



## **POLICY 5.18**

**5-C** I recommend that the Board approve development of the proposed repeal of Policy 5.18, entitled “Student Conduct and Behavior.”

[Contact: Laura Pincus, PX 48750.]

### **Repeal-Development      CONSENT ITEM**

- This rule is being replaced by updated and modified Policy 5.1812 – Student Conduct Code for Elementary Students and Policy 5.1813 – Student Conduct Code for Secondary Students.

**POLICY 5.18**

**~~STUDENT CONDUCT AND BEHAVIOR~~**

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~~3~~ 1. ~~The schools are established for the benefit of all students. The educational~~  
~~4~~ ~~purposes of the schools are accomplished best in a climate of student behavior~~  
~~5~~ ~~that is socially acceptable and conducive to the learning and teaching process.~~  
~~6~~ ~~Student behavior that disrupts this process or that infringes upon the rights of other~~  
~~7~~ ~~individuals will not be tolerated.~~
  
- ~~8~~ 2. ~~The school board supports the administrative staff and teachers in taking all~~  
~~9~~ ~~necessary and reasonable steps to enforce and implement all board policies and~~  
~~10~~ ~~administrative directives to maintain appropriate student behavior. Important~~  
~~11~~ ~~among these policies and directives are those in the areas of conduct, suspensions~~  
~~12~~ ~~and expulsions, and enhancing the climate for learning.~~
  
- ~~13~~ 3. ~~Policies inclusive of 5.18 through 5.1899 serve as the basis for the code governing~~  
~~14~~ ~~student conduct and discipline and are applicable to all students except as required~~  
~~15~~ ~~by law as to those students as stated within Section 4 below, under the jurisdiction~~  
~~16~~ ~~of the School District of Palm Beach County. These policies shall constitute the~~  
~~17~~ ~~Code of Elementary Student Conduct and Code of Secondary Student Conduct,~~  
~~18~~ ~~which are incorporated as board policy pursuant to § 230.23(6)(d), Fla. Stat.~~  
~~19~~ ~~Copies of these documents are on file in the board minutes office, the public affairs~~  
~~20~~ ~~department, and shall be available in each school and area superintendent's office.~~
  
- ~~21~~ 4. ~~The School Board of Palm Beach County recognizes that the code of student~~  
~~22~~ ~~conduct must be construed to be consistent with the Individuals with Disability~~  
~~23~~ ~~Education Act ("IDEA") and Section 504 of the Rehabilitation Act ("Section 504").~~  
~~24~~ ~~Therefore, students eligible for services under IDEA or Section 504, will be~~  
~~25~~ ~~disciplined in accordance with these Acts and are governed by those School Board~~  
~~26~~ ~~policies which specify that they apply to students covered under IDEA and 504.~~
  
- ~~27~~ 5. ~~The school board establishes guidelines for the conduct and discipline of students.~~  
~~28~~ ~~The superintendent shall recommend, based on these policies, a Code of Student~~  
~~29~~ ~~Conduct ("CSC") for elementary students and a Code of Student Conduct for~~  
~~30~~ ~~secondary students for adoption annually by the school board. In accordance with~~  
~~31~~ ~~§ 230.23(6)(d), F.S., the codes shall be distributed to all elementary or secondary~~  
~~32~~ ~~teachers, school personnel, students, and parents or guardians and discussed at~~  
~~33~~ ~~the beginning of every school year.~~
  
- ~~34~~ 6. ~~The school board adopts these policies for the control, discipline, suspension, and~~  
~~35~~ ~~expulsion of students, in accordance with § 230.23(6)(c) and (d), F.S.~~
  - ~~36~~ a. ~~Establishing policies and specific grounds for disciplinary action, including in-~~  
~~37~~ ~~school suspension, expulsion, and any disciplinary action that may be~~

38 ~~imposed for the possession or use of alcohol on school property or while~~  
39 ~~attending a school function or for the illegal use, sale, or possession of~~  
40 ~~controlled substances, as defined in Chapter 893, F.S.~~

41 ~~b. Establishing procedures to be followed for acts requiring discipline and~~  
42 ~~establishing procedures for the assignment of violent or disruptive students to~~  
43 ~~an alternative educational program.~~

44 ~~c. Defining and explaining the responsibilities and rights of students with regard~~  
45 ~~to attendance, respect for persons and property, knowledge and observation~~  
46 ~~of rules of conduct, the right to learn, free speech and student publications,~~  
47 ~~assembly, privacy, and participation in school programs and activities.~~

48 ~~7. In accordance with § 230.235, F.S., the board adopts a policy of zero tolerance for~~  
49 ~~crime, substance abuse and the possession of a firearm.~~

