

POLICY 5006
DISCIPLINE POLICY: SUSPENSION AND EXPULSION
2017-2020

THE INTENT OF THIS POLICY IS TO PROVIDE FOR THE MAINTENANCE OF A SAFE, ORDERLY AND PEACEFUL EDUCATIONAL ENVIRONMENT FOR ALL STUDENTS AND TO ALIGN WITH ZERO-TOLERANCE LEGISLATION AND STATUTORY REQUIREMENTS.

THIS POLICY, ITS RULES, AND PROCEDURES SHALL APPLY TO ALL ACTIVITIES OCCURRING ON SCHOOL GROUNDS, ON OTHER SITES BEING USED FOR SCHOOL ACTIVITIES, AND IN ANY VEHICLE AUTHORIZED FOR THE TRANSPORTING OF STUDENTS. FURTHER, THIS POLICY, ITS RULES AND PROCEDURES SHALL ALSO APPLY TO ALL SCHOOL-AUTHORIZED FUNCTIONS AND/OR ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, FIELD TRIPS, ATHLETIC EVENTS, AND CLUB ACTIVITIES. THIS POLICY SHALL BE APPLIED EQUALLY TO ALL STUDENTS WITHOUT DISCRIMINATION BASED ON ECONOMIC STATUS, RACE, RELIGION, NATIONAL ORIGIN, SEXUAL ORIENTATION, ETHNICITY OR DISABILITY (FOR STUDENTS WITH DISABILITIES ELIGIBLE UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT [IDEA] OR SECTION 504, THERE ARE ADDITIONAL RIGHTS THAT MUST BE APPLIED).

ALL STUDENTS HAVE A RIGHT TO A HIGH-QUALITY EDUCATION. AS SUCH, SCHOOL DISCIPLINARY MEASURES SHOULD NOT BE USED TO EXCLUDE STUDENTS FROM SCHOOL OR OTHERWISE DEPRIVE THEM OF SUCH AN EDUCATION, UNLESS IT IS NECESSARY TO PRESERVE THE SAFETY OF STUDENTS AND STAFF.

THE DISTRICT WILL MAKE EVERY REASONABLE EFFORT TO CORRECT STUDENT MISBEHAVIOR THROUGH SCHOOL-BASED RESOURCES AT THE LOWEST POSSIBLE LEVEL, AND TO SUPPORT STUDENTS IN LEARNING THE SKILLS NECESSARY TO ENHANCE A POSITIVE SCHOOL ENVIRONMENT AND AVOID NEGATIVE BEHAVIOR. THE VAST MAJORITY OF DISCIPLINARY ISSUES SHOULD BE ADDRESSED AT THE CLASSROOM LEVEL BY TEACHERS. IN ALL INSTANCES, SCHOOL DISCIPLINE SHOULD BE REASONABLE, TIMELY, FAIR, AGE-APPROPRIATE, AND SHOULD MATCH THE SEVERITY OF THE STUDENT'S MISBEHAVIOR. ANY DISCIPLINARY OR PROSECUTORIAL ACTION TAKEN AGAINST A STUDENT WHO VIOLATES THIS POLICY MUST BE BASED ON PARTICULAR CIRCUMSTANCES OF THE STUDENT'S MISCONDUCT.

THE DISCIPLINE MATRIX, ATTACHED AS APPENDIX A TO POLICY 5.8, CODE OF STUDENT CONDUCT, IS HEREBY INCORPORATED INTO AND MADE PART OF THIS POLICY. THE DISCIPLINE MATRIX SETS FORTH THE GUIDELINES FOR ASSIGNING CONSEQUENCES FOR VIOLATIONS OF SCHOOL BOARD POLICIES. **SCHOOL PRINCIPALS HAVE THE DISCRETION TO DEVIATE FROM THESE GUIDELINES BY ASSESSING AN APPROPRIATE CONSEQUENCE OTHER THAN STATED IN THE DISCIPLINE MATRIX IF HE OR SHE DETERMINES IN HIS OR HER SOLE DISCRETION THAT THERE ARE MITIGATING OR AGGRAVATING CIRCUMSTANCES.**

UNDER FLORIDA LAW, THE SUPERINTENDENT OF SCHOOLS/DESIGNEE SHALL HAVE THE AUTHORITY TO REMOVE FROM THE CLASSROOM, THE SCHOOL BUS AND THE SCHOOL CAMPUS DISOBEDIENT, DISRESPECTFUL, VIOLENT, ABUSIVE, UNCONTROLLABLE, OR DISRUPTIVE STUDENTS, IN SUPPORT OF THE AUTHORITY OF TEACHERS, SCHOOL BUS DRIVERS AND SCHOOL PRINCIPALS, AND TO PROVIDE FOR A PROPER PLACEMENT OF SUCH STUDENTS, INCLUDING IN AN ALTERNATIVE SETTING, WHEN APPROPRIATE (F.S. 1001.42, 1001.51(24), 1003.31, 1003.32 AND 1006.08).

STUDENTS ELIGIBLE FOR PUBLIC-SUPPORTED EDUCATION IN THE BROWARD COUNTY PUBLIC SCHOOL SYSTEM SHALL NOT BE SUSPENDED OR EXPELLED FROM SCHOOL FOR DISCIPLINARY REASONS FOR ANY PERIOD UNLESS SUCH STUDENT IS PROVIDED AN OPPORTUNITY FOR A STUDENT CONFERENCE/HEARING PURSUANT TO RULES OF THE SCHOOL BOARD. STUDENTS WHO ARE IDEA AND SECTION 504 ELIGIBLE HAVE ADDITIONAL RIGHTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) AND STATE BOARD RULE.

STUDENTS WITH DISABILITIES WHO ARE ELIGIBLE UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) OR SECTION 504 OF THE REHABILITATION ACT OF 1973 (SECTION 504), HAVE ADDITIONAL RIGHTS UNDER IDEA OR SECTION 504 AND STATE BOARD RULE. THE STUDENT'S INDIVIDUAL EDUCATION PLAN OR 504 PLAN TEAM SHOULD CONVENE AS SOON AS POSSIBLE TO ADDRESS THE STUDENT'S PROGRAM AND DETERMINE APPROPRIATE ACTION, INCLUDING, BUT NOT LIMITED TO, CONDUCTING MANIFESTATION DETERMINATIONS, AS NECESSARY.

