
Print Teacher Name

School

Grade



ORANGE COUNTY, FLORIDA
SECONDARY/ELEMENTARY/POSTSECONDARY

2011 – 2012

CODE OF STUDENT CONDUCT

Student and Parent Acknowledgement

The purpose of the *Code of Student Conduct* is to help your son/daughter gain the greatest possible benefit from his/her education. The Internet Use Policy found within the *Code of Student Conduct* provides guidance to students on acceptable use of the Orange County Public Schools (OCPS) computer network.

When a student is assigned OCPS property such as textbooks, band equipment, athletic equipment, or computer equipment, they are required to exercise reasonable care to protect against its loss or damage. In the event OCPS property is lost or damaged while in the care of a student, the student's parent/guardian will be financially responsible for reimbursing OCPS the reasonable cost of repair or replacement of the item.

For high school and middle school students, OCPS is also enclosing a comprehensive list of the extracurricular clubs, organizations, athletic teams and other school activities available at your school including official sponsor contact information and any known deadlines for participating in such activities. Such lists are available online on the home page for each middle school and high school and written copies may also be requested at each school's registrar.

When you have read and discussed the documents with your child, sign this sheet, **tear it off the front cover of this booklet** and **return it to the school**. This form will be kept at the school site.

FAILURE TO RETURN THIS ACKNOWLEDGEMENT FORM WILL NOT RELIEVE A STUDENT OR THE PARENT/GUARDIAN OF THE RESPONSIBILITY FOR COMPLIANCE WITH THE *CODE OF STUDENT CONDUCT* OR ACCOUNTABILITY FOR LOSS OR DAMAGE TO OCPS PROPERTY.

I have received and reviewed the *Code of Student Conduct*, the comprehensive list of activities for my middle/high school and the Internet Policy. As the parent/guardian, I grant permission for my child to access networked computer services.

Print Student Name

Student Signature

Date

Print Parent/Guardian Name

Parent/Guardian Signature

Date

As a parent, The Family Educational Rights and Privacy Act (found in Section 1 of the *Code of Student Conduct*) affords you certain rights with respect to your student's education records. If you decide that you do not want the school to release your child's information, contact your school to complete the appropriate form.

2011 - 2012

Code of Student Conduct

ORANGE COUNTY PUBLIC SCHOOLS



SECONDARY/ELEMENTARY/POSTSECONDARY

English



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ORANGE COUNTY, FLORIDA
SECONDARY/ELEMENTARY/POSTSECONDARY

2011 – 2012

CODE OF STUDENT CONDUCT

Introduction

The Vision of Orange County Public Schools is Achieving Educational Excellence Together.

With this vision in mind, the Orange County school system has developed the *Code of Student Conduct* to help students, parents, and school personnel understand the guidelines for maintaining a safe and orderly learning environment. Each school develops its own rules and expectations for student conduct based on the district wide *Code of Student Conduct*.

The code applies to all Orange County Public Schools (OCPS) students in pre-kindergarten through grade 12, including high school and school age students attending either a technical center in a dual-enrollment program or a community school program for high school credit.

Each OCPS student must obey district rules:

- While on school grounds
- While being transported to or from school at public expense
- During school-sponsored events, such as field trips, athletic functions, and similar activities

Schools also have authority to discipline students for acts near or related to the school, when a student's conduct has a detrimental effect on the health, safety or welfare of the student, of other students, of the school or of school personnel.

While students may be disciplined for infractions according to the responses outlined in this code of conduct, be aware that there could be additional consequences through law enforcement for acts that violate the law.

Notice of Limited Responsibility for Supervising Students

- OCPS employees are not responsible for supervising students who arrive on school grounds more than 30 minutes before school and 30 minutes before a school-sponsored activity is scheduled to begin or students remaining on school grounds more than 30 minutes after school and 30 minutes after the school-sponsored activity ends. OCPS is not responsible for supervising students not in attendance at school, or students not authorized to participate in school-sponsored activities.
- Casual or incidental contact between OCPS personnel and students on school grounds shall not result in a duty to supervise students. Parents or guardians should not rely on OCPS employees to provide supervision for their child outside of the above time period.

Section I

Public Notice of Parent Rights Student Records Orange County Public Schools

Parent Rights: Student Records

As a parent, The Family Educational Rights and Privacy Act (FERPA) affords you certain rights with respect to your student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of the day the school receives a request for access. You must submit a written request to the principal that identifies the record(s) you wish to inspect. The principal will make arrangements for access and notify you of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education record that you believe is inaccurate or misleading. You must write the principal, clearly identify the part of the record you want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested, the school will notify you of the decision and advise you of your right to a hearing regarding the request for amendment.
3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff; the person elected to the school board; or, a person or company with whom the district has contracted to perform a specific task. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Personally identifiable information will be released without consent to appropriate officials in emergency situations, to comply with a lawfully issued subpoena and in cases involving compulsory school attendance and child abuse.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

Release of Directory Information

Orange County Public Schools may release the following "directory information" without your permission unless you notify the principal, in writing, within ten (10) calendar days of the receipt of this public notice.

Directory Information: Student's name, address, grade level (if junior or senior), dates of attendance, participation in school sponsored activities and sports, weight and height of members of athletic teams, and awards and honors received. (Federal law authorizes military recruiters to obtain telephone numbers of high school students.)

Under the provisions of the Family Educational Rights and Privacy Act, you have the right to withhold the release of the directory information listed above. **If you decide that you do not want the school to release the information listed above, contact the school that your child attends for the appropriate form to complete.**

Section II

Student Rights and Responsibilities

Safe, Positive, and Receptive Learning Environment

Student Rights

- To attend school in a positive learning environment
- To have school personnel who are receptive to student needs and concerns
- To feel safe from crime, violence, intimidation, bullying, harassment, racism, and other discrimination in the school

Student Responsibilities

- To maintain a decorum that enhances a positive learning environment
- To express needs and concerns in an appropriate manner
- To know and obey district and school behavioral expectations and to report unsafe situations to school or law enforcement personnel or Speak Out Hotline (1-800-226-7733)

Attendance

Student Rights

- To be informed of school board policies and school rules about absenteeism and tardiness
- To appeal a decision about an absence
- To make up class work in a reasonable amount of time after an excused absence/suspension

Student Responsibilities

- To attend classes daily and be on time
- To explain or document the reason for an absence
- To request make-up work after an absence/suspension and to complete it in a reasonable amount of time

Counseling

Student Rights

- To be informed about school guidance services
- To have access to individual and group counseling
- To request counseling

Student Responsibilities

- To use guidance services for educational and personal improvement
- To schedule guidance appointments ahead of time, except in emergencies
- To work cooperatively with all school personnel

Curriculum

Student Rights

To receive a teacher's grading standard at the beginning of the grading period

To receive course descriptions

To learn from competent teachers in an atmosphere free from bias and prejudice

To take part in basic skills programs in elementary, middle, and high schools

Student Responsibilities

To request academic and extracurricular programs that are in line with ability

To ask for help from school personnel in choosing courses

To cooperate with teachers and contribute to an atmosphere free from bias and prejudice

To make every effort to master the basic skills

Free Speech/Expression

Student Rights

To express views through speaking and writing, but without being obscene, disruptive, slanderous, or libelous

To participate in patriotic observances

To have one's religious beliefs respected

To assemble peaceably on school grounds while following federal, state, and local regulations

To help develop and distribute publications as part of the educational process

To be protected from sexual harassment

Student Responsibilities

To respect the right of others to express their views

To behave respectfully during patriotic observances

To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule

To plan, get approval for and conduct activities that are in line with the school's goals

To follow the rules of responsible journalism under the guidance of an advisor, including seeking complete information about topics and refraining from publishing libelous or obscene material

To refrain from sexual harassment

Grades

Student Rights

To receive a teacher's grading standards at the beginning of the grading period

To be notified of failure/potential failure when work is unsatisfactory

Student Responsibilities

To learn about grading standards

To meet academic standards in line with ability and to make every effort to improve unsatisfactory work

Privacy and Property Rights

Student Rights

To have privacy of personal possessions unless school personnel have reason to believe a student is in possession of materials prohibited by law or school board policy

To have personal property respected

Student Responsibilities

To keep materials prohibited by law or school board policy away from school or school activities

To respect others' personal property

Student Records

Students/Parents/Guardians Rights

To inspect and challenge information in a student's records

To be protected by laws that prohibit releasing personally identifiable information (other than directory information), without the consent of the parent, guardian or eligible student, to anyone who is not legally authorized to receive such information. Eligible students are those 18 years of age or over and/or those attending a postsecondary institution

Students/Parents/Guardians Responsibilities

To give the school information that could help in making educational decisions

To release information to people or agencies working for the good of the student

Safe Harbor Provision

A student may approach a school official and voluntarily surrender an object, the possession of which is prohibited by the Code of Student Conduct, provided the object is one that the student could lawfully possess off school grounds and is not a firearm.

If a student approaches a school official and voluntarily surrenders such an object, then the student will not be subject to disciplinary action.

This safe harbor provision does not apply if a search is ongoing in the school.

The parent/guardian will make arrangements to pick up the object from the school, if applicable.

If a student discovers an illegal item such as drugs, a weapon or other contraband on school property, including on a school bus, the student may approach a school official and report the discovery. A student shall not be in violation of the Code of Student Conduct solely by making such a report. School officials shall adhere to policies and procedures concerning further investigation of the report.

Participation in Extracurricular/Co-curricular Activities

In order to participate in extracurricular/co-curricular activities or athletic programs, students must adhere to school board policies, school-based criteria, and applicable law. It is important for students to understand that the behavioral expectations placed upon them by the school can extend beyond the classroom and school campus. Pursuant to Florida law, the school board has the authority to withhold participation privileges from students. The Juvenile Justice System has committed to working in conjunction with school officials toward maintaining standards of behavior for all students including those who participate in extracurricular/co-curricular activities and athletics.

With this in mind, any student who has been formally charged with a felony or similar offense by a prosecuting attorney **shall be excluded** from participation in extracurricular/co-curricular activities and athletics for a minimum of one calendar year. If the student is not found guilty or if the charges are dismissed, the student may return upon presenting documentation of the court's decision.

Any student who has committed a Level III hazing offense shall be excluded from participation in extracurricular/co-curricular activities and athletics for a minimum of one calendar year. Any student who has committed a Level IV hazing offense shall be excluded from participation in extracurricular/co-curricular activities and athletics for the remainder of their enrollment at OCPS.

Nothing in this section of the *Code of Student Conduct* shall preclude the exercising of any existing authority of the Superintendent, his designee or the Juvenile Justice System.

Student Dress

The dress and grooming of Orange County Public Schools students shall contribute to the health and safety of the individual, promote a positive educational environment, and not disrupt the educational activities and processes of the school. These minimum standards of dress and grooming apply to all students in the public schools of Orange County, unless a specific exemption is granted by the principal. Any request for an exemption shall be made to the principal.

