatory expulsion proceedings if it is determined that the student immediately returned a firearm to the person who gave it to her or him, or if the student took a firearm to a staff member or was in the process of taking it to a staff member.

Students found to have committed the following offenses on school property, school-sponsored transportation, or during a school-sponsored activity shall receive the most severe consequences provided in this policy which shall be mandatory suspension and expulsion, referral for appropriate counseling services, and referral for criminal prosecution to the local law enforcement agency. These offenses include:

- Aggravated assault.
- Arson or attempted arson.
- Sexual battery (rape) or attempted sexual battery (rape).
- Possession, display, use, sale, or transmission of a Class A weapon (p. 28).
- Homicide or attempted homicide.
- Kidnapping or abduction.
- Possession, use, or sale of any explosive propellant or destructive device.
- Armed robbery or attempted armed robbery.
- Aggravated battery.
- Battery on a teacher/school district employee.
- Extortion.
- Robbery or attempted robbery.
- Threats to throw, project, place, or discharge a destructive device with intent to do bodily harm to any person or with intent to damage any property of any person.
- False reports, with intent to deceive, mislead, or otherwise misinform a person, concerning the placing or planting of any bomb, dynamite, or other deadly explosive.

**AT NO TIME is it appropriate for any student to possess or bring a weapon of any kind onto a school campus. Federal and state laws require local school districts to notify parents, through the Code of Student Conduct, that any student who is determined to have brought a firearm, projectile device, electric weapon or device, or flare gun to school, to any school function, or on any school-sponsored transportation will be recommended for expulsion, with or without continuing educational services, from the student's regular school for a period of not less than one full year and referred for criminal prosecution.**

**Possession of a firearm, projectile device, electric weapon or device, or flare gun shall be defined as knowingly, intentionally, deliberately, or inadvertently (without meaning to do it) bringing a firearm on school property, school-sponsored transportation, or to a school-sponsored activity.**

### **Alternative to Expulsion Program**

1. The expulsion shall commence with the date of the School Board's final order. However, the term of exclusion from the regular school shall not exceed one calendar year from the date of the offense. If the expulsion shall be held in abeyance, the student shall be given the opportunity to participate in an established Expulsion Abeyance Program.
2. If a student enrolls in an Expulsion Abeyance Program or in a program designated by the Superintendent and successfully completes the program, all records regarding the incident shall be expunged from the student's record. The area student services substance abuse/expulsion case manager will facilitate the student's re-entry into the regular school program.

3. Refusal or failure to meet conditions specified in the Expulsion Abeyance Agreement may result in the removal of the abeyance option, and the student may be expelled from all programs and schools in the Broward County Schools until the duration of the original expulsion has lapsed.
4. The appropriate expulsion code shall be entered into the student's permanent record. This record shall be forwarded to any school requesting that record for the purpose of student admission.
5. The area student services case manager shall monitor/verify that the student has completed the program.

### **Workback**

The Workback Program is designed to allow a student who has been recommended for expulsion to reduce the one-year period of expulsion by no more than 90 school attendance days. However, students are not eligible for the Workback Program if they commit any of the following offenses:

- Arson or attempted arson.
- Battery on a teacher/school district employee
- Sexual battery (rape) or attempted sexual battery (rape).
- Possession, use, sale, or transmittal of a firearm, projectile device, electric weapon or device, or flare gun.
- Homicide or attempted homicide.
- Kidnapping or abduction.
- Armed robbery or attempted armed robbery.
- Third and subsequent offenses for use, possession, or being under the influence of mood-altering substances including alcohol and alcoholic beverages.

For all other offenses, the principal, with approval of the area superintendent/designee, may recommend that a student not participate in the Workback Program due to the circumstances of the expellable offense. Upon successful completion of the Workback Program, the student shall transition back to the regular school program.

### **Out-of-District Expulsions**

Expulsion or dismissal of a student from any in-state or out-of-state public, private, charter, or research school will be honored by the Broward County School Board if the act committed is one that would be grounds for expulsion under this policy.

If a student who has been expelled or dismissed from another district wishes admission, he/she shall be placed in an appropriate Expulsion Abeyance Program or a program designated by the Superintendent for a period of time commensurate with the terms of the original expulsion.

### **Definition of Weapons**

Class A weapons include:

- Firearms, (whether operable or inoperable, loaded or unloaded) including, but not limited to, hand, zip, pistol, rifle, shotgun, and starter gun.
- Projectile devices including, but not limited to bb guns, pellet (hard and soft) guns, and paintball guns.
- Electric weapon or device including, but not limited to, stun guns and taser guns.
- Flare guns.
- Explosive propellants or destructive devices.
- Dirks.
- Brass knuckles and/or metallic knuckles.
- Billy clubs.
- Tear gas.
- Slingshots.
- Chemical weapon or devices (any weapon of such a nature, except a device known as a "self-defense chemical spray," that is carried solely for purposes of lawful self-defense, is compact in size, is designed to be carried on or about the person, and contains not more than two ounces of chemical).