ALL STEPS NECESSARY TO PROTECT THE VICTIM, OF ANY ACTS SET FORTH IN THIS POLICY, FROM FURTHER VICTIMIZATION WILL BE TAKEN. WITH INFRACTIONS THAT REQUIRE MANDATORY EXPULSION (SEE SECTION V), OR INVOLVE SERIOUS, REPEATED ACTS OF BULLYING, SUCH ACTIONS MAY INCLUDE ASSIGNMENT OF THE STUDENT (PERPETRATOR) TO A DIFFERENT SCHOOL FROM THAT WHERE THE OFFENSE OCCURRED. ONLY THE SUPERINTENDENT/DESIGNEE MAY ASSIGN A STUDENT TO ANOTHER SCHOOL AFTER COMPLETION OF THE MANDATORY REQUIREMENTS FOR EXPULSION ABEYANCE OR AFTER COMPLIANCE WITH THE BULLYING COMPLAINT PROCEDURES. SHOULD THE DISTRICT MAKE SUCH A REASSIGNMENT, TRANSPORTATION WILL BE PROVIDED BY THE DISTRICT. ALL "NO CONTACT ORDERS" ENTERED BY A COURT SHALL BE ENFORCED. TRANSPORTATION IS NOT PROVIDED BY THE DISTRICT WHEN THERE IS A COURT ORDER FOR NO CONTACT REQUIRING REASSIGNMENT OF THE STUDENT TO ANOTHER SCHOOL, UNLESS THERE IS TRANSPORTATION AVAILABLE AT NO ADDITIONAL COST TO THE DISTRICT.

RULES, PROCEDURES AND DEFINITIONS RELATED TO DISCIPLINARY ACTION, SUSPENSION AND EXPULSION ARE ORGANIZED INTO THE FOLLOWING SECTIONS IN THE POLICY:

- SECTION I** Offenses Leading to and Procedures for Disciplinary Action, including Suspension, Arrest and PROMISE (Preventing Recidivism through Opportunities, Mentoring, Interventions, Supports and Education)
- SECTION II** Over the Counter Medication, Use, Possession, Sale, and/or Transmittal Leading to Suspension and Possible Expulsion
- SECTION III** Drug and Substance Abuse Offenses Leading to Suspension and Possible Expulsion (non-drug and non-substance abuse offenses)
- SECTION IV** Other Offenses Leading to and Procedures for Suspension and Possible Expulsion
- SECTION V** Mandatory Expulsion Offenses and Procedures
- SECTION VI** Reporting to Law Enforcement Requirements
- SECTION VII** Definitions

SECTION I: OFFENSES LEADING TO AND PROCEDURES FOR DISCIPLINARY ACTION, INCLUDING SUSPENSION, ARREST AND PROMISE (PREVENTING RECIDIVISM THROUGH OPPORTUNITIES, MENTORING, INTERVENTIONS, SUPPORTS AND EDUCATION)

A. OFFENSES/UNACCEPTABLE BEHAVIOR

A student shall be subject to disciplinary action and/or placement in an assigned School Board approved program as deemed appropriate by the principal/designee when the student commits such acts deemed as “petty acts of misconduct” (i.e., acts which do not, directly or indirectly, pose a significant risk of serious injury) including, but not limited to the following:

1. Willfully disobeys
2. Openly defies authority of a member of the staff
3. Uses profane or obscene language
4. Repeatedly exhibits behavior that interferes with the teacher’s ability to communicate effectively
5. Commits petty theft
6. Is found to have intentionally made false accusations against a member of the school staff that could jeopardize the employee’s employment, professional reputation or certification
7. Has possession of drug paraphernalia
8. Use, possession, sale, attempted sale or transmittal of tobacco or tobacco related products on school property, school sponsored transportation, or during a school sponsored activity is prohibited

B. PROCEDURES FOR DISCIPLINARY ACTION OTHER THAN OUT OF SCHOOL SUSPENSION

For the commission of any of the above behaviors, principal or designee may implement any of the following disciplinary actions including, but not limited to:

1. Conference with the student and parent/guardian.
2. Counseling
3. Detention
4. In-school suspension
5. Saturday school
6. Alternative to suspension, including PROMISE
7. Suspension from bus transportation but not from school
8. Restorative Justice
9. Civil Citation

Where the use of any of these actions constitutes a change in placement for a student with a disability, the principal or designee must involve the IEP/504 Team in the placement determination.

C. PROCEDURES FOR SUSPENSIONS FROM SCHOOL AND SCHOOL ACTIVITIES

The principal or designee shall have the right to suspend a student from school and/or all school activities for a period of time up to ten (10) days. Students with disabilities (IDEA eligible and 504) cannot be suspended out of school for more than 10 school days in a school year without providing a free and appropriate public education (FAPE). All out-of-school suspensions shall include a provision for schoolwork to be completed (FS 1003.01(5)(a)).

School Board Policy 5.5 provides the provision for make-up work related to suspension.

The following procedures shall be followed for all disciplinary actions:

1. Student Conference/Hearing – Due Process

- a. The student shall be given an oral and/or written notice of the charge(s) against him/her, including the basis for the charge(s).
- b. If the student denies the charge(s), the student shall be given an explanation of the charges and an opportunity to respond.
- c. If a determination has been made that the student should be suspended, the principal/designee shall immediately attempt to contact the parent or guardian by phone and provide documentation of attempted notification.
- d. Notice of the suspension, using the district-approved suspension form, shall be sent within twenty-four (24) business hours from the suspension decision by mail or hand-delivered to the parent/guardian (F.S. 1006.09(1)(b) or to the student, if the student is not a dependent (18 years or older) student as defined in the Internal Revenue Code §152 or has been emancipated per Florida Statute, Section 743.015 or whose parent is unknown as per policy 5.5: Attendance.

2. Emergency Suspension

If, in the opinion of the principal/designee, there is justifiable reason to believe that a student conference/hearing prior to suspension is not feasible because the student's presence at school poses a continuing danger or an ongoing threat of disruption to the orderly conduct of school, then the principal/designee may immediately suspend the student and subsequently conduct a student conference/hearing within 72 hours of the student's removal. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.

- 3. Suspension From School Board Transportation** The principal/designee shall have the right to suspend a student from bus transportation for recurring, unacceptable bus behavior. The suspension may be for a period of time up to ten consecutive school days. Any further exclusion from bus transportation beyond that described requires School Board approval. When determination has been made that the student will be suspended from bus transportation, the principal/designee shall immediately contact the parent or guardian and provide documentation of notification. In the case of a student with a disability where transportation is an IEP related service or 504 Plan accommodation for the student, suspension from the bus may constitute a change in placement and the student's IEP/504 Team will need to be involved if suspension from the bus will total more than ten (10) school days in the school year.