1. Clothes shall be worn as they are designed-suspenders over the shoulders, pants secured at the waist, belts buckled, no underwear as outerwear, no underwear exposed.
2. Clothing with holes, tears, or inappropriate patches will not be allowed if considered obscene.
3. Bare midriffs and bare sides should not show even when arms are extended above the head.
4. Clothing normally worn when participating in a school sponsored extracurricular or sports activity may be worn to school when approved by the sponsor, coach, or principal. Examples would be cheerleader, drill team and band uniforms, team shirts, etc.
5. Clothing that is too tight or revealing is unacceptable.
6. Garments and/or jewelry which display or suggest sexual, vulgar, drug, alcohol, or tobacco-related wording/graphics or may tend to provoke violence or disruption in school shall not be worn.
7. Gang paraphernalia, jewelry, tattoos, clothing or other insignias which display, suggest, provoke, or may tend to provoke violence or disruptions are not allowed.
8. The following items have potential to cause disruption or threat to a safe and positive school environment and are prohibited.
 - a. Hats, caps, visors, sunglasses, or bandanas while on campus during the school day
 - b. Chains hanging from the neck, belt, pocket, or attached to wallet
 - c. Jewelry that contains any type of sharp object
9. Hemlines of shorts, dresses, skirts, and skorts shall be no shorter than mid-thigh.
10. Clothing must follow the four finger wide rule at the shoulders.
11. Shoes shall be worn. The following are not acceptable:
 - a. Thong sandals (K-8)
 - b. Cleated Shoes (K-12)
 - c. Backless Shoes (K-8)
 - d. Heeleys [shoes with wheels (K-12)]

Any student who violates the dress policy described in Florida Statute Section 1006.07(2)(d) will be subject to disciplinary action as outlined in the Statute. Individual schools are expected to use the state and district dress and grooming guidelines as minimum standards, but are encouraged to extend their own standards to meet the uniqueness of their school community.

Standards of Conduct for Students Transported by School Bus

Because of the school district's continuing efforts to provide safe transportation for all students, whether for a field trip, athletic function, similar activity, or to and from home, students are expected to abide by the following standards of school bus behavior, in addition to the *Code of Student Conduct*:

1. Obey the bus driver at all times.
2. Stand off the roadway while waiting for the bus.
3. Be at the bus stop five minutes prior to a scheduled stop time.
4. Cross the roadway several steps in front of the bus.
5. Ride only on the assigned bus.
6. Board and depart at the assigned bus stop.
7. Act appropriately while waiting for the bus.
8. Give your proper name when requested by the bus operator or monitor.
9. Remain seated at all times when the bus is moving.
10. Remain silent when the dome lights are on.
11. Remain silent at railroad crossings.
12. Refrain from bringing food, drinks, gum, and tobacco on the bus.
13. Refrain from bringing reptiles, bugs, animals, or marine life (dead or alive) on the bus.
14. Refrain from bringing instruments, which would interfere with seating and safety of others on the bus if there is not an empty seat to place them.
15. Refrain from displaying signs from the bus.
16. Refrain from using profane language or gestures.
17. Refrain from acts of vandalism.
18. Refrain from throwing any objects from the windows of the bus.
19. Refrain from any conduct or behavior that interferes with the orderly, safe, and expeditious transportation of yourself or other bus riders.

Video cameras have been installed on many buses. Students may be filmed at any time during their ride. The tapes may be utilized to determine violations of the *Code of Student Conduct*. Violations of these standards, the *Code of Student Conduct* or any action or behavior by a student(s) to substantially distract the driver and causes or has the potential to cause a safety hazard on a moving bus may be the basis for suspension from bus/school and/or expulsion from bus riding privileges.

Internet Policy

The Student
Internet Use Policy
for Orange County
Public Schools

All Orange County schools offer Internet and network access for students in selected areas. This document contains the Acceptable Use Policy for student use of the Internet.

Educational Purpose

Internet access has been established for a limited educational purpose and shall be consistent with the district's curriculum and Sunshine State Standards. The term "educational purpose" includes academic activities, career development, and limited high-quality self-discovery activities. Access has not been established as a public service or a public forum.

Orange County Public Schools (OCPS) has the right to place reasonable restrictions on the material accessed or posted through the system. Students are expected to follow the rules set forth in the *Code of Student Conduct* and the law in the use of the Internet and network resources.

Students may not use the Internet for commercial purposes. This means you may not offer, provide, or purchase products or services through the Internet at any school using any district resource.

Student Internet Access

E-mail is an electronic mail system, which allows students to communicate one-to-one with people throughout the world. Students may have e-mail or chat access only under their teacher's direct supervision for specific instructional purposes as designated by the school. Only specific authorized e-mail access will be permitted by the District as required by the Children's Internet Protection Act (CIPA). Students may not establish web e-mail accounts through the district's Internet access.

All students will have access to Internet World Wide Web information resources through the classroom, media center, or computer lab.

If approved by administrators, students may contribute to a school web page. All content must be pre-approved by the appropriate staff.

Unacceptable Uses

The following uses of OCPS Internet access are considered unacceptable:

Personal Safety

Students will not post personal contact information about themselves or other people. Personal contact information includes address, telephone, school address, work address, etc. This information may not be provided to an individual, organization, or company, including web sites that solicit personal information. Promptly disclose any messages received that are inappropriate or make you feel uncomfortable to a teacher.

Illegal Activities

Do not attempt to gain unauthorized access to the OCPS network or to any other computer system through the Internet or go beyond authorized access. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purposes of "browsing."

Do not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or by any other means. These actions are illegal [F.S. 815 Computer-Related Crimes].

Do not use the OCPS network to engage in any illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of persons, etc.

System Security

Students are responsible for individual network access and must take all reasonable precautions to prevent access by others. Under no conditions should a student provide passwords to another person. Students will immediately notify a teacher or the school's technology coordinator if a possible security problem has been identified. Any attempt to look or scan for security problems will be construed as an illegal attempt to gain access. Avoid the inadvertent spread of computer viruses by following the District virus protection procedures if software has been downloaded.

Under no circumstances are students permitted to use a workstation to gain access to student grades or other private student records.

Students will not load unauthorized software on computers or on file servers. Students will not use any equipment or software to bypass, destruct, modify or abuse OCPS network access or disrupt the network activities of others. Any student identified as a security risk or having a history of problems with computer and/or network access may be denied authorization.

Student-owned hardware will not be permitted to connect to the district network unless written permission is granted by the school principal. Appropriate antivirus software and security software must be activated before network use.

Inappropriate Language

Restrictions against inappropriate language apply to public messages, private messages, and material posted on web pages.

Students will not use obscene, profane, lewd, vulgar, rude, threatening, or disrespectful language. Students will not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a student is told by a person to stop sending messages, he or she must stop.

Students will not knowingly or recklessly post false or defamatory information about a person or organization.

Students will not repost a message that was sent to you privately without permission of the person who sent you the message. You will not post private information about another person.

Respecting Resource Limits

Use the system only for educational and career development activities and limited, high-quality, self-discovery activities.

Do not download files larger than 3 MB unless absolutely necessary. If necessary, download the file at a time when the system is not being heavily used.

Students will check e-mail frequently, delete unwanted messages promptly, and stay within the established e-mail quota.

Do not post chain letters or engage in "spamming." Spamming is sending an annoying or unnecessary message to a large number of people.

Plagiarism and Copyright

Do not plagiarize works that you find on the Internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were yours.

Respect the rights of copyright owners. Copyright infringement occurs when you inappropriately reproduce a work that is protected by a copyright. If a work contains language that specifies appropriate use of that work, follow the expressed requirements. Students should request permission from the copyright owner.

Inappropriate Access

In accordance with the Children's Internet Protection Act (CIPA), all OCPS web access is filtered; however, this does not preclude the possibility that inappropriate sites are not blocked. Do not use OCPS Internet to access material that is profane or obscene (pornography), that advocates illegal acts, or that advocates violence or discrimination towards other people (hate literature). A special exception may be made if the purpose

of access is to conduct research with instructor and district approval. Students shall immediately notify a teacher if inappropriate information is mistakenly accessed. This will protect students against a claim of intentional violation of this policy. Parents or guardians should instruct their students if there is additional material that they think it would be inappropriate to access. The district fully expects that the student will follow his or her parent's instructions in this matter.

Student Rights

Free Speech

Student rights to free speech, as set forth in the *Code of Student Conduct*, also apply to communication on the Internet. The OCPS Internet is considered a limited forum, similar to a school newspaper, and therefore administrators may restrict speech for valid educational reasons. However, speech will not be restricted on the basis of a disagreement with the opinions a student expresses.

Search and Seizure

Parents have the right to request to see the contents of their student's files residing on any district-owned equipment. The District will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted on the District's network.

An individual search will be conducted if there is reasonable suspicion that you have violated this Policy, the *Code of Student Conduct*, or the law. The investigation will be reasonable and related to the suspected violation.

Due Process

School administrators will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through OCPS network access. If the violation also involves a violation of the *Code of Student Conduct*, it will be handled in a manner described in that document.

Limitation of Liability

Orange County Public Schools makes no guarantee that the functions or the services provided by or through the District's network will be error-free or without defect. The District will not be responsible for any damage suffered, including but not limited to, loss of data or interruptions of service. Students are responsible for making a back up copy of crucial files. The District is not responsible for the accuracy or quality of the information obtained through or stored on the network. The District will not be responsible for financial obligations arising through the unauthorized use of the network as the result of intentional misuse.

Abuse of Electronic and Internet/Communication Devices

The School Board of Orange County, Florida is committed to providing a safe, positive, productive and nurturing educational environment. The use of the internet or an electronic device to convey any communication, image or illustration that causes or contributes to the intimidation, harassment, abuse, or disparagement of students and staff is strictly prohibited. This includes any such communication, image or illustration that is prepared or originates off school grounds and adversely impacts the educational environment at school for students or staff.

The following electronic communication conveyed by internet or an electronic device is prohibited: cyberstalking, bullying/cyber-bullying, sexting, coercion, extortion, making threats of violence or harm or other computer related crimes that impact the educational environment. Sexting is defined as sending, forwarding, displaying, retaining, storing or posting sexually explicit, lewd, indecent or pornographic photographs, images or messages by or on a cell phone, computer or other electronic means during school hours or school activities on or off campus; while on school district property, or beyond the hours of school operation if the behavior adversely affects the personal safety or well-being of school-related individuals, the governance, climate or efficient operation of the school; or the education process or experience.

Violation of the Abuse of Electronic and Internet/Communication Devices policy or any School Board adopted Policy related to the use of telecommunication or electronic devices may result in discipline in

3 ORANGE COUNTY PUBLIC SCHOOLS INTERNET POLICY

accordance with the *Code of Student Conduct*. OCPS administrators have sole discretion to determine whether any electronic communication, image or illustration violates this policy and the *Code of Student Conduct*.

Any student who learns of any offensive internet content or electronic communication, image, or illustration that relates to any OCPS school, student or staff member should immediately report the matter to school staff. Each report will be evaluated to determine the appropriate action.