Class B weapons include:

- Toy guns.
- Toys that resemble weapons when used in a threatening manner.
- Any tool or instrument when used in a threatening manner.
- Knives of any kind.

- Chains, including any chain not being used for the purpose for which it was normally intended that is capable of harming an individual.
- Pipe of any length of metal or other hard substance not being used for the purpose for which it was normally intended.
- Razorblades of any kind or similar instruments with a sharp cutting edge.
- Ice picks and other pointed instruments.
- Nunchakus, Chinese stars.
- Pepper spray, a mace device with the capacity to hold 2 ounces or less of the chemical.

### **Definition of Offenses**

**Battery** is defined as using force against another person, without that person's consent, resulting in either (1) injury or (2) an offensive touching.

**Aggravated Battery** is defined as committing battery (1) using a Class A or Class B weapon or (2) causing serious injury.

**Assault** is defined as (1) an attempt to commit a battery or (2) a threat of injury through words or actions.

**Aggravated Assault** is defined as an assault in which a Class A or Class B weapon is used to commit the assault.

**Controlled Substances** are defined in Florida Statute 893.02(4) and 893.03.

**Petty Theft** is defined as taking property that is less than \$300.

**Grand Theft** is defined as taking property worth \$300 or more.

## **SECTION IX RIGHT TO APPEAL UNFAIR PENALTIES GRIEVANCE PROCEDURES for DISCRIMINATION and/or HARASSMENT OFFENSES, including SECTION 504 DISCRIMINATION**

### **RIGHT TO AN APPEAL**

There may be times when students feel they have been unfairly penalized. Most problems can be solved if students speak with the teacher or staff member who was involved. If students feel uncomfortable with this person, they may request a conference with the next level of authority. Students may also request the presence of a third party, such as a counselor, assistant principal, other staff person, translator, interpreter, or attorney. Parents also have the right to be included. If talking things over does not solve the problem, the following steps may be taken:

1. A written statement must be presented to the principal within 5 school days after the last conference. The statement must tell what happened, when it happened, who was involved, and how the student would like the problem resolved. A copy of the statement should be saved. The principal or the administrator with the most knowledge of the incident has 5 school days to present a written response.
2. If the problem still has not been resolved, students have 5 school days to ask, in writing, for an appointment with the area superintendent/designee. The letter asking for the appointment must include a copy of the first written statement.
3. Upon receipt of the letter, the area superintendent/designee will schedule a meeting within 5 school days with the student and his or her parent. This meeting will include the person(s) involved in the appeal process, the principal, the student, the parent(s) and anyone else he or she wishes to attend. An attorney may be present to represent either the student or the school. The area superintendent/designee has 5 school days to send a written response to the student.
4. If students still are not satisfied, they may take the problem to the Superintendent following the above procedures.
5. The Superintendent will schedule another meeting to see how the matter can be resolved. If a decision is not made at this meeting, the Superintendent has 5 school days to send a written response. The decision of the Superintendent shall be final for the appeal of any penalties fewer than 10 days. For appeals of 10 days or more, students have the right to appeal beyond the Superintendent to the School Board.

### **GRIEVANCE PROCEDURES for DISCRIMINATION and/or HARASSMENT OFFENSES, including SECTION 504 DISCRIMINATION**

#### **REPORTING DISCRIMINATION and/or HARASSMENT OFFENSES**

If any \*student feels that he or she has been discriminated against or harassed, he or she may contact the Director of Equal Educational Opportunities, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301, 754-321-2150. Complaints relating to discrimination may also be addressed to the Office for Civil Rights, 61 Forsyth Street, S.W., Suite 19T70, Atlanta, GA 30303, or the state or federal Office for Civil Rights.