D. PROCEDURE FOR PARENT NOTIFICATION OF STUDENT ARREST WHILE AT SCHOOL OR PARTICIPATING IN A SCHOOL-SPONSORED ACTIVITY

If the determination is made by law enforcement that a student is to be arrested while at school or participating in a school-sponsored activity, the principal/designee shall contact the parent by phone to provide notification without unnecessary delay. If unsuccessful, repeated attempts shall be made by phone, email or in writing. All attempted notifications, either successful or unsuccessful, shall be documented.

E. PREVENTING RECIDIVISM through OPPORTUNITIES, MENTORING, INTERVENTIONS, SUPPORTS and EDUCATION (PROMISE)

PROMISE is an intervention-based program designed to correct student behaviors that violate this policy or Policy 5.8: Code of Student Conduct through a comprehensive set of supports and education. PROMISE is designed to address these policy violations that rise to the level of entrance into the delinquency system. The intent of PROMISE is to safeguard the student from entering the said system.

The list of PROMISE eligible incidents are outlined below.

1. Disruption on Campus-Major*
2. Trespassing*
3. Alcohol–Use/Possession/Under the Influence*
4. Alcohol Sale/Attempted Sale/Transmittal*
5. Drug–Use/Possession/Under the Influence*
6. Drug Paraphernalia–Possession*
7. Bullying
8. Harassment
9. Fighting-Mutual Combat*
10. False Accusation Against School Staff*
11. Assault/Threat (no harm or injury)*
12. Theft-Petty <\$300*
13. Vandalism/Damage to Property <\$1,000*

Although this policy (Policy 5006: Suspension and Expulsion) specifically outlines consequences for drug offenses by incident (i.e. first, second, third offense, etc.), the continuum of consequences for all other PROMISE incidents are referenced in the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

For PROMISE eligible incidents/violations: if the parent/student refuses the PROMISE program, then they will be referred to the Juvenile Justice System of Care. The Juvenile Justice System of Care (JJSC) is an intervention created by an Interagency Agreement of which Broward County Public Schools is a party.

Should the parent/student still refuse to participate in the PROMISE program, the child may be arrested.

When a parent/student accepts the PROMISE program but fails to fulfill the requirements of the program, the parent/student shall be referred to the Juvenile Justice System of Care. Should the parent/student still refuse to complete the program, the child may be arrested.

Note: A student, who has accrued three cumulative incidents from the list above, in a school year, shall be referred to the Behavior Intervention Committee.

***Upon the fourth cumulative incident within a school year of any incident denoted with an asterisk in the above list, the student shall be referred for consultation with law enforcement, unless the Discipline Matrix requires such a referral sooner.**

SECTION II: MEDICATIONS: USE, POSSESSION, SALE, AND/OR TRANSMITTAL LEADING TO SUSPENSION AND POSSIBLE EXPULSION

Disciplinary consequences for violations at the elementary level (Grades K-5) shall not be counted when subsequent violations occur at the secondary level (Grades 6-12).

General Information - Violations of Policy 6305:

- School Board Policy 6305, Administration of Medications/Treatments, provides the guidelines for the administration of medication and/or treatment for students receiving prescription and over-the-counter (OTC) medication.
- Prescription medication/treatment and over-the-counter medication require an Authorization for Medication/Treatment Form. The healthcare provider and parent/guardian must complete this form.
- Students with special health conditions, e.g., asthma, diabetes and hypersensitivity, regardless of grade, may carry medication on self, only if approved by their physician and noted on the Authorization for Medication/Treatment Form.
- **Note: For Grades 9-12 only, self-carry and self-administration of selected over-the-counter (OTC) medication requires that an Authorization for Over-the-Counter (OTC) Medication with Parental Approval Form be completed and signed by the parent/guardian and student annually. Please refer to Policy 6305: Administration of Medications/Treatments for the list of approved self-carry and self-administration over-the-counter (OTC) medications.**

- All prescription medications and over-the-counter medications, excluding the select authorized OTC medications identified in Policy 6305: Administration of Medications/Treatments, must be transported to the school by the parent/guardian in the original sealed container along with the appropriate Authorization Form signed by the appropriate parties. Therefore, students are prohibited from possessing any medication while on school grounds, participating in school-sponsored activities, or on school transportation without appropriate authorization.
- Students found to be in violation of School Board Policy 6305: Administration of Medications/Treatments shall be subject to the disciplinary action identified below.

A. USE AND/OR POSSESSION OF UNAUTHORIZED OVER-THE-COUNTER MEDICATION IS PROHIBITED.

First and Second Offense Procedures:

- Elementary students, (Grades K-5):** Upon committing the first or second offense, the substance shall be confiscated from the student. The student shall receive a verbal warning and the parent shall be notified. School administration shall inform the parent of procedures for dispensation of authorized medication.
- Secondary students (Grades 6-12):** Upon committing the first or second offense, the substance shall be confiscated from the student. The student shall receive a verbal warning and the parent shall be notified. School administration shall inform the parent of procedures for dispensation of authorized medication.

Third and Subsequent Offenses Procedures:

- Elementary students, (Grades K-5):** Upon committing the third and subsequent offense, the substance shall be confiscated from the student. The parent shall be notified and the student shall be administered a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).
- Secondary students (Grades 6-12):** Upon committing the third and subsequent offense, the substance shall be confiscated from the student. The parent shall be notified and the student shall be administered a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

Note: Use of over-the-counter medication in excess of the manufacturer’s recommended dosage limits may be treated as a mood-altering substance and assigned a consequence under Section III of this policy.

B. SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF OVER-THE-COUNTER MEDICATION IS PROHIBITED.

First Offense Procedures:

- Elementary students, (Grades K-5):** Upon committing the first offense, the substance shall be confiscated from the student. The parent shall be notified and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).
- Secondary students (Grades 6-12):** Upon committing the first offense, the substance shall be confiscated from the student. The parent shall be notified and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

Second Offense Procedures:

- Elementary students, (Grades K-5):** Upon committing the second offense, the substance shall be confiscated from the student. The parent shall be notified, the student shall be referred to the School Counselor and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).
- Secondary students (Grades 6-12):** Upon committing the second offense, the substance shall be confiscated from the student. The parent shall be notified, the student shall be referred to the School Counselor and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

Third and Subsequent Offense Procedures:

- Elementary students, (Grades K-5):** Upon committing the third and subsequent offense, the substance shall be confiscated from the student. The parent shall be notified, the student shall be referred to the School Counselor and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student

Conduct – Appendix A).