CIVIL CONDUCT

FILE: KFB

TITLE: Code of Civility

POLICY:

The education of a child happens only through partnership, and among partners must be the child, the school faculty and staff, the parent(s) or guardian(s), the community and district office employees. Partnership is an active state that includes sharing responsibilities, meaningful communication and welcomed participation.

When people who are working together agree, the partnership runs smoothly. But no two people will always agree and that can make partnership difficult. The partnership is most powerful – as children are educated to reach their potential – when we agree on how to disagree. We must be civil in our discourse.

Civility is often described by its absence. We hear of harmful actions such as road rage, physical confrontation, ethnic stereotypes and slurs. But civility is not just an absence of harm. It is the affirmation of what is best about each of us individually and collectively. It is more than saying “please” and “thank you.” It is reflecting our respect for others in our behavior, regardless of whether we know or like them. It also is not simply being politically correct and is not to be used to stifle criticism or comment. It is being truthful and kind and is each of us taking responsibility for our own actions rather than blaming others.

As we communicate with each other, we need to remember that we are working together to benefit the children of this community.

Therefore, the Orange County School Board requires that as we communicate, students, OCPS faculty and staff, parents, guardians and all other members of the community shall:

1. Treat each other with courtesy and respect at all times.
This means that:
 - We listen carefully and respectfully as others express opinions that may be different from ours.
 - We share our opinions and concerns without loud or offensive language, gestures or profanity.
2. Treat each other with kindness.
This means that:
 - We treat each other as we would like to be treated.
 - We do not threaten or cause physical or bodily harm to another.
 - We do not threaten or cause damage to the property of another.
 - We do not bully, belittle or tease another and we do not allow others to do so in our presence.
 - We do not demean and are not abusive or obscene in any of our communications.
3. Take responsibility for our own actions.
This means that:
 - We share information honestly.
 - We refrain from displays of temper.
 - We do not disrupt or attempt to interfere with the operation of a classroom or any other work or public area of a school or school facility.
4. Cooperate with one another.
This means that:
 - We obey school rules for access and visitation.
 - We respect the legitimate obligations and time constraints we each face.
 - We notify each other when we have information that might help reach our common goal. This will include information about safety issues, academic progress, changes that might impact a student’s work or events in the community that might impact the school.
 - We respond when asked for assistance.
 - We understand that we do not always get our way.

TITLE: Authority and Enforcement of the Code of Civility

POLICY:

Authority and enforcement of a code for civil conduct ultimately depends on the individual and collective will of those involved – students, OCPS faculty and staff, parents, guardians and all other members of the community. However, individuals need to know how to respond to uncivil behavior and how such behavior will be responded to. The school board does not condone a lack of civility by anyone.

Therefore:

1. A student who believes that he or she has not been treated in a manner reflective of the Code of Civility should report such behavior to the appropriate school administrator.
2. A parent, guardian or community member who believes that he or she has not been treated in a manner reflective of the Code of Civility should report such behavior to the staff member's immediate supervisor.
3. An employee who believes that he or she has not been treated in a manner reflective of the Code of Civility should use the following guidelines:
 - A. If personal harm is threatened, the employee may contact law enforcement.
 - B. Anyone on school district property without authorization may be directed to leave the premises by an administrator or security officer. Anyone who threatens or attempts to disrupt school or school district operations, physically harm someone, intentionally cause damage, uses loud or offensive language, gestures, profanity or shows a display of temper may be directed to leave the premises by an administrator or security officer.
 - a. If such person does not immediately and willingly leave, law enforcement shall be called.
 - C. If a telephone call recorded by an answering machine, e-mail, voice mail message or any type of written communication is demeaning, abusive, threatening or obscene the employee is not obligated to respond.
 - a. If personal harm is threatened, the employee may contact law enforcement.
 - b. The employee shall save the message and contact his or her immediate supervisor or school district security.
 - D. If any member of the public uses obscenities or speaks in a demeaning, loud or insulting manner, the employee to whom the remarks are directed shall take the following actions:
 - a. Calmly and politely ask the speaker to communicate civilly.
 - b. If the verbal abuse continues, give appropriate notice to the speaker and terminate the meeting, conference or telephone conversation.
 - c. If the meeting or conference is on school district premises, request that an administrator or authorized person direct the speaker promptly to leave the premises.
 - d. If the speaker does not immediately leave the premises, an administrator or other authorized person shall notify law enforcement to take any action deemed necessary.

STATUTORY AUTHORITY:

LAWS IMPLEMENTED:

ADOPTED: 9/25/01

Section III

Disciplinary Response Code Overview

Student disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions and responses to them become progressively more severe. Both infractions and responses are outlined later in this section.

Truancy

If a student is required by law to attend school, the school will not suspend the student for unexcused absences or truancy. However, if a student arrives at school and then leaves campus, has temporary absences from classes, or fails to attend specific classes, the school can take disciplinary action. Florida Statutes requires the superintendent to report to the Department of Highway Safety and Motor Vehicles the name, date of birth, sex, and social security number of all students (14-18 years of age) who accumulate 15 unexcused absences in any 90 calendar day period. These students could lose driver's licenses. In addition, parents of habitually truant students are subject to actions taken through the judicial system.

Possession of Illicit Substances

According to state law, the unlawful possession, use, or distribution of illicit drugs and/or alcohol by students on school grounds or at any school activity is prohibited.

Possession of Firearms or Weapons on OCPS Property

Orange County Public Schools prohibits any student or visitor (except law enforcement officers as defined in Chapter 943, Florida Statutes) from bringing a firearm or weapon on school grounds. This includes, but is not limited to, possessing or carrying a firearm or weapon on his/her person, in a vehicle, container or other conveyance.

Student Parking and School Locker Search

All Orange County School Board (OCSB) parking areas and lockers are the property of the school system. School authorities have the right to inspect any student parked vehicle and/or lockers in order to protect the health, safety, and welfare of students. This includes use of drug and gunpowder sniffing K-9 dogs. Each student who uses OCSB property to park a vehicle or uses a school locker must sign an OCSB Student Parking and/or Student Locker Application and Consent to Search and Waiver of Liability form acknowledging and agreeing to the conditions as a prerequisite to, and in consideration for, the issuance of a student parking decal and/or a student locker. Individual student parked vehicles and/or locker searches will be conducted if school personnel have reasonable suspicion of a violation of the law or of the *Code of Student Conduct*. Routine locker clean-ups are not considered searches.

Search of Individual

The school district has recognized the need to respect the rights of individuals while protecting the health, safety, and welfare of all students and school employees. Toward this end, the school district has developed operational guidelines for electronic scanning utilizing hand-held metal detectors and "hands-on" physical searches in schools as a means of helping to create and to maintain a safe educational environment in Orange County.

Cell Phone Policy for Students

A student may possess a cell phone on school property, at after school activities, and at school-related functions, provided that during school hours and on a school bus, the cell phone remains off and is concealed. Violations of this policy may result in confiscation of the cell phone and/or other disciplinary actions.

If confiscated, the parent/guardian will make arrangements to pick up the cell phone from the school.

At no time shall Orange County Public Schools be responsible for theft, loss or damage to cell phones or other electronic devices brought onto its property.

Zero Tolerance for School-Related Violent Crime

In accordance with Florida Statute Section 1006.13, titled "Policy on Zero Tolerance for Crime and Victimization," the intent of the school board is to promote a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety, and to encourage schools to use alternatives to expulsion or referral to law enforcement agencies. The Zero Tolerance Policy is not intended to be rigorously applied to petty acts of misconduct and misdemeanors. The Zero Tolerance Policy must apply equally to all students regardless of their economic status, race, or disability. Refer to School Board Policy (JIC), titled "Zero Tolerance for School-Related Crime," for further information.

Section IV

Disciplinary Response Code for Secondary/Postsecondary Schools

Level I - Discipline Response Code

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

The school district employee involved should intervene in the misconduct. If further action is necessary, the school district employee should refer the student to the school administrator for disciplinary action. After hearing the student's explanation, consulting with staff members and doing any other investigation necessary, the administrator will decide on disciplinary action.

Infractions

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| A. Cheating: | Willful or deliberate unauthorized use of the work of another person for academic purposes, or unauthorized use of notes or other material in the completion of an academic assignment or test. In addition to disciplinary responses, the student may receive no credit for the assignment, test, or exam at the discretion of the teacher. |
| B. Classroom Disruption: | Conduct or behavior that interferes with or disrupts the teaching/learning process. |
| C. Disorderly Conduct: | Conduct or behavior that interferes with or disrupts the orderly process of the school environment, a school function, or extracurricular/co-curricular activity. |
| D. Disrespect: | Conduct or behavior that lacks regard, civility, politeness, and/or courteous consideration which goes beyond the bounds of acceptable student behavior. This may include, but is not limited to, teasing, name calling, gossiping, spreading or starting rumors, and purposely embarrassing or humiliating another student. |
| E. Dress Code: | Non-conformity to established dress code. |
| F. Failure to Report for Detention: | Failure to report for assigned discipline. |
| G. False and/or Misleading Information: | Intentionally providing false or misleading information to, or withholding valid information from a school district employee. |
| H. Insubordination: | Refusal or failure to comply with a direction or an order from a school district employee. |
| I. Misconduct on School Bus: | Conduct or behavior that interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders. |
| J. Profane, Obscene, or Abusive Language/ Materials: | The use of either oral or written language, electronic messages, computers, gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or an extracurricular/co-curricular activity. |
| K. Repeated Misconduct: | Repeated behavior that includes one or more Level I offense(s). |

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| L. | Tardiness: | Repeated late arrival to school or class. |
| M. | Unauthorized Absence from School or Class: | Violation of the state attendance laws. |
| N. | Other: | Any other minor act of misconduct which interferes with the orderly operation of the classroom, the school program, a school function or activity, an extracurricular/co-curricular program, or approved transportation. |

Discipline Response Code

First Offense: Level I

Subsequent Offenses: Level I and/or Level II

Available Disciplinary Responses

- Parental contact recommended
- Counseling and direction
- Verbal reprimand
- Special work assignment
- Peer mediation
- Withdrawal of privileges
- Return of property, payment for same, or restitution for damages
- Detention (parental contact mandatory)
- Behavior plan/contract
- Saturday school
- Referral to intervention program
- Warning of referral to Level II
- Confiscation of unauthorized materials/objects/contraband

Level II - Discipline Response Code

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

The misconduct must be reported to the appropriate school administrator for disciplinary action. The administrator will follow the procedure designated for minor violations (Level I) in investigating the situation and deciding on disciplinary action.