#### **REPORTING SECTION 504 DISCRIMINATION**

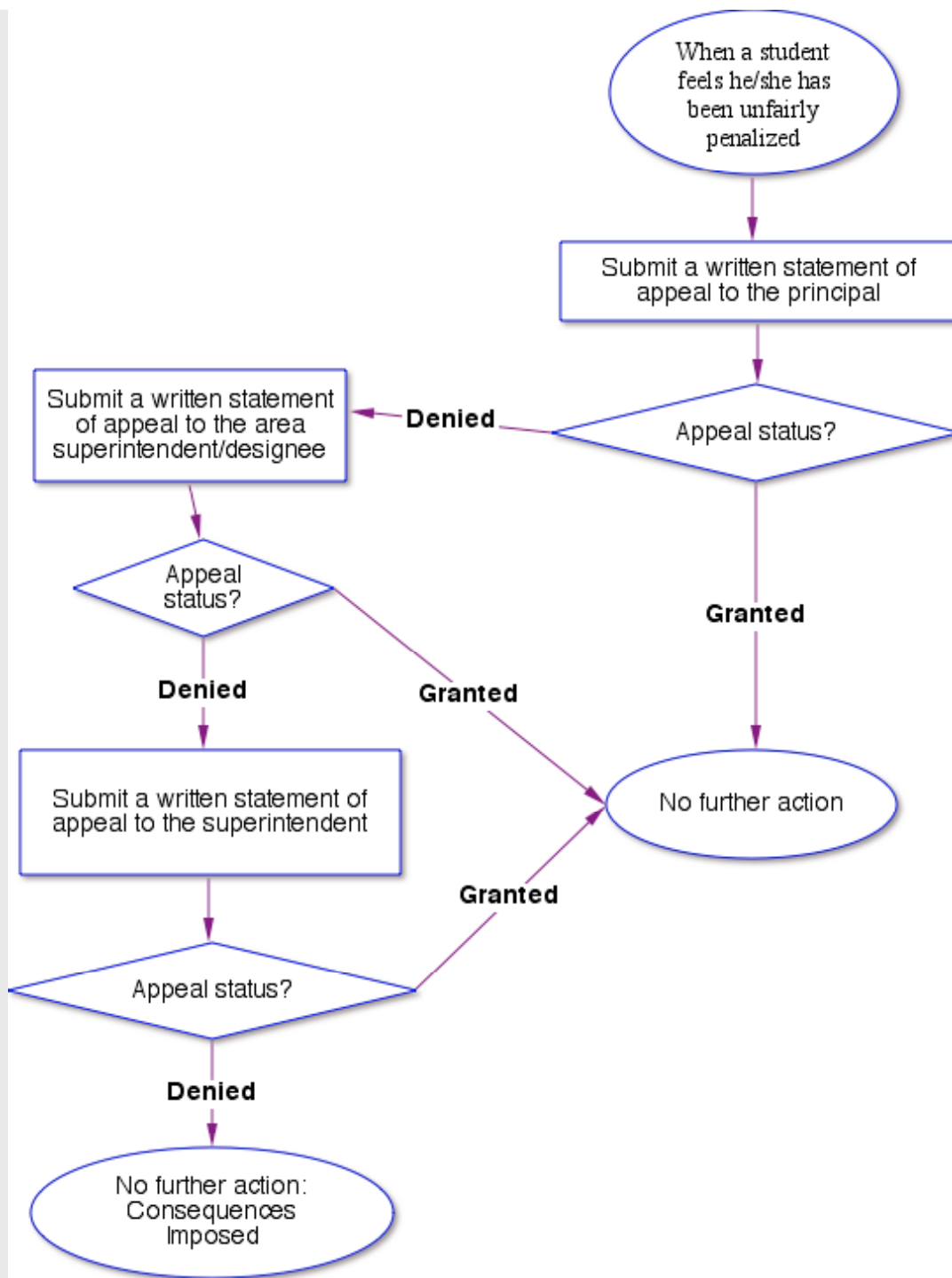
The steps below have been developed to comply with the law for resolution of individual complaints under Section 504/ADA. Aggrieved persons are not required by law to exhaust the District's grievance procedures before filing a complaint at the federal or state level.

The following steps should be followed if resolution on Section 504/ADA issues through informal discussion with appropriate school personnel is not achieved. All meetings, discussions, etc., should be documented. Appropriate school personnel could include teachers, the Section 504 liaison, counselors, etc.

1. If informal discussions do not resolve the issue, students may obtain a Grievance Filing Form from the principal. The completed form should be submitted to the principal within 15 school days of the occurrence.
2. Within 15 school days of receipt of the written grievance, the principal shall render a Complaint Resolution Form that shall uphold, modify, or deny the resolution sought.

3. If the student is not satisfied with the response issued in Step 2, he or she may file a complaint with the Director of Equal Educational Opportunities at 754-321-2150, who will inform the student of his or her rights under Section 504/ADA, including an impartial hearing. The Department of Equal Educational Opportunities will conduct an investigation, convene pertinent parties, including legal counsel, and make a determination as to whether probable cause exists to believe that the student was, in fact, discriminated against. A determination of probable cause will include specific recommendations for corrective behavior.

**RIGHT TO APPEAL PROCESS**





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