- b. Secondary students (Grades 6-12):** Upon committing the third and subsequent offense, the substance shall be confiscated from the student. The parent shall be notified, the student shall be referred to the District substance abuse case manager and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

SECTION III: DRUG AND SUBSTANCE ABUSE OFFENSES LEADING TO SUSPENSION AND POSSIBLE EXPULSION OR MANDATORY EXPULSION

General Information:

- Each principal shall post, in a place readily seen by students, a notice stating that a student's locker or other storage area may be subject to search based upon reasonable suspicion of possession of prohibited, unauthorized, or illegal materials/objects or substance and may also result in a search of person, possessions, locker and/or vehicle (Florida Statute 1006.09(9)).
- School personnel shall report to the principal/designee the suspected unlawful use, possession, transmittal, sale or attempted sale by a student of any drugs, over-the-counter or prescription substances, including any alcoholic beverage or inhalant, and shall be exempt from civil liability when making such reports.
- If a 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.

A. USE, POSSESSION, AND/OR BEING UNDER THE INFLUENCE OF MOOD-ALTERING SUBSTANCES

Use, possession, and/or being under the influence of mood-altering substances, including alcohol and alcoholic beverages, is prohibited.

Disciplinary consequences for violations at the elementary level (Grades K-5) shall not be counted when subsequent violations occur at the secondary level (Grades 6-12).

First Offense Procedures:

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for four (4) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Two (2) days of the suspension shall be waived if the student attends a counseling program authorized by the principal/designee in conjunction with the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the initial four (4) day suspension shall be imposed.
- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for six (6) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Three (3) days of the suspension shall be waived if the student attends a counseling program authorized by the principal/designee in conjunction with the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the initial six (6) day suspension shall be imposed.

Second Offense Procedures:

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and referred for the Behavior Intervention Program via the Expulsion Abeyance Office. The student shall be placed on a Probationary Substance Contract in lieu of the Behavior Intervention Program Assignment via the Expulsion Abeyance Office. The Behavior Intervention Program via the Expulsion Abeyance Office will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in a Behavior Intervention Program via the Expulsion Abeyance Office, with Substance Workback. The student shall complete the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction

professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the program.

If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the Behavior Intervention Program Assignment shall be implemented.

- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed on a Probationary Substance Contract in lieu of an expulsion abeyance program. The Expulsion Abeyance Program will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in an expulsion abeyance program, with Substance Workback. The expulsion shall be held in abeyance if the student completes the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the prescribed program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the expulsion abeyance program shall be implemented.

Third and Subsequent Offenses Procedures:

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, (F.S. 1006.09(3)), with Substance Workback. The student shall complete the District approved or state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.
- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory (F.S. 1006.09(3)). 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, with Substance Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

B. USE/POSSESSION OF UNAUTHORIZED SUBSTANCES IS PROHIBITED

Note: Students violating Policy 6305: Administration of Medication/Treatment, by possessing their own prescription medication on school grounds, on school transportation, or at a school-sponsored activity shall not receive a consequence under this section of the policy. In such instances, students shall be required to follow Policy 6305 and receive a consequence as outlined in Section II, A of this policy.

Disciplinary consequences for violations at the elementary level (Grades K-5) shall not be counted when subsequent violations occur at the secondary level (Grades 6-12).

First Offense Procedures:

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The student shall complete the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has

completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. 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, with Substance Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

Second and Subsequent Offense Procedures:

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The student shall complete the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.
- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. 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, with no Workback option allowed. The student shall complete the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.

C. BEING UNDER THE INFLUENCE OF UNAUTHORIZED SUBSTANCES IS PROHIBITED

Disciplinary consequences for violations at the elementary level (Grades K-5) shall not be counted when subsequent violations occur at the secondary level (Grades 6-12).

First Offense Procedures:

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days. The student shall be referred to the District substance abuse counselor for assignment to engage in the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The student may return to school subsequent to the ten (10) day suspension. The District substance abuse case manager shall monitor student participation in the assigned program.
- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days. The student shall be referred to the District substance abuse counselor for assignment to engage in the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The student may return to school subsequent to the ten (10) day suspension. The District substance abuse case manager shall monitor student participation in the assigned program.

Second and Subsequent Offense Procedures:

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The student shall complete the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.
- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. 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, with no Workback option allowed. The

student shall complete the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.

- D. SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL: Sale, attempted sale, and/or transmittal of drugs or mood-altering substances, unauthorized substances, or other substances held out or represented to be drugs or mood-altering substances, including alcohol or alcoholic beverages is prohibited on a school campus or any school or School Board of Broward County sponsored event.**

Note: Broward School employees shall report this offense to the Department of Children and Families (F.S. 39.201) as appropriate.

1. PROCEDURES FOR SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF ALCOHOL OR ALCOHOLIC BEVERAGES, INCLUDING SUBSTANCES HELD OUT OR REPRESENTED TO BE ALCOHOL OR ALCOHOLIC BEVERAGES

First Offense Procedures:

- a. Elementary students, (Grades K-5):** The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be assigned to internal suspension for one to two (1-2) days.
- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed in the Expulsion Abeyance Program not to exceed one (1) calendar year commencing with the date of the offense, with Substance Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

Second Offense Procedures:

- a. Elementary students, (Grades K-5):** The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for two (2) days.
- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. 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, with Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified alcohol rehabilitation or treatment program with a certified addiction professional and all other components of the prescribed Workback Program. The District substance abuse case manager shall monitor/verify that the student has completed the program.

Third and Subsequent Offense Procedures:

- a. Elementary students, (Grades K-5):** The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for four (4) days.
- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. 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, with no Workback. The student shall complete a District approved or state-certified alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.

2. PROCEDURES FOR SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF DRUGS OR MOOD-ALTERING SUBSTANCES, UNAUTHORIZED SUBSTANCES, OR OTHER SUBSTANCES HELD OUT

OR REPRESENTED TO BE DRUGS OR MOOD-ALTERING SUBSTANCES, OTHER THAN ALCOHOL OR ALCOHOLIC BEVERAGES

First Offense Procedures:

- a. **Elementary students, (Grades K-5):** The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for two (2) days.
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. 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, with Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional and all other components of the prescribed Workback Program. The District substance abuse case manager shall monitor/verify that the student has completed the program.