Infractions

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| A. | Destruction of Property/
Vandalism (under \$100): | The willful or malicious destruction of school property or the property of others. |
| B. | Disrespect: | Conduct or behavior that lacks regard, civility, politeness, and/or courteous consideration which goes beyond the bounds of acceptable student behavior. (More serious than Level I) |
| C. | Fighting: | Minor physical contact between two or more students which is harmful or disruptive. |

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| D. | Forgery: | The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member. |
| E. | Gambling: | Any unlawful participation in games (or activities) of chance for money and/or other things of value. |
| F. | Insubordination/Open Defiance: | Either verbal or non-verbal refusal to comply with school rules or directions from school staff. |
| G. | Intimidation/Threats: | The verbal or physical threat to do harm or violence to another student(s) or to the property of another person. |
| H. | Misconduct on School Bus or Other School Approved Transportation: | Repeated or serious misconduct which interferes with the orderly, safe, and expeditious transportation of students or other authorized riders. |
| I. | Repeated Misconduct of a Less Serious Nature: | Repeated misconduct which tends to disrupt an orderly school environment or extracurricular/co-curricular program or activity. |
| J. | Stealing (under \$50): | Taking the property of another without permission of the person. |
| K. | Unauthorized Assembly, Publications, etc.: | Demonstrations and/or petitions by students, or possession and/or distribution of unauthorized publications, including misuse of electronic messages or computers which interfere with the orderly process of the school environment, a school function, or extracurricular/co-curricular activity. |
| L. | Bullying: | A bullying offense includes systematically and chronically being cruel to other students on school or off school property if it adversely impacts the educational environment at school for students or staff. This may include, but is not limited to, pictures, rumors, repeatedly teasing another person, name calling with profanity, and purposeful exclusion. This includes repeated acts of hazing that do not result in bodily injury or harm. |
| M. | Other Serious Misconduct: | Any other intermediate act of misconduct or any more serious, harmful, or disruptive example of any of the offenses described in Level I. |
| N. | Gang Related: | The possession, use or displaying of items associated with gang activity that include, but is not limited to, clothing and accessories, gang related insignias, writings, signs or symbols that promote gang affiliation and/or involvement. |
| O. | Harassment: | Harassment means to engage in a course of action directed at a specific person that causes substantial emotional distress and/or creates an unpleasant or hostile situation by uninvited and unwelcomed verbal or physical contact. This includes acts of hazing that do not result in bodily injury or harm. |

Discipline Response Code

First Offense: Level II

Subsequent Offenses: Level II and/or Level III

Available Disciplinary Responses

- Parental contact (mandatory)
- Appropriate response from Level I
- Behavior plan/contract
- Peer mediation

- In-school suspension
- Special work assignment
- Detention
- Confiscation of unauthorized materials/objects/contraband
- Return of property, payment for same, or restitution for damages
- Suspension from bus
- Saturday school
- Referral to intervention program
- Warning of referral to Level III
- Alternative Classroom

Level III - Discipline Response Code

Level III infractions are major acts of misconduct. They include repeated misconduct acts from Level II; serious disruptions of school order; threats to the health, safety, and property of others; and other acts of serious misconduct.

The misconduct must be reported right away to the school administrator, who may remove the student from the school or activity immediately.

Infractions

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| A. | Battery: | When one student physically attacks another student with the intent to do bodily harm. |
| B. | Breaking and Entering: | The unlawful and willful entry or attempted forcible entry of any school system property or the personal property of students and school system personnel. |
| C. | Destruction of Property/
Vandalism (\$100 to \$1000): | The willful or malicious destruction of school system property or the property of others. |
| D. | Disrespect: | Conduct or behavior that lacks regard, civility, politeness, and/or courteous consideration which goes beyond the bounds of acceptable student behavior. (More serious than Level II) |
| E. | Extortion: | The willful or malicious threat of harm, injury, or violence to the person, property, or reputation of another with the intent to obtain money, information, services, items of material worth, or to cause fear. |
| F. | Fighting: | Physical contact between two or more students which is harmful or disruptive. (More serious than Level II) |
| | | Note: Self-defense is described as an action taken to restrain or block an attack by another person or to shield yourself from being hit by another person. Retaliating by hitting a person back is not self-defense and will be considered as fighting. |
| G. | Firecrackers/Fireworks: | Unauthorized possession and/or igniting of fireworks or firecrackers on school system property, at a school function, or extracurricular/co-curricular activity. |
| H. | Gross Insubordination/
Open Defiance: | Willful refusal to submit to or comply with authority; exhibiting contempt or open resistance to a direct order. |
| I. | Illegal Organizations: | Establishing or participating in a secret society on school system property, at a school function, or at an extracurricular activity. |

- J. Possession of Contraband Material: Possession, use, and/or distribution of materials or items, other than weapons or firearms, which are forbidden. The parent/guardian will make arrangements to pick up the object from the school, if applicable. At no time shall Orange County Public Schools be responsible for theft, loss or damage to contraband items brought onto its property.
- K. Repeated Misconduct of a More Serious Nature: Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extracurricular/co-curricular activity.
- L. Smoking and Other Use of Tobacco Products: The possession, use, distribution, or sale of tobacco products on school system property, at a school function, or extracurricular/co-curricular activity.
- M. Stealing (\$50 to \$300): The taking of the property of another without the permission of the person.
- N. Trespassing: Unauthorized entry into school system property, a school function, or extracurricular/co-curricular activity and/or remaining after the administrator or designee has directed such person to leave that location.
- O. Violation of Curfew: Breaking of curfew regulations during an extracurricular/co-curricular activity.
- P. Bullying: The offense must include systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment, or unreasonably interfere with the individual's school performance or participation, on school or off school property if it adversely impacts the educational environment at school for students or staff. This includes repeated acts of hazing that result in bodily injury or harm.
- Q. Other Serious Misconduct: Any other major act of misconduct which seriously disrupts the orderly operation of the school program, or any school activity or transportation services which threatens the health, safety or property of self or of others or behavior not specifically described above which substantially disrupts the orderly conduct of a school, school function or an extracurricular/co-curricular activity. This may include, but is not limited to, providing false/misleading information to staff members, profanity, or language intended or reasonably calculated to insult and/or incite another person; repeated dress code violations; misuse of electronic items or computers; substantially distracting a bus driver which causes or has the potential to cause a safety hazard on a moving bus; or the activation of a fire alarm without reasonable cause which, in the discretion of the principal, was not the result of a willful or malicious act.
- R. Possession of Other Instruments or Objects: Possession of any instrument or object other than a firearm may be considered under this heading if there has been no threatening or intimidating display of the instrument or object.
- S. Other Major Infractions (Major infractions that do not fit within the other definitions): Mooning and sexual harassment which is any slur, innuendo, or other verbal or physical conduct reflecting on an individual's gender which has the purpose of creating an intimidating, hostile, or offensive educational environment.
- T. Threats: A threat to cause physical harm to another person.

- U. Gang Related: Conduct or behavior that tends to promote gang activity, provoke violence, or seriously disrupt the orderly operation of the school program, any school activity or transportation services, including but not limited to the possession, use or displaying of gang paraphernalia, jewelry, tattoos, clothing or other insignias and writings that promote gang affiliation/involvement/the use of gang related signs or symbols or any other gang associated behavior.
- V. Harassment: Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits and has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose. This includes acts of hazing that result in bodily injury or harm.
- W. Unsubstantiated Bullying: After a complete investigation and follow up of a reported bullying incident, the investigator determines that there is not enough evidence to substantiate that the incident meets the criteria of a prohibited act under the definition of bullying as listed in the Jeffery Johnston Stand Up for all Students Act (section 1006.147 F.S.).
- X. Unsubstantiated Harassment: After a complete investigation and follow up of a reported harassment incident, the investigator determines that there is not enough evidence to substantiate that the incident meets criteria of a prohibited act under the definition of harassment as listed in the Jeffery Johnston Stand Up for all Students Act (section 1006.147 F.S.).

Discipline Response Code

First Offense: Level III

Subsequent Offenses: Level III and/or Level IV

Available Disciplinary Responses

- Appropriate response from Level I or Level II
- Parental contact (mandatory)
- Behavior plan/contract
- Assignment to special school/program
- Return of property, payment for same or restitution for damages
- In-school suspension
- Suspension from bus
- Suspension from school (1-10 days)
- Saturday school
- Expulsion from bus (for bus-related offenses)
- Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities
- Referral to intervention program
- Peer Mediation
- Warning of referral to Level IV
- Confiscation of unauthorized materials/objects/contraband

Level IV - Discipline Response Code

Level IV acts of misconduct are the most serious. Any Level IV act is grounds for expulsion and will result in a mandatory 10-day suspension with consideration for a recommendation for expulsion. (See exceptions below.)

Major acts of misconduct must be reported right away to the school administrator and may result in immediate removal of the student from the school.

For students in pre-kindergarten through fifth grade, the disciplinary response procedure is parental contact, up to a 10-day suspension from school and a written behavior contract that covers a period of probation. In severe cases, or if the probation is violated, the principal may recommend immediate expulsion. In selecting this action, the principal shall consider the age of the student, his/her prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered.

Infractions

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|---|--|
| A. Alcohol: | The possession, use, transmission, or being under the influence of alcoholic beverages. |
| B. Arson (Mandatory referral to an appropriate agency): | The willful and/or malicious burning of or attempt to burn or destroy school system property, contents in or on the property, or personal property of others. |
| C. Threats to Employees, Volunteers or Students: | Any direct threat, by word or act, to do violence or harm to a school employee, volunteer or student which creates a fear that the threat could be carried out. |
| D. Battery of Employees, Contracted Personnel, Volunteers, or Students: | An actual or intentional touching or striking of a school employee, contracted personnel, volunteer, or any other adult against his/her will or intentionally causing bodily harm to an individual. In severe cases, the battery of a student may be the basis for expulsion. |
| E. Bomb Threats/Explosions: | Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school system property at a school function or extracurricular/co-curricular activity, or to the person in or on that property or attending the function. This includes preparing, possessing, or igniting explosives, including unauthorized fireworks, on school system property or at a school function or extracurricular/co-curricular activity. |
| F. Drugs/Possession/Use: | The possession, use, or being under the influence of illegal or illicit drugs, or any other substance capable of modifying mood or behavior or the possession or use of any substance represented to be of said nature. |
| G. False Fire Alarm: | The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire. |
| H. Firearms (Mandatory recommendation for expulsion for a minimum of one [1] year): | The possession, use, or control of any firearm (operable or inoperable, loaded or unloaded) including, but not limited to, zip, pistol, revolver, rifle, or shot gun and/or destructive devices. |

- I. Inciting, Leading, or Participating in any Act which Substantially Disrupts the Orderly Conduct of School or a School Function: The act of inciting, leading, or participating in any disruption, (including gang-related activities or incidents with multiple participants) disturbance or other act that: interferes with the education process; results in significant damage or destruction to public or private property (including electronic communication devices); causes personal injury to participants and others; or otherwise poses a threat to the health, safety, and/or welfare of students, staff, or others. This may also include any false accusation made by a student that jeopardizes the professional reputation, employment, or professional certification of any district employee.
- J. Larceny/Theft (\$300 or over): The act or attempted act of taking, carrying, leading, or riding away of property from the possession or constructive possession of another person. Included are pocket picking, purse snatching, theft from a building, theft from a motor vehicle, theft from a machine or device which is operated or activated by the use of a coin or token and all other types.
- K. Other Weapons: The possession, use, or control of any instrument or object, other than a firearm, which could be used to inflict harm on another person or to intimidate any person. Included in this category are objects such as BB guns or pellet guns, air soft guns, paintball guns and replicas of any gun or weapon, knives of any kind (including pocket knives), chains, pipes, razor blades, ice picks, other pointed instruments, nunchakas, brass knuckles, explosives, Chinese stars, billy clubs, tear gas guns, or electrical/chemical weapons or devices. Also included is anything represented to be a firearm if used in an intimidating manner toward another person.
- L. Repeated Misconduct of a More Serious Nature: Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extracurricular/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies.
- M. Robbery/Extortion: The taking or attempting to take anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or putting the victim in fear.
- N. Sexual Battery: Any sexual act or attempt directed against another person, forcibly, and/or against the person's will. The category includes rape, indecent liberties, child molestation, and sodomy.
- O. Sexual Harassment: Any slur, innuendo, or other verbal or physical conduct reflecting on an individual's gender which has the purpose of creating an intimidating, hostile, or offensive educational environment; has the purpose or effect of unreasonably interfering with an individual's work or school performance or participation; or otherwise affects an individual's educational opportunities.
- P. Sexual Offenses: Any willful and/or deliberate act, behavior, or conduct intended to result in sexual gratification or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure, including streaking.
- Q. Violation of Early Re-entry Plan: Any act or series of acts which violates or has the practical effect of violating an early re-entry plan from expulsion.
- R. Motor Vehicle Theft: Unauthorized use, taking, or attempting taking of a motor vehicle. The taking of a car, truck, motorcycle, golf cart, or anything that is self-propelled or motorized.