Second Offense Procedures:

- a. **Elementary students, (Grades K-5):** The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for three to five (3-5) days.
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. 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, with no Workback. The student shall complete a District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.

Third and Subsequent Offense Procedures:

- a. **Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, with Workback. The student shall complete the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. 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, with no Workback. The student shall complete a District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.

SECTION IV: OTHER OFFENSES (NON-DRUG AND NON-SUBSTANCE ABUSE OFFENSES) LEADING TO AND PROCEDURES FOR SUSPENSION AND POSSIBLE EXPULSION

A. OFFENSES (AS DEFINED IN SECTION VII) A STUDENT SHALL BE SUSPENDED AND MAY BE RECOMMENDED FOR EXPULSION WHEN THE STUDENT:

1. Commits repeated violations of Policy 5.9: Anti-Bullying
2. Commits an assault
3. Commits a battery
4. Commits or threatens to commit vandalism/damage to property
5. Commits any act on campus or off campus that substantially disrupts the orderly conduct of the classroom or school activities
6. Commits grand theft/ motor vehicle theft

7. Commits burglary – unlawful breaking/entering
8. Commits a physical attack
9. Commits a sexual assault
10. Commits sexting
11. Uses/possesses/transmits drug paraphernalia
12. Possesses /displays/uses/ transmits a Class B weapon
13. Commits fire starting* – starts a fire on campus or school property and/or at a school bus stop

**Note: The school administrator shall refer the student for participation in a local Fire Starter Program. The suspension shall be reduced by 3 days upon parent/guardian agreement to participate in said program. Failure on the part of the student to successfully complete the program may result the reissuance of the 3 days.*

14. Uses laser pens/pointers and other laser devices in a manner that could potentially harm or injure another individual
15. Makes 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 (See definition in Section VII) to the school climate
16. Conducts, recruits, or participates on campus in a formal or informal manner in order to foster youth gang activity. This activity may include, but is not limited to, an association or group of three 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 or purpose to threaten and/or present a danger to public order and safety
17. Transmits or distributes any video voyeurism or images that depict nudity or sexual content or that violate the rights of individuals having a reasonable expectation of privacy and/or violate privacy laws
18. Commits other criminal actions, on school board property, or during school events or activities, not already set forth above in this policy including, but not limited to, when the student:
 - a. is formally charged with having committed a delinquent act which would be a felony, if committed by an adult (F. S.1006.09(2));
 - b. has had an adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or
 - c. has been found guilty of a felony
19. Uses the school district’s technology and/or software for any unauthorized purpose. The unauthorized use of a computer/technology, including, but not limited to, accessing or breaking in to restricted accounts or networks, creating, modifying or destroying files/records without permission, copying software, entering, distributing or printing unauthorized files/records, uploading to the internet, and/or sharing or distributing, offensive or inappropriate material, including video, and any other misuse or violation of the School Board of Broward County Technology-Acceptable Use Policy 5306, Section VI.

Note: Administrative reassignment may be imposed when a student is formally charged under 18a above, for an event that takes place off campus and is determined via an administrative hearing that the incident may have adverse impact on the educational program, discipline or welfare in the school in which the student is enrolled (F.S. 1006.09(2)). The procedures set forth in State Board Rule 6A-1.0956 F.A.C. shall be followed as applicable.

B. PROCEDURES FOR DISCIPLINARY ACTION IN LIEU OF EXPULSION

- a. For offenses in this category, which shall result in suspension, and may result in recommendation for the Behavior Intervention Program assignment or expulsion, the principal or designee, with the approval of the Executive Director of Student Support Initiatives/designee, may offer the student an Alternative Probationary Contract in lieu of recommending the Behavior Intervention Assignment via the Expulsion Abeyance Office or expulsion. This contract shall allow the student to continue attending his/her current school under the terms of the probationary contract. The Alternative to Probationary Contract shall remain in effect for one (1) year from the date of execution. If a student transfers to another school during the term of the probationary

contract, the terms of the probationary contract will still apply.

- b. If the student violates the Alternative Probationary Contract by committing another expellable offense, such violation shall result in a recommendation for expulsion to the School Board. **PROCEDURES FOR MANDATORY EXPULSION: See Section V of this policy.**
- c. Instruments or tools which are defined as a weapon in this policy, Section VII, Definitions, may be brought by the student only if needed for class work and with the written request of a teacher, with a description of the instrument(s). The teacher must obtain prior written approval of the principal/designee. However, if such instrument is used as a weapon by the student during school activities or events or on School Board property, all penalties called for in this policy shall apply.

Note: A recommendation for the Behavior Intervention Program assignment via the Expulsion Abeyance Office applies when an elementary level student commits an offense, within this section, for which a secondary level student would receive a mandatory expulsion under this policy.

SECTION V: MANDATORY EXPULSION OFFENSES AND PROCEDURES

General Information:

- Students may not be subject to mandatory suspension and expulsion proceedings when the principal determines the student used an instrument/object in self-defense. Self-defense is an attempt to “prevent” an attack or a threatened injury or to stop the process of confrontation. It is not self-defense when the student uses an instrument/object to become an aggressor or to continue the confrontation after the original aggressor has retreated.

Note: Florida Statutes 776.012, 776.013 and 776.032, commonly known as the Florida Stand Your Ground law, are not applicable to charges of violations of the Code of Student Conduct and/or Board Policy 5006.

A. OFFENSES LEADING TO MANDATORY EXPULSION

Students found to have committed one of the following offenses will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than one (1) full year, and will be referred to the criminal justice or juvenile justice system:

1. Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing, displaying, using, selling or transmitting a firearm at school.

Note: A student may not be subject to mandatory expulsion proceedings if it is determined that the student *immediately reported or delivered the firearm or weapon to a staff member.**

***The term “*immediately*” means without delay as determined by the principal after considering the totality of the circumstances and prior to being reported by another individual.**

2. Making a threat or false report, as defined by FS 790.162 and 790.163, respectively, involving school or school personnel’s property, school transportation, or a school-sponsored activity, including:
 - a. 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.
 - b. Making a false report, with intent to deceive, mislead, or otherwise misinform a person, concerning the placing or planting of any bomb, dynamite, or other deadly explosive, or weapon of mass destruction.
3. In addition, 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 administrative assignment to the Behavior Intervention Program or expulsion, referral for appropriate counseling services, and may be referred for criminal prosecution to the local law enforcement agency and/or State Attorney’s Office. These acts pose a serious threat to school safety, i.e., acts which directly or indirectly pose a significant risk of serious injury.
 - a. Serious assault
 - b. Arson or attempted arson
 - c. Sexual battery (rape) or attempted sexual battery (rape)
 - d. Possessing, displaying, using, selling or transmitting a Class A weapon

- e. Homicide
- f. Kidnapping or abduction
- g. Bringing, possessing, using or selling any explosive propellant or destructive device
- h. Robbery or attempted robbery.
- i. Armed robbery or attempted armed robbery
- j. Serious battery
- k. Battery on a School Board employee, sports official, or other specified officials as listed in F.S. 784.07 and 1006.13(5)
- l. Battery on a law enforcement officer, firefighter, emergency medical care provider, and others as listed in FS 784.07
- m. Found, by a court, to have committed an assault on specified officials, or School Board employees, or Sports Official (F.S. 784.081)
- n. Found, by a court, to have committed an assault on a law enforcement officer, fire fighter, emergency medical care provider, etc., (F.S. 784.07)
- o. Extortion
- p. Threatening to throw, project, place or discharge a destructive device with that may cause bodily harm to any person or with intent to damage any property of any person
- q. Making a false report concerning the placing or planting of any bomb, dynamite or other deadly explosive. (F.S. 784.081)
- r. Hazing (F.S. 1006.135).

Note: When charged with acts listed in k through n above the student shall be immediately removed from the classroom and placed in an alternative school setting pending disposition - (F.S. 1006.13(5)).

Note: A recommendation for the Behavior Intervention Program assignment via the Expulsion Abeyance Office applies when an elementary level student commits an offense, within this section, for which a secondary level student would receive a mandatory expulsion under this policy. However, Class "A" Weapons, Bomb Threat (Placing) and Bomb Threat (False Reporting), shall be expellable offenses for all students, Grades K-12.

B. PROCEDURES FOR EXPULSION:

For those expellable offenses listed in this policy and for which a recommendation for expulsion has been made to the Executive Director of Student Support Initiatives/designee, the following procedures shall be followed:

1. **SUSPENSION & PRE-EXPULSION ASSIGNMENT** Students shall be suspended immediately and a notice sent to the Executive Director of Student Support Initiatives/designee. The recommendation for expulsion shall be processed to final conclusion even when the student in question has withdrawn from the school system subsequent to the violation. Students who are being recommended for expulsion shall be given the opportunity to participate in a Pre-Expulsion Alternative Education Program for a period of time commencing with the end of the ten (10) day suspension.

While in the District approved Pre-Expulsion Alternative Education Program /Expulsion Abeyance Program, the student is not permitted on any regular school campus, school grounds or school sponsored events, during this period of time and may be subject to trespass arrest pursuant to F.S. 810.09(1)(b). For non-disabled students, this assignment can be executed with or without student or parent permission. Additionally, this assignment shall continue until such time the School Board approves a Final Order of Expulsion.

2. **SUSPENSION & PRE-EXPULSION ASSIGNMENT, Special Circumstances and Interim Alternative Educational Setting (IAES) for students with disabilities (IDEA and 504 eligible)**
School personnel may remove a student to an IAES for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
 - a. carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a state education agency or school district.
 - b. knowingly possesses, transmits, uses, sells or solicits the sale of illegal drugs/controlled substances while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district.
 - c. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district.

3. PRE-EXPULSION CONFERENCE

The Executive Director of Student Support Initiatives/designee will investigate the alleged offense and provide an opportunity for a Pre-Expulsion Conference with the student and the parent/guardian. During this conference, the Executive Director of Student Support Initiatives/designee shall inform the parent/guardian and student of the expulsion charges and the expulsion procedures, including the right to a formal hearing, as well as their right to be assisted by anyone they choose at their own expense. Additionally, the parent/guardian will be informed that they have the right to call and question witnesses.

4. EXPULSION HEARING

If a hearing is requested, either the parent/guardian or student must make the request in writing and submit it to the Executive Director of Student Support Initiatives/designee. The Executive Director of Student Support Initiatives/designee shall schedule the hearing and the Superintendent of Schools/designee shall appoint an impartial Hearing Officer on behalf of the School Board who is not an administrator from the school at issue.

At the conclusion of the hearing, the Hearing Officer shall submit his/her recommended order. The hearing officer's recommended order, with documentary evidence, shall be placed on the next regular School Board meeting agenda. The School Board may reject the hearing officer's findings of fact only if it is determined that there is no substantial competent evidence to support the findings of fact. The School Board may reject the conclusions of law only if it is determined that this policy was misinterpreted or not applied correctly. The School Board may reduce or increase the penalty only upon a review of the complete record and must state with particularity its reasons by citing to the record to justify the action.

If the parent waives his/her right to a hearing, a request for the Final Order of Expulsion shall be forwarded by the appropriate Executive Director of Student Support Initiatives/designee for approval by the School Board.

5. EXPULSION/EXPULSION ABEYANCE

- a. The expulsion shall commence with the date of the School Board's Final Order or, in the case of student with a disability, the date established by the IEP/504 Team. However, the term of exclusion from the regular school shall not exceed one calendar year from the date of the offense. Additionally, the expulsion shall be held in abeyance and the student shall be given the opportunity to participate in an established Expulsion Abeyance Program.
- b. If a student enrolls in an Expulsion Abeyance Program or in a program designated by the Superintendent and successfully completes the program, the expulsion shall not be documented on the student's official transcript. The area student services substance abuse/expulsion case manager will facilitate the student's re-entry into the regular school program, except where otherwise indicated in this policy. In the case of a student with a disability, return to a school placement may require action by the IEP/504 Team.
- c. The District student services case manager shall monitor/verify that the student has completed the expulsion abeyance or agreed upon program.
- d. 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 school system until the duration of the original expulsion has lapsed.
- e. 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.

6. WORKBACK

Elementary students, (Grades K-5) shall be administratively placed in the Behavior Intervention Program via the Expulsion Abeyance Office, for one (1) calendar school year. Elementary students may complete a Workback Program within 45-school days and be reinstated to a traditional school program. If the student is unsuccessful at Workback Program completion within 45-school days, then the student shall continue in the Workback Program for up to 90-school days. If the student is unsuccessful after 90 school days, the full term of the administrative assignment shall be served.