- S. Vandalism (\$1000 or over): The willful or malicious destruction, damage, or defacement of public or private property including act of defacing with graffiti, keying, or scratching a car or trashing a room resulting in damages (\$1000 or over).
- T. Other: Any other intentional or wanton act which significantly harms or poses a realistic threat of serious harm to oneself or another person and/or which is clearly beyond the bounds of acceptable and tolerable student conduct in the community. This may include hate crimes or the possession of drug paraphernalia.
- U. Drugs/Distribution/Selling/
Buying (Mandatory
recommendation for
expulsion for selling any
drug for a minimum of one
[1] year): The transmission or distribution, buying or selling of any drug or contraband substance, or the selling or transmitting of any substance represented to be of said nature.
- V. Bullying: Any intentional or wanton act which significantly harms or poses a realistic threat of serious harm to another person. This includes bullying and repeated acts of hazing that result in serious bodily injury or harm.
- W. Harassment: Any intentional or wanton act which significantly harms or poses a realistic threat of serious harm to another person. This includes harassment and acts of hazing that result in serious bodily injury or harm.

Discipline Response Code

First and/or Subsequent Offenses: Level IV

Available Disciplinary Responses

- Parental contact (mandatory)
- Mandatory 10-day suspension from school with consideration of a recommendation for expulsion/removal for grades 6-12
- 1-10 day suspension for prekindergarten-grade 5
- Probation/expulsion for elementary school students
- Assignment /referral to alternative program/school
- Referral to appropriate agency mandatory for arson
- Referral to substance abuse program for first time drug or alcohol violations
- Expulsion from the school district
- Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities, i.e., to include, but not limited to, senior graduation

Section V

Disciplinary Response Code for Elementary Schools

Level I – Infractions

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

The school district employee involved should intervene in the misconduct. If further action is necessary, the school district employee should refer the student to the school administrator for disciplinary action. After hearing the student's explanation, consulting with staff members, and doing any other investigation necessary, the administrator will decide on disciplinary action.

- A. Cheating: Using another person's work and calling it your own. Using notes or other methods, without the teacher's knowledge to complete a test or assignment.
- B. Classroom Disruption: Saying or doing something that keeps the teacher from teaching or other students from learning.
- C. Disorderly Conduct: Saying or doing something that upsets the normal school day or any school activity.
- D. Disrespect for Others: Saying or doing something that puts down, annoys, insults, or embarrasses a person or a group of people (including racial slurs).
- E. Dress Code: Wearing anything that does not follow the dress code for your school.
- F. Failure to Report for Detention: Failing to show up for detention.
- G. False and/or Misleading Information: Knowingly not being truthful.
- H. Insubordination: Refusing to follow the directions of any of the school staff. Breaking school rules, classroom rules, or behavior contracts.
- I. Misconduct on School Bus or School Approved Transportation: Saying or doing something that upsets the order and procedures to be followed on the bus or interferes with the safety of others.
- J. Profane, Obscene, or Abusive Language/Materials: Using words, gestures, pictures, or objects that are not acceptable at school.
- K. Repeated Misconduct: Breaking one or more of the Level I rules over and over again.
- L. Tardiness: Being late for school or class too often (more than once a week).
- M. Unauthorized Absence from School or Class: Being absent from school or class without a written excuse from a parent or a doctor.
- N. Other: Any other minor act of misconduct that disrupts the classroom, school program, school activity, or the school bus.

Level I – How the Teacher/Principal May Respond:

1. Contact your parents (recommended).
2. Talk with you about your behavior.
3. Assign special project or work.
4. Withdraw privileges.
5. Make you pay for or replace damaged property.
6. Make you stay after school (parental contact required).
7. Make a plan for you to follow with consequences.
8. Participate in Peer Mediation.
9. Refer you to Level II.

Level II – Infractions

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

The misconduct must be reported to the appropriate school administrator for disciplinary action. The administrator will follow the procedure designated for minor violations (Level I) in investigating the situation and deciding on disciplinary action.

- A. Destruction of Property/Vandalism (under \$100): Breaking or destroying things that belong to the school or to another person.
- B. Disrespect: Showing behavior that is hurtful, or that embarrasses another person or group of persons, including employees. This includes racial slurs and/or harassment. (More serious than Level I).
- C. Fighting: Hitting, pushing or any physical contact that is disruptive.
- D. Forgery: Writing a note with the intent of misleading a staff member. Signing or allowing others to sign your parent's name to a school paper.
- E. Gambling: Betting on games or activities for money or other valuables.
- F. Insubordination/Open Defiance: Strongly refusing to follow school rules or directions from the school staff.
- G. Intimidation/Threats: Making threats to hurt others or their property.
- H. Misconduct on School Bus: Saying or doing something that upsets the order and procedures to be followed on the bus or interferes with the safety of other bus riders.
- I. Repeated Misconduct of a Less Serious Nature: Saying or doing something that upsets the normal school day or school-sponsored activity more than one time or repeating a Level I infraction.
- J. Stealing (under \$50): Taking something that is not yours without permission.
- K. Unauthorized Assembly, Publications, etc.: Holding meetings or passing out materials to other students, without permission, that upset the normal school day or any school activity.
- L. Bullying: Showing repeated behavior toward another person that causes that person to be afraid on school property or off school grounds. This may include, but is not limited to, pushing, shoving, name calling with curse words and verbal cruelty.
- M. Other Serious Misconduct: Any other intermediate act of misconduct.

- N. Gang Related: The possession, use or displaying of items associated with gang activity that include, but is not limited to, clothing and accessories, gang related insignias, writings, signs or symbols that promote gang affiliation and/or involvement.
- O. Harassment: Harassment means to engage in a course of action directed at a specific person that causes substantial emotional distress and/or creates an unpleasant or hostile situation by uninvited and unwelcomed verbal or physical contact.

Level II – How the Principal May Respond:

- 1. Contact your parents (mandatory). Hold a meeting with them.
- 2. Make up a contract/plan for you to follow.
- 3. Remove you from your class and assign you to other activities or jobs at the school.
- 4. Assign you special work jobs at the school (cleaning up, etc.).
- 5. Make you stay after school (parental contact mandatory).
- 6. Take away and not return things you have brought to school.
- 7. Remove you from the bus for up to 10 days.
- 8. Make you pay for or replace damaged property.
- 9. Use a response from Level I.
- 10. Assign you in-school suspension.
- 11. Participate in peer mediation.
- 12. Refer you to Level III.

Level III – Infractions

Level III infractions are major acts of misconduct. They include repeated misconduct acts from Level II; serious disruptions of school order; threats to the health, safety, and property of others; and other acts of serious misconduct.

The misconduct must be reported right away to the school administrator, who may remove the student from the school or activity immediately.

- A. Battery: Attacking another student with the intent to do bodily harm.
- B. Breaking and Entering: Unlawfully and forcefully breaking into school, school personnel property or student property.
- C. Destruction of Property/Vandalism (\$100 to \$1000): Breaking or destroying things that belong to the school or to another person.
- D. Disrespect: Showing behavior that is hurtful, embarrassing or makes another person feel bad. (More serious than Level I or Level II.)
- E. Extortion: Making threats to hurt others in order to take something from them.
- F. Fighting: Hitting, pushing or any harmful physical contact (more serious than Level II).

Note: Self-defense is described as an action to restrain or block an attack by another person or to shield yourself from being hit by another person. Retaliating by hitting a person back is not self-defense and will be considered as fighting.

- G. Firecrackers/Fireworks: Having or using fireworks or firecrackers on school property or at a school activity.

- H. Gross Insubordination/Open Defiance: Strongly refusing to do as told by the school staff. Saying or doing something that shows you will not follow any directions.
- I. Illegal Organizations: Belonging to or being a part of secret groups or clubs while at school.
- J. Possession of Contraband Material: Having, using, or giving to others things not allowed at school such as: radios, matches, lighters, or any other contraband items. The parent/guardian will make arrangements to pick up the object from the school, if applicable. At no time shall Orange County Public Schools be responsible for theft, loss or damage to contraband items brought onto its property.
- K. Repeated Misconduct of a More Serious Nature: Saying or doing something that upsets the normal school day or school-sponsored activity more than one time or repeating a Level II infraction.
- L. Smoking (and Other Use of Tobacco Products): Having, using, selling, or giving to other students tobacco products at school or at a school activity.
- M. Stealing (\$50 to \$300): Taking the property of others without their permission.
- N. Trespassing: Entering or staying on school property or at a school activity after being told to leave by the school staff.
- O. Violation of Curfew: Breaking of curfew rules during a school-sponsored activity.
- P. Bullying: Showing repeated aggressive, intimidating behavior that is directed towards another person on school property or off school grounds. This may include, but is not limited to, racial or religious slurs/insults, verbal threats, battery, fighting, extortion, intentional destruction/damage of property, and false accusations that jeopardize the reputation of another student.
- Q. Other Serious Misconduct: Behavior not specifically described above which substantially disrupts the orderly conduct of a school, school function, extracurricular/co-curricular activity, or transportation services which threatens the health/safety of others. This may include, but is not limited to, providing false/misleading information to staff members, profanity, racial slurs, or language intended or reasonably calculated to insult and/or incite another person, “mooning”, repeated dress code violations misuse of electronic items, substantially distracting a bus driver which causes or could cause a safety hazard or the activation of a fire alarm without reasonable cause which, in the discretion of the principal, was not the result of a reckless or malicious act.
- R. Possession of Other Instruments or Objects: Having possession of any instrument or object other than a firearm, but not threatening or intimidating with the instrument or object.
- S. Other Major Infractions (Major infractions that do not fit within the other definitions): Mooning or sexually harassing someone with any slur, innuendo, or other verbal or physical conduct reflecting on an individual’s gender which has the purpose of creating an intimidating, hostile, or offensive educational environment.
- T. Threats: A threat to cause physical harm to another on purpose.
- U. Gang Related: Conduct or behavior that tends to promote gang activity, provoke violence, or seriously disrupt the orderly operation of the school program, any school activity or transportation services, including but not limited to the possession, use or displaying of gang paraphernalia, jewelry, tattoos, clothing or other insignias and writings that promote gang affiliation/involvement/the use of gang related signs or symbols or any other gang associated behavior.