Secondary students, (Grades 6-12) shall be expelled for one (1) calendar school year. For infractions that are eligible for Workback consideration, the student may complete the Workback Program within 90-school days

and be reinstated to a traditional school program. If the student is unsuccessful after 90-school days, the full term of the expulsion shall be served.

Substance Workback

Substance Workback shall mean that the student is eligible to return to a regular school program upon successful completion of the state-certified rehabilitation or treatment program as determined by the District substance abuse case manager.

Workback requirements are reviewed with the student by the District case manager and include specific responsibilities the student must comply with to be considered for Workback.

Students who commit the following offenses are **not** eligible for the Workback Program:

Elementary Students	Secondary Students
a. Arson or attempted arson	a. Arson or attempted arson
b. Sexual battery (rape) or attempted sexual battery (rape)	b. Sexual battery (rape) or attempted sexual battery (rape)
c. Possession, use, sale, or transmittal of a firearm, electric weapon or device, or flare gun	c. Possession, use, sale, or transmittal of a firearm, electric weapon or device, or flare gun
d. Homicide	d. Homicide
e. Kidnapping or abduction	e. Kidnapping or abduction
f. Armed robbery or attempted armed robbery	f. Armed robbery or attempted armed robbery
g. Battery of a School Board of Broward County employee	g. Second and subsequent offense for use/possession of an unauthorized substance
h. Battery on a law enforcement officer	h. Third and subsequent offenses of sale, attempted sale, and/or transmittal of alcohol or alcoholic beverages, including substances held out or represented to be alcohol or alcoholic beverages
	i. Second and subsequent offenses of sale, attempted sale, and/or transmittal of drugs or mood-altering substances, unauthorized substances, or other substances held out or represented to be drugs or mood-altering substances, other than alcohol or alcoholic beverages
	j. Battery of a School Board of Broward County employee
	k. Battery on a law enforcement officer

Upon successful completion of the Workback Program, the student shall transition back to the regular school program, except where otherwise indicated in this policy. In the case of a student with a disability, return to a school placement will require action by the IEP/504 Team.

7. 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, charter school or private school wishes admission, he/she shall be placed in an appropriate Expulsion Abeyance Program or a program designated by the Superintendent/designee for a period of time commensurate with the terms of the original expulsion.

SECTION VI: REPORTING REQUIREMENTS

- A. Disciplinary infractions shall be reported to the state in accordance with School Environmental Safety Reporting (SESIR) requirements through the approved reporting tool provided by the School Board. For additional guidance regarding the SESIR definitions and the appropriate Florida Statutes, please refer to <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/sesir-discipline-data/>.
- B. All SESIR incidents, with the exception of petty offenses as listed in Section I and as defined in Section VII, shall be reported to Broward District Schools Police and the appropriate Law Enforcement Agencies.
- C. Students found to have committed one of the following offenses must be referred to the criminal justice or juvenile justice system:
 - 1. Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing, displaying, using, selling or transmitting a firearm at school.
 - 2. Making a threat or false report, as defined by FS 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity, including, but not limited to:
 - a. 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.
 - b. Making a false report, with intent to deceive, mislead, or otherwise misinform a person, concerning the placing or planting of any bomb, dynamite, or other deadly explosive, or weapon of mass destruction.
- D. Petty offenses as defined in Section VII should not be reported to Law Enforcement Agencies or Broward District Schools Police.

SECTION VII: DEFINITIONS

- A. Serious assault. An assault in which a Class A or Class B weapon is used to commit the assault.
- B. Serious battery. Committing battery using a Class A or Class B weapon or causing serious injury.
- C. Assault. An intentional threat by words or action to do harm to another person, coupled with apparent ability to carry out the threat, and/or committing an act that creates a well-founded fear in such person that such violence is imminent.
- D. Battery. An intentional touching or striking another person without their consent or against their will or causing bodily injury to another person. In the case of "battery on a School Board employee" or "Law Enforcement Officer" under Section V, Sub-Section B, there must be evidence of *an unprovoked, deliberate act* with intent to cause physical harm to the person.
- E. Injury.
 - 1. **Minor Injury:** An injury which solely requires immediate first aid.
 - 2. **Serious Injury:** An injury which requires treatment by professional medical personnel.
- F. Change in Placement. For a student with a disability, any disciplinary removal for more than ten (10) consecutive school days or for more than ten (10) days cumulatively in a school year.
- G. Days. Days shall be construed to be school days (as determined by the applicable school calendar) whenever mentioned in this policy.
- H. Grand theft. Taking property worth \$300 or more.
- I. Hazing. Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student at a school with any grades 6 through 12 for purposes including, but not limited to,

initiation or admission into or affiliation with any organization operating under the sanction of a school with any grades 6 through 12. Hazing includes, but is not limited to:

- a. Pressuring, coercing, or forcing a student into:
 1. Violating state or federal law;
 2. Consuming any food, liquor, drug, or other substance; or
 3. Participating in physical activity that could adversely affect the health or safety of the student.
- b. Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

J. **Mood-Altering Substance.** Any substance that is or may be detrimental to the user or to others

Examples of mood-altering substances may include, but are not limited to:

1. Alcohol or alcoholic beverages
2. Marijuana (less than 20 grams)
3. Hallucinogens/chemical intoxication
4. Inhalants
5. Over-the counter medication taken in excess of the manufacturer's recommended dosage limit

“Over-the-counter (OTC) medications” are medications that may be sold directly to a consumer without a prescription from a physician or licensed healthcare provider.

K. **Petty Offenses or Petty Acts of Misconduct.** In addition to those listed in Section I. A., petty offenses are limited to acts that solely constitute violations of School Board policies, infractions or misdemeanors which do not involve bodily harm, including, but not limited to, minor fights or disturbances, disorderly conduct, disrupting a school function, assault without the use of a weapon, battery without serious bodily injury, affray, theft of less than \$300, trespassing, and vandalism of less than \$1,000. Further examples can be found in the Code of Student Conduct, Policy 5.8.

L. **Petty theft.** Taking property worth less than \$300.

M. **Physical attack.** Refers to an actual and intentional striking of another person against his/her will, or the intentional causing of bodily harm to an individual.