- V. Harassment: Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits and has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.
- W. Unsubstantiated Bullying: After a complete investigation and follow up of a reported bullying incident, the investigator determines that there is not enough evidence to substantiate that the incident meets the criteria of a prohibited act under the definition of bullying as listed in the Jeffery Johnston Stand Up for all Students Act (section 1006.147 F.S.).
- X. Unsubstantiated Harassment: After a complete investigation and follow up of a reported harassment incident, the investigator determines that there is not enough evidence to substantiate that the incident meets criteria of a prohibited act under the definition of harassment as listed in the Jeffery Johnston Stand Up for all Students Act (section 1006.147 F.S.).

Level III – How the Principal May Respond:

1. Contact your parents (mandatory). Hold a meeting with them.
2. Make up a written contract/plan for you to follow.
3. Assign you to a special program or school.
4. Remove you from the bus for up to 10 days (suspension).
5. Remove you from the school for up to 10 days (suspension).
6. Remove you from the bus (expulsion).
7. Refer you to a prevention or treatment program.
8. Use a response from Level II.
9. Make you return property, make payment for same or restitution for damages.
10. Assign you in-school suspension.
11. Refer you to Level IV.

Level IV – Infractions

Level IV acts of misconduct are the most serious. Any Level IV act is grounds for expulsion and may result in a 10-day suspension with consideration for a recommendation for expulsion. Major acts of misconduct must be reported right away to the school administrator and may result in immediate removal of the student from the school.

For students in pre-kindergarten through fifth grade, the disciplinary response procedure is parental contact, up to a 10-day suspension from school and a written behavior contract that covers a period of probation. In severe cases, or if the probation is violated, the principal may recommend immediate expulsion. In selecting this action, the principal shall consider the age of the student, his/her prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff has been endangered.

- A. Alcohol: Having, using, sharing or being under the influence of alcoholic beverages.
- B. Arson: Setting a fire or trying to set fire to school property or the property of others.
- C. Threats to Employees, Volunteers or Students: Making any direct threat, by word or act, to do violence or harm to a school employee, volunteer or student which creates a fear that the threat could be carried out.

- D. Battery of Employees, Contracted Personnel, Volunteers, or Students: Actually or intentionally touching or striking of a school employee, contracted personnel, volunteer, or any other adult against his or her will or intentionally causing bodily harm to an individual. In severe cases, the battery of a student may be the basis for expulsion.
- E. Bomb Threats/Explosions: Threatening an explosion on school property or at a school function. Having, preparing, or setting off explosives (including fireworks) on school property, or at a school function.
- F. Drugs/Possession/Use: Having, using, sharing or being under the influence of illegal drugs or any other substance that can change your mood or behavior. Possession or using anything represented or thought to be an illegal drug.
- G. False Fire Alarm: Pulling a fire alarm falsely or reporting a fire when there is no fire.
- H. Firearms: Having, using or carrying any firearm (working or not working, loaded or unloaded), including but not limited to zip gun, pistol, revolver, rifle, or shot gun and/or destructive devices.
- I. Inciting, Leading, or Participating in Any Act Which Substantially Disrupts the Orderly Conduct of a School or School Function: Starting, encouraging, or participating in any disruption, (including gang-related activities or incidents with multiple participants) disturbance or other act that: interferes with the education process; results in significant damage or destruction to public or private property (including electronic communication devices); causes personal injury to participants and others; or otherwise poses a threat to the health, safety, and/or welfare of students, staff, or others. This may also include any false accusation made by a student that jeopardizes the professional reputation, employment, or professional certification of any district employee.
- J. Larceny/Theft (\$300 or over): Taking, carrying, leading, or riding away with property from the possession or constructive possession of another person or attempting to do it. Included are pocket picking, purse snatching, theft from a building, theft from a motor vehicle, theft from a machine or device which is operated or activated by the use of a coin or token and all other types.
- K. Other Weapons: Possessing, using, or controlling any instrument or object, other than a firearm, which could be used to inflict harm on another person, or to intimidate any person. Included in this category are objects such as BB guns or pellet guns, air soft guns, paintball guns and replicas of any gun or weapon, knives of any kind (including pocket knives), chains, pipes, razor blades, ice picks, other pointed instruments, nunchakas, brass knuckles, explosives, Chinese stars, billy clubs, tear gas guns, or electrical/chemical weapons or devices. Also included is anything represented to be a firearm if used in an intimidating manner toward another person.
- L. Repeated Misconduct of a More Serious Nature: Repeated misconduct that tends to substantially disrupt the orderly conduct of a school, school function, or extracurricular/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies.
- M. Robbery: Taking or attempting to take anything of value under confrontational circumstances from the control, custody or care of another person by force or threat of force or violence and/or putting the victim in fear of larceny.
- N. Sexual Battery: Doing or attempting to do any sexual act directed against another person, forcibly and/or against the person's will.
- O. Sexual Harassment: Making any slur, innuendo, or other verbal or physical conduct reflecting on an individual's gender which has the purpose of creating an intimidating, hostile, or offensive educational environment; has the purpose or effect of unreasonably interfering with an individual's work or school performance or participation; or otherwise affects an individual's educational opportunities.

- P. Sexual Offense: Committing any willful and/or deliberate act, behavior, or conduct intended to result in sexual gratification or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure, including streaking.
- Q. Violation of Early Re-entry Plan: Committing any act or series of acts that violates or has the practical effect of violating a re-entry plan from expulsion.
- R. Motor Vehicle Theft: Using, taking, or attempting taking of a motor vehicle without permission. Taking a car, truck, motorcycle, golf cart, or anything that is self-propelled or motorized.
- S. Vandalism (\$1000 or over): Purposely destroying, damaging, or defacing public or private property including act of defacing with graffiti, keying, or scratching a car or trashing a room resulting in damages (\$1000 or over).
- T. Other: Any other intentional or wanton act which significantly harms or poses a realistic threat of serious harm to oneself or another person and/or which is clearly beyond the bounds of acceptable and tolerable student conduct in the community. This may include hate crimes or the possession of drug paraphernalia.
- U. Drugs/Distribution/Selling/Buying: Giving, buying or selling any drug or contraband substance, or selling or giving anything represented to be of said nature.
- V. Bullying: Any intentional or wanton act which significantly harms or poses a realistic threat of serious harm to another person. This includes bullying.
- W. Harassment: Any intentional or wanton act which significantly harms or poses a realistic threat of serious harm to another person. This includes harassment.

Level IV – How the Principal May Respond:

1. Contact your parents (mandatory). Hold a meeting with them.
2. Referral to substance abuse program for first time drug or alcohol violations.
3. Assignment/Referral to alternative program/school.
4. Grades PreK-5: Remove you from school for up to 10 days (suspension), write a behavior contract and place you on probation. In severe cases the principal may recommend expulsion.

Section VI

Procedures Relating To Disciplinary Action

In order to protect student rights, certain procedures are followed with regard to major disciplinary actions. These procedures are developed as suggested or required by law or regulation. School/classroom procedures for administering discipline in areas not covered by these specific procedures are encouraged.

Corporal Punishment

The Orange County School Board prohibits the administration of corporal punishment in the school district.

Statement Prohibiting Bullying and Harassment

In accordance with Florida Statute Section 1006.147, titled "Bullying and Harassment Prohibited" and School Board Policy (ADD), titled "Bullying and Harassment," the school board of Orange County, Florida is committed to protecting its students, employees, and applicants for admission from bullying, harassment, or discrimination for any reason and of any type. The school board believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Bullying, harassment, or discrimination will not be tolerated and shall be just cause for disciplinary action. Any student who alleges bullying or harassment by another student may use the school's student grievance procedure or may complain directly to the principal or designee.

Statement Prohibiting Sexting

In accordance with School Board Policy (JIC) titled "Code of Student Conduct," sexting is defined as sending, forwarding, displaying, retaining, storing or posting sexually explicit, lewd, indecent or pornographic photographs, images or messages by or on a cell phone, computer or other electronic means during school hours or school activities on or off campus; while on school district property, or beyond the hours of school operation if the behavior adversely affects the personal safety or well-being of school-related individuals, the governance, climate or efficient operation of the school; or the education process or experience. Sexting will not be tolerated and shall be just cause for disciplinary action.

Statement Prohibiting Hazing

In accordance with Florida Statute Section 1006.135, titled "Hazing at High Schools with Grades 9 – 12 Prohibited" and School Board Policy (JIC), titled, "Code of Student Conduct," the school board of Orange County, Florida is committed to protecting its students from any hazing activities at any time in school facilities, on school property, and off school property if the misconduct is connected to participation or membership of a club or organization of a school. Hazing will not be tolerated and shall be just cause for disciplinary action. Any student, who alleges hazing, may use the school's student grievance procedure or may complain directly to the principal or designee.

Hazing is defined as performing any act or coercing another, including the victim, to perform any act that causes or creates a substantial risk of causing mental or physical harm. "Hazing" includes, but is not limited to pressuring or coercing the student into violating State or Federal law; any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student; and any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal

and legitimate objective. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Procedures for In-School/Bus/Out-of-School Suspensions

A student accused of serious misconduct which, in the opinion of the principal or a designated representative, would require suspension from school or transportation, shall be afforded the following procedures. In emergency situations, these procedures may be modified so long as reasonable efforts are made to provide substantially similar opportunities for the procedural safeguards.

- Step 1:** The student must be told by the principal/designee of the reason(s) for consideration of suspension.
- Step 2:** The student must be given the opportunity to present his/her side of the matter either verbally or in writing and must have the opportunity to present witnesses to the incident.
- Step 3:** The principal/designee shall make a determination as to whether or not the student is guilty of the misconduct, and if so, what the terms of the disciplinary response will be. The student shall be informed of the determination. If the determination is to impose suspension, the notice of suspension shall be in writing.
- Step 4:** The principal/designee shall report each suspension in writing to the student's parent or guardian and to the area superintendent or his designee. This report shall be mailed or delivery initiated within 24 hours of the start of the suspension or on the next regular workday. Reasonable efforts shall be made to contact the parent or guardian prior to the start of the suspension. If the parent or guardian cannot be reached prior to the start of the suspension, the principal or his designee may determine that the suspension will start without the prior contact with the parent or guardian, but continued reasonable efforts to contact the parent or guardian shall be made.
- Step 5:** The student and parent have a right to a conference with the principal or a designee upon request of the parent to appeal the discipline imposed. All such requests must be made within three school days of the first notification of suspension that the parent receives. The principal shall have the discretion to reduce or cancel the suspension if it is felt that it would be in the best interest of the student and school to do so.
- Step 6:** An educational planning conference should be held each time any disabled student has been suspended from classroom or transportation for 10 days cumulative during a school year. The purpose is to determine if the placement is appropriate and if any changes need to be made in order to more effectively deal with the student's behavior problem.
- Step 7:** At the discretion of the principal, a written behavior contract may be required upon return of the student.
- Step 8:** If the parents feel that procedural safeguards were not provided, they may appeal by contacting an area administrator. The area administrator shall discuss the matter with the parent, and if appropriate, schedule a meeting between the principal, the area administrator, and the parent to further discuss the matter and to rectify procedural errors, if any. This shall not be interpreted as permitting the area administrator to substitute their judgment for the judgment of the principal.

Procedures for Expulsion

A student accused of a violation of the *Code of Student Conduct* which, in the opinion of the principal or a designated representative, may require expulsion from school or transportation, shall be afforded the procedural safeguards described below. In emergency situations, these procedures may be modified so long as reasonable efforts are made to provide substantially similar opportunities for these procedural safeguards.

- Step 1:** The principal or a designee must inform the student of the reason(s) for consideration of expulsion.
- Step 2:** The student shall be given the opportunity to present his/her side of the matter either verbally or in writing and must have the opportunity to offer witnesses to the incident.
- Step 3:** The principal or a designee shall make a determination in writing as to whether or not the student is guilty of the misconduct, and if so, what the terms of the disciplinary response will be. The student shall be informed of the determination. If the principal or designee determines that there are sufficient grounds for expulsion, then the principal or his designee shall inform the student that he or she is being suspended from school for 10 days and a recommendation that the student be expelled is being considered.
- Step 4:** The principal or a designee shall report in writing to the student's parent or guardian and the area superintendent that the student has been suspended for 10 days and a recommendation that the student be expelled from school is being considered. The report shall be mailed or delivery initiated within 24 hours of the start of the initial 10-day suspension or on the next regular workday. Reasonable effort shall be made to contact the parent or guardian prior to the start of the suspension. If the parent or guardian cannot be reached prior to the start of the suspension, the principal or a designee may determine that the suspension will start without the prior contact with the parent or guardian.
- Step 5:** The principal shall convene a Discipline Team meeting as soon as possible but not later than the last day of the 10-day suspension period. The Discipline Team shall consist of the principal or designee, a counselor and/or school psychologist, an area administrator, and other appropriate personnel. Teacher input will also be sought. The school will also request that the parent and student attend the Discipline Team meeting. The purpose of the discipline Team meeting is to determine (1) if there is documentation or evidence that the student has a disability requiring exceptional education services; (2) if the offense committed by the student meets the criteria for a Level IV infraction in the *Code of Student Conduct*; and (3) whether or not a referral will be made to an alternative site.
- Step 6:** If the members of the Discipline Team determine that the infraction committed by the student meets the criteria for a Level IV offense in the *Code of Student Conduct*, the committee may refer the student to an alternative site. Whether or not a student is referred to an alternative site, the area administrator shall forward to the area superintendent or his designee a detailed report by the principal or designee and a summary of the Discipline Team's findings. The area superintendent shall review the principal's recommendation for expulsion and shall have the authority to recommend to the superintendent that the student be expelled or take whatever action deemed appropriate.
- Step 7:** After the Discipline Team meeting, if the parent or guardian believes the student is entitled to further procedural safeguards, the parent or guardian may request an administrative hearing to determine the sufficiency of the procedures. Failure of the parent or guardian to request an administrative hearing within 3 days shall be deemed a waiver of further procedural safeguards. Administrative hearings shall be conducted within 10 school days from the time they are requested unless an extension is agreed upon in writing. The Administrative Hearing Officer shall determine, based on all information provided by the Discipline Team, whether procedural safeguards were afforded the student. The Administrative Hearing Officer shall list any objections of the parent or guardian and make a ruling on each one. The Administrative Hearing Officer will either uphold the Discipline Team referral to an alternative site, the principal's recommendation for expulsion or recommend whatever action deemed appropriate based on the specific facts and charges upon which proposed expulsion is based. The parent or guardian will be notified of the decision in writing within 48 hours.
- Step 8:** If the student's 10-day suspension expires prior to the next school board meeting, the area superintendent shall have the authority to extend the suspension of the student until that meeting occurs. The suspension may also be extended for the purpose of an administrative hearing requested by the parent. The area superintendent may assign any student so suspended to an individually

designated program or other special placement. The area superintendent shall not extend the original 10-day suspension of a disabled student.

Step 9: The area superintendent shall notify the parent or guardian and the principal or designee of his decision within 24 hours. The superintendent shall then review the area superintendent's recommendation for expulsion and shall have the authority to recommend to the school board that the student be expelled or take whatever action he deems appropriate. The superintendent shall notify the parent or guardian and the principal or designee prior to the school board meeting at which the school board will consider his recommendation.

Step 10: The parent or guardian shall have the right to appear before the school board.

Procedures for Students with Disabilities Who Commit Serious Acts of Misconduct (Suspension/Removal)

Students with disabilities who commit serious acts of misconduct are subject to being suspended/removed from school up to 10 days, cumulative or collective, when the misconduct meets the definition of a Level III or Level IV offense as defined in the *Code of Student Conduct* whether or not the behavior causing the offense is not related to the student's disability. Students with disabilities may also be suspended/removed for more than ten days, if appropriate educational services continue. The school district has the right to obtain relief from an Administrative Law Judge (ALJ) or the court to remove a student with dangerous behavior.

Students with disabilities may be subjected to short-term or long-term removals depending on the disciplinary infraction of the *Code of Student Conduct*. The general guide for a school to follow is that a disabled student may be removed from a school up to 10 school days within a school year without providing services identified in the Individual Educational Plan (IEP). No manifestation determination is needed for the first 10 school days of suspension/removal.

Regardless of the misconduct, the school district shall not cease educational services to a disabled student after the student has been removed from school for more than 10 school days, total, in a school year.

The appropriate procedures for suspension/removal beyond ten school days are:

Step 1: The student must be told by the principal or designee of the reason(s) for consideration of a suspension/removal.

Step 2: The student must be given the opportunity to present his/her side of the matter either verbally or in writing and must have the opportunity to present witnesses to the incident.

Step 3: The principal or designee shall promptly make a determination in writing as to whether or not the student is guilty of the misconduct. If the principal's determination is that the student committed a Level III or Level IV offense, the school staff shall convene a Discipline IEP Team meeting to conduct a manifestation determination. The procedures for the Discipline IEP Team meeting in the ESE Staffing Procedures Handbook must be followed.

Step 4: By the 11th day, the IEP Team must meet to develop and/or review the student's Functional Behavioral Assessment (FBA) and Behavioral Intervention Plan (BIP). [Note Procedures for Discipline in the Staffing Procedures Handbook.] The IEP Team must be composed of personnel empowered to make placement decisions for students with disabilities. The IEP Team may include, in addition to the parent and student, if appropriate, persons such as the principal or designated administrator, staffing coordinator/specialist, counselor, ESE teacher, regular teacher, psychologist,

social worker, speech therapist, and an area administrator. Other school or learning community/district personnel may be invited if appropriate. Parents may also bring additional people to the meeting. The Procedural Safeguards must be explained at the meeting and parents must receive a copy.

Any student who has been removed for more than 10 school days must receive appropriate services. The services provided during the removal may or may not be identical to the previous services on the child's IEP. The school district will determine the appropriate services for the student.

Step 5: The IEP Team will determine whether or not the offense is related to the student's disability, e.g., the manifestation determination which includes:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability, or
2. If the conduct in question was the direct result of the school district's failure to implement the IEP.

The conduct must be determined to be a manifestation of the student's disability if the school district, the parent and relevant members of the IEP Team determine that either of the above conditions are met.

If the school district, the parent and relevant members of the IEP Team determine that the child's conduct was the direct result of the school district's failure to implement the IEP, immediate steps must be taken to remedy those deficiencies. 34 CFR 300.530(e)(3)

Step 6: The IEP team will determine appropriate alternatives for allowing the student to continue to receive FAPE and services during the removal. These alternatives may include but are not limited to:

1. Modification of the IEP including BIP in current placement
2. Transfer to a more restrictive placement for a designated period of time
3. Reduced or modified school day (After School Academy, Saturday School, etc.)
4. In-school suspension program
5. Individual/group counseling with school personnel
6. Placement on Home Instruction or Teleclass
7. Special school placement
8. Other options or some combination of the above

Step 7: The school district can immediately remove students from their current educational placement to an Interim Alternative Educational Setting (IAES) no more than forty-five (45) school days for violation of the *Code of Student Conduct* for certain drugs, weapons and infliction of serious bodily injury upon another person while at school, on school premises, or at a function under the jurisdiction of the school district.

Step 8: The staffing coordinator/specialist shall inform the parent or guardian of:

1. The due process rights of disabled students should they disagree with the recommendations of the IEP Team.
2. The right to request a due process hearing by an Administrative Law Judge (ALJ) if the parent or guardian believes the student's procedural safeguards have been violated.
3. The school district's right to request a due process hearing for a student exhibiting dangerous behavior or to petition the court for a change in placement. The student will remain in the current placement during the pendency of the proceedings unless another agreement is reached between the parties.
4. Either party's right to request an expedited due process hearing to challenge a disciplinary decision or manifestation determination.

Points of Clarification:

1. Children not yet identified as ESE students may assert protections under these procedures if the school district “had knowledge” that the child might have a disability. Parents can request an expedited evaluation, in these cases, during the disciplinary proceedings.
2. When the behavior is not a manifestation of the disability, the student may be disciplined under the regular education guidelines. However, ESE educational services must continue.
3. Students with behavior problems can be removed to another placement through the IEP process.
4. Bus suspensions and partial day removals may count as removal/suspensions.

Procedures for Felony Suspension

Section 1006.09(2), Florida Statutes, allows the principal to suspend a pupil enrolled at his school who has been formally charged with a felony or similar offense **by a prosecuting attorney** and the incident for which he/she has been charged occurred **off of school property**, and under circumstances in which the student would not already be subject to the rules and regulations of Orange County Schools; and the incident would have an **adverse impact** on the educational program, discipline or welfare in the school in which the student is enrolled.

Step 1: Determine that the student has actually been formally charged with a felony (or has been charged with an offense in juvenile court which, if the student were an adult, would be classified as a felony) by:

1. Notifying an area administrator who will contact the State Attorney’s office for confirmation.

Step 2: Further action needs to be taken only if the student attempts to return to school.