N. **Possession.** Knowing, intentional, deliberate or inadvertent control of any article, object, asset or property.

O. **Self-defense.** An attempt to “prevent” an attack or a threatened injury or to stop the process of confrontation. It is not self-defense when the student uses an instrument/object to become an aggressor or to continue the confrontation after the original aggressor has retreated.

Note: Florida Statutes 776.012, 776.013 and 776.032, commonly known as the Florida Stand Your Ground law, are not applicable to charges of violations of the Code of Student Conduct and/or Board Policy 5006.

P. **Sexting.** As defined in F.S. 847.0141(1)(a) is knowingly using a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another, any photograph or video of any person, which depicts nudity as defined in F.S. 847.001(9).

Q. **Sexual assault.** An incident that includes a threat of rape, fondling, indecent liberties, child molestation, or sodomy. Both male and female students can be victims of sexual assault. The threat must include all of the following:

1. Intent;
2. Fear; and
3. Capability

R. **Substantial Disruption.** An incident which results in the temporary suspension of the educational process due to a school evacuation, interference with learning activities/educational process, and/or requires the intervention of outside agencies such as the police or fire department.

- S. Transmittal. The transfer of an object, thing, electronic message or image, or substance from one person to another. Transmittal does not occur when the person immediately returns the item back to the person who gave it to them or if it is immediately delivered to a teacher or school administrator. **(The term "immediately" means without delay.)**
- T. Unauthorized Substances/Drugs shall include:
 - a. Any substances deemed to be illegal under Chapter 893.
 - b. Any drugs or controlled substances that constitute a felony under Florida Statute.
 - c. Any prescription drug (not prescribed for the student who is in possession of the medication) any prescription medication not authorized as part of Policy 6305.
 - d. Any substance which are derivatives of marijuana.
- U. Under the Influence. Any student who attends a school or school-sponsored event subsequent to having used or ingested any mood-altering or unauthorized substance as defined within this policy.
- V. Violent Behavior. Behavior using physical force that causes damage or injury or violates or abuses another person or property.
- W. Fighting-Mutual Combat/Altercation. When two or more persons mutually participate in use of force or physical violence that requires either 1) physical restraint or 2) results in injury requiring first aid or medical attention.
- X. Disruptive Behavior. Behavior that causes confusion or disorder or interrupts, interferes, or impedes normal classroom or school activities.
- Y. Weapons. For purposes of this policy, weapons are defined in two categories, Class "A" or Class "B." An object which can be defined as a Class "A" weapon pursuant to this policy shall be conclusively determined to be a Class "A" weapon and further classifications shall not be considered.

Use/Possession/Transmittal of Class "A" weapons include, all Weapons and Firearms defined in Chapter 790, Florida Statute. This category includes, but is not limited to:

- a. Firearms –including, but not limited to, hand gun, zip gun, pistol, rifle, shotgun, and starter gun (operable or inoperable, loaded or unloaded)
- b. Explosive propellants or destructive devices (operable or inoperable)
- c. Dirks
- d. Metallic/Brass knuckles – includes, but is not limited to, any device or instrument made of metal or other materials, designed to fit around the knuckles/fingers
- e. Billie clubs
- f. Tear gas
- g. Electric weapon or device (stun/taser gun)
- h. Slungshot - A slungshot is a striking weapon consisting of weight or other hard object affixed on a flexible handle or strap
- i. Chemical weapon or device with the capacity to hold more than 2 ounces of the chemical
- j. Flare gun
- k. Ice pick
- l. Knives – Any knife that may inflict harm on another person, or could be used to intimidate/threaten another person, including, but not limited to, fixed blade knives, regardless of size, switch blade knives, razor blades, or box cutters, but excluding, blunt-bladed table knives and common pocket knives (see Class B weapons/items for other knives).

Use/Possession/Transmittal of the following restricted weapons/items (also referred to in this policy as Class B weapons) are prohibited from school grounds/property, school-sanctioned activities and transportation. This category includes, but is not limited to:

- a. Chain – (i.e., household, industrial)
- b. Pipe – a hollow cylinder or tube made of metal, wood, plastic, or similar material
- c. Other pointed instruments or sharp objects, other than school supplies (i.e., pencil, compass)
- d. Nunchakus, Chinese stars

- e. Chemical weapon or device such as pepper spray or mace with the capacity to hold two ounces or less of the chemical
- f. Ammunition and any component thereof, including, but not limited to, bullets, shotgun shells, bullet shell casings and magazine clips
- g. Slingshot – A slingshot is a hand-held and hand-powered device consisting of a frame with attached rubber strap/straps, used for shooting objects
- h. Flammable liquids or combustible materials
- i. Projectile Device* - including, but not limited to, BB guns, hard pellet guns, and paint ball guns

**Note: On a 1st offense only, for an elementary level student (Grades K-2), a projectile device shall not be categorized as a Class B weapon/item if the following conditions are met:*

- 1) *the projectile device was unloaded; and*
- 2) *the student was not in possession of ammunition for the projectile device.*

If the conditions above are met, for an elementary level student (Grades K-2), then the projectile device shall not be categorized as a Class B weapon/item per this policy.

- j. All other knives** made of any substance not categorized as a Class A weapon.

Note: At the principal's discretion, a blunt-bladed, round-tipped knife, which is prohibited, shall not be categorized as a Class B weapon on the first offense, if all of the following circumstances are met:

- 1. *the item is used for the consumption of food as an eating utensil; and*
- 2. *the item presents no threat to the environment.*

***Note: A plastic eating utensil (manufactured for single use and disposal) shall neither be categorized, nor consequenced, as a weapon/item under this Policy or Policy 5.8: Code of Student Conduct.*

- k. Any instrument, tool, object or substance used in a threatening manner toward another person

Note: Pursuant to F.S. 1006.07(2)(g), simulating a firearm or weapon while playing is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system. Simulating a firearm or weapon while playing includes, but is not limited to:

- 1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon
- 2. Possessing a toy firearm or weapon that is 2 inches or less in overall length
- 3. Possessing a toy firearm or weapon made of plastic snap-together building blocks
- 4. Using a finger or hand to simulate a firearm or weapon
- 5. Vocalizing an imaginary firearm or weapon
- 6. Drawing a picture, or possessing an image, of a firearm or weapon
- 7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm.

Authority: 1001.41

Laws Implemented: 1006.09, 1006.13, Fla. Stat.

Rule Adopted: 8/2/73 and re-adopted 9/5/74

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