Step 3: If the student attempts to return to school, the principal must decide whether or not the student’s return would have an adverse impact on the school. The principal should consider the possibility of harm to the accused student or to others created by the presence of the accused student in the school. Felony suspension should be used only when the principal perceives a definite adverse impact on other students or on the accused student. If the principal decides to impose a felony suspension, the parent or guardian must be notified in writing of:

1. Recommendation for suspension until the determination of student’s guilt or innocence, or dismissal of charges. If the student is not found guilty, the student may return to school upon presenting documentation of the court’s decision. If the student is found guilty of a felony, the superintendent shall have the authority to determine if a recommendation for expulsion shall be made to the school board.
2. Specific charges against a student.
3. The right to a hearing:
 - a. A hearing is conducted by the principal/designee and area administrator in every felony suspension procedure. It is not necessary for the parent to request a hearing.
 - b. The purpose of the hearing is not to determine the student’s guilt or innocence of the felony. The purpose of the hearing is to determine whether knowledge of the offense with which the student has been charged would have an adverse impact on the educational program, discipline, or welfare of the school.
In determining “adverse impact”, the principal should consider the nature of the alleged offense (e.g., a student charged with rape, robbery, murder, etc. would probably affect the educational environment more adversely than a student charged with a computer-related crime). The principal should also consider the publicity attendant to the offense or any other circumstances which might either increase or diminish the possibility that the student’s presence would pose a threat to the students and staff and substantially disrupt the school. The principal should also consider whether the student’s continued attendance would pose a threat to the student charged with the felony.
 - c. The principal must establish a date for the hearing which shall not be less than two days nor more than five school days from the postmarked date of the notice. The hearing date is established in the initial letter from the principal.
4. Pending the hearing, the student is temporarily suspended.

5. The principal shall immediately notify an area administrator that a felony suspension hearing has been scheduled with the parent or guardian. If the hearing results in a felony suspension, the student will need to be temporarily placed at an alternative education site until the outcome of the felony charge has been determined. The area administrator shall schedule a meeting to determine an alternative educational placement if the felony suspension is imposed.
6. Conditions under which a waiver of suspension may be granted in the case of unlawful use of an illegal controlled substance:
 - a. No adverse impact on the school.
 - b. If the student divulges information leading to the arrest and conviction of the person who supplied the controlled substance to him.
 - c. If he voluntarily discloses his unlawful possession of such controlled substances prior to his arrest.
 - d. If the student commits himself, or is referred by the court in lieu of sentence, to a state-licensed substance abuse program and successfully completes the program.

Step 4: The hearing is conducted by the principal and will be attended by the area administrator, the student, the parent or guardian, the student's representative or counsel and any witnesses requested by the student or the principal. The student may speak in his own defense, may present any evidence indicating his or her eligibility for waiver of disciplinary action, and may be questioned on his testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify. The person conducting the hearing is not bound by courtroom procedure or testimony and no transcript of the testimony shall be required.

Step 5: Following the hearing, the principal will provide the student and parent or guardian with a decision in writing as to whether or not the felony suspension will be made. In arriving at a decision, the principal will consider conditions under which a waiver may be granted and may grant a waiver when he determines such actions to be in the best interest of the school and student. The letter should also instruct the parent and student to provide documentation to the principal of the satisfactory resolution of the charges. The principal has the authority to modify the decision to either grant or deny a waiver at any time prior to adjudication of the student's guilt by a court. However, any modification that is adverse to the student shall be made only following a hearing conducted in accordance with the procedure described.

Step 6: If the decision by the principal is to impose the felony suspension, an area administrator will make arrangements to place the student in an alternative education setting.

Step 7: If the student is adjudicated guilty by the court, the area superintendent may recommend to the school board that the student be expelled through the normal expulsion procedure.

(Notice: Florida law prohibits any student who commits and is adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or nolo contendere, of any kind of the felony offenses specified by s. 1006.13(5), F.S., [homicide, assault-battery-culpable negligence, kidnapping-luring or enticing-false imprisonment-custody offense, sexual battery, lewdness-indecent exposure, abuse, robbery, sudden snatching, carjacking, home invasion robbery] against another student from attending school with, or riding the same school bus as, the victim or any sibling of the victim, if a "no contact" order is issued by the court and notification is reported by the Department of Juvenile Justice.)

Procedures for Early Re-entry of Expelled Students

Following school board action to expel a student, the student shall have no right to attend public schools in Orange County, Florida, unless the school board in its sole discretion and acting upon the recommendation of the superintendent revokes the existing expulsion based upon an early re-entry plan. Failure of the student to abide by an early re-entry plan may be grounds for recommending expulsion.

It is intended that the procedure to be followed in developing early re-entry plans shall be flexible, but shall require a commitment on the part of the student and his/her parent/guardian to cooperate with school authorities in reasonably assuring that the behavior which led to the original expulsion will not recur.

Early re-entry plans are to be developed when appropriate, following the procedures described below. The decision to recommend a re-entry shall initially be the prerogative of the principal and the area superintendent.

Step 1: If a request for early re-entry is received, a review of the expulsion and other school records relating to the performance of the student will be made by the home school principal to determine the probability of success of an early re-entry.

Step 2: After review of this information, the principal will consider the request. If the principal does consider that an early re-entry would be in the best interest of the student and of the school system, a meeting shall be held with the area administrator, principal, parent, and student to develop a written early re-entry plan which details the conditions for re-entry at the home school or an alternative placement site.

Step 3: The re-entry plan shall include:

1. Requirements developed in the meeting which may include, but not be limited to, evaluation by a representative of Student Services, contact with a community agency, where appropriate, counseling, completion of special school work, and such requirements as may be deemed reasonable to assure that the misconduct leading to expulsion will not recur. The entry requirements shall not include those that would cause negative feelings toward the instructional program but may include special classes or transfer of schools or a referral to an alternative site.
2. A listing of any adjustments to the student program of study or school day or a special assignment.
3. A statement by the school citing the resources which will be used to assist the student in his/her re-entry to school.
4. A statement relative to procedures or actions to be taken in the event the agreement between the school and the student is broken.
5. An indication from the parents/guardians that they understand and accept the conditions set forth in the re-entry plan.

Step 4: Following completion of the re-entry plan which is acceptable to the school administrator who will be responsible for supervision of the student, the plan shall be submitted to the area superintendent or his designee for review and approval. If approved, the area superintendent shall forward the recommendation to the superintendent.

Step 5: If the superintendent approves the early re-entry of the student, he shall submit the recommendation to the school board. The parents/guardians will be notified of the action taken by the school board.

Procedures for Removal from Participation in Extracurricular/Co-Curricular Programs

1. Temporary removal of a student from participation in an extracurricular/co-curricular program or activity may be determined by the teacher/sponsor. The principal is to be notified of the action.
2. Permanent removal of a student from participation in any extracurricular/co-curricular program or activity will be recommended by the teacher/sponsor with the final decision to be made by the principal.
3. Parent or guardian notification of temporary or permanent removal is mandatory.
4. Upon notification, a parent or guardian may, within three days, request a conference with the teacher/sponsor and/or the principal for the purpose of discussing the removal of the student from participation in the extracurricular/co-curricular program or activity.
5. A student may be readmitted to participation in an extracurricular/co-curricular program or activity at any time upon the recommendation of the teacher/sponsor, with the final decision by the principal.

OCPS EEO Non-Discrimination Statement

The School Board of Orange County, Florida, does not discriminate in admission or access to, or treatment or employment in its programs and activities on the basis of race, color, religion, age, sex, national origin, marital status, disability, genetic information or any other reason prohibited by law. The Equal Employment Opportunity Supervisor responsible for compliance is Carianne Reggio; the Section 504 Supervisor responsible for compliance is Harriet Brown, Esq.; and the Title IX Supervisor responsible for compliance is Kevin Demer. Each may be contacted at the Educational Leadership Center, 445 W. Amelia Street, Orlando, Florida 32801 (407.317.3200).

Code of Student Conduct Summary

The *Code of Student Conduct* has four levels of infractions. Level I infractions are the least serious and will be dealt with by imposing less severe consequences than Level IV infractions. A Level IV infraction is grounds for a mandatory 10-day suspension and a consideration for expulsion.

Infractions

Level I	Level II	Level III	Level IV
Cheating	Vandalism (under \$100)	Battery	Alcohol/Drugs
Classroom Disruption	Disrespect	Breaking and Entering	Arson
Disorderly Conduct	Fighting	Vandalism (\$100 to \$1000)	Threats to Employees
Disrespect	Forgery	Disrespect	Battery of Employees
Dress Code	Gambling	Extortion	Bomb Threats/Explosions
Failure to Report to Detention	Minor Insubordination	Fighting	False Fire Alarm
False/Misleading Information	Intimidation/Threats	Firecrackers/Fireworks	Firearms
Insubordination	Misconduct on School Bus	Gross Insubordination/Open Defiance	Inciting/Leading/Participating in Major Disruption
Misconduct on School Bus	Repeated Misconduct	Illegal Organizations	Larceny/Theft (\$300 or over)
Profanity	Stealing (under \$50)	Possession of Contraband	Other Weapons
Repeated Misconduct	Unauthorized Assembly	Repeated Misconduct	Repeated Misconduct
Tardiness	Bullying	Smoking Tobacco Products	Robbery/Extortion
Skipping Class	Other Misconduct	Stealing (\$50 to \$300)	Sexual Battery
Other	Gang Related	Trespassing	Sexual Harassment
	Harassment	Violation of Curfew	Sexual Offenses
		Bullying	Violation of Early Re-entry
		Other Serious Misconduct	Motor Vehicle Theft
		Possession of Other Instruments or Objects	Vandalism (\$1000 or over)
		Other Major Infractions	Other
		Threats	Bullying
		Gang Related	Harassment
		Harassment	
		Unsubstantiated Bullying	
		Unsubstantiated Harassment	

Possible Consequences

Parent Contact	Parent Contact	Appropriate Responses from Level I or Level II	Parent Contact
Counseling and Direction	Appropriate Response from Level I	Parent Contact	Mandatory 10 Day Suspension (Secondary)
Verbal Reprimand	Behavior Contract/Plan	Behavior Plan/Contract	1-10 Day Suspension (Elementary)
Special Work Assignment	Peer Mediation	Assignment to Special School or Program	Probationary Plan or Expulsion (Elementary)
Peer Mediation	In-School Suspension (1-10 Days)	Return of Property	Referral to Alternative School
Withdrawal of Privileges	Special Work Assignment	In-School Suspension (1-10 Days)	Referral to Appropriate Agency - Arson
Return of Property	Detention	Suspension from Bus (1-10 Days)	Referral to Substance Abuse Program
Payment of Damages	Confiscation of Contraband	Saturday School	Expulsion from School District
Detention	Return of Property	Suspension from School (1-10 Days)	
Behavior Contract/Plan	Suspension from Bus (1-10 Days)	Expulsion from Bus	
Saturday School	Saturday School	Removal from Extra-Curricular Activities	
Referral to Intervention Program	Referral to Intervention Program	Referral to Intervention Program	
Warning of Referral to Level II	Warning of Referral to Level III	Peer Mediation	
	Alternative Classroom	Warning of Referral to Level IV	
		Confiscation of Contraband	