50 ~~8. These policies recognize that pursuant to 18 U.S.C. § 922(q)(1)(I)(2)(A) (The Gun-~~  
51 ~~Free School Zones Act), "It shall be unlawful for any individual knowingly to~~  
52 ~~possess a firearm . . . at a place that the individual knows, or has reasonable cause~~  
53 ~~to believe, is a school zone"<sup>4</sup> and 18 U.S.C. § 922(q)(3)(A) ". . . [I]t shall be~~  
54 ~~unlawful for any person, knowingly or with reckless disregard for the safety of~~  
55 ~~another, to discharge or attempt to discharge a firearm . . . at a place that the~~  
56 ~~person knows is a school zone."~~

57 ~~9. These policies recognize that pursuant to § 893.13(1)(c), F.S. (The Drug Free~~  
58 ~~School Zone), it shall be unlawful for any person to sell, manufacture, or deliver, or~~  
59 ~~possess with intent to sell, manufacture, or deliver a controlled substance in, on, or~~  
60 ~~within one thousand (1,000) feet of the real property comprising a child care facility~~  
61 ~~as defined in § 402.302, F.S., or public or private elementary, middle, or secondary~~  
62 ~~school, between the hours of 6 a.m. and 12 a.m.~~

63 ~~10. In addition, pursuant to §§ 230.23(6)(d)(4-8) & (10) & (11), F.S., notice is provided~~  
64 ~~that:~~

65 ~~a. ". . . [P]ossession of a firearm, a knife, or a weapon, by any~~  
66 ~~student while the student is on school property or in attendance at a school~~  
67 ~~function is grounds for disciplinary action and may also result in criminal~~  
68 ~~prosecution."~~

69 ~~b. "[A]ny student who is determined to have brought a firearm...to school, to any~~  
70 ~~school function, or on to any school-sponsored transportation will be expelled,~~  
71 ~~with or without continuing educational services, from the student's regular~~  
72 ~~school for a period of not less than one (1) full year and referred for criminal~~  
73 ~~prosecution."~~

74 ~~c. ". . . [I]llegal use, possession, or sale of controlled substances, as defined in~~

75 Chapter 893, or possession of electronic telephone pagers, by any student  
76 while such student is upon school property or in attendance at a school  
77 function is grounds for disciplinary action by the school and may also result in  
78 criminal penalties being imposed."

79 d. ~~" . . . [V]iolence against any school district personnel by a student is grounds~~  
80 ~~for in-school suspension, out-of-school suspension, expulsion, or imposition of~~  
81 ~~other disciplinary action by the school and may also result in criminal penalties~~  
82 ~~being imposed."~~

83 e. ~~" . . . [V]iolation of district school board transportation policies, including~~  
84 ~~disruptive behavior on a school bus or at a school bus stop, by a student is~~  
85 ~~grounds for suspension of the student's privilege of riding on a school bus and~~  
86 ~~may be grounds for disciplinary action by the school and may also result in~~  
87 ~~criminal penalties being imposed."~~

88 f. ~~" . . . [V]iolation of the district school board's sexual harassment policy by a~~  
89 ~~student is grounds for in-school suspension, out-of-school suspension,~~  
90 ~~expulsion, or imposition of other disciplinary action by the school and may also~~  
91 ~~result in criminal penalties being imposed."~~

92 g. ~~" . . . [A]ny student who is determined to have made a threat or false report, as~~  
93 ~~defined by §§ 790.162 and 790.163, [F.S.], respectively, involving school or~~  
94 ~~school personnel's property, school transportation, or a school-sponsored~~  
95 ~~activity will be expelled, with or without continuing educational services, from~~  
96 ~~the student's regular school for a period of not less than 1 full year and~~  
97 ~~referred for criminal prosecution."~~

98 11. ~~To the extent that any definition, recommended disciplinary action or any provision~~  
99 ~~in the policies serving as the basis for code governing student conduct are contrary~~  
100 ~~to state law or state board of education rule, the law or state board rule shall~~  
101 ~~control.~~

#### 102 12. ~~Grievance Against Schools~~

103 a. ~~Students, parents, or guardians are required to follow the district's established~~  
104 ~~procedure for addressing grievances against the school.~~

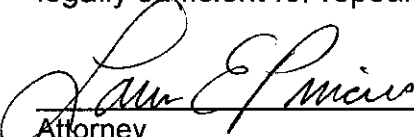
105 b. ~~The superintendent shall establish procedures by which students and parents~~  
106 ~~may present grievances to appropriate school authorities. Grievances~~  
107 ~~associated with student boycotts, walkouts and sit-ins must be presented by~~  
108 ~~the parents themselves rather than by students.~~

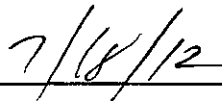
109 ~~<sup>1</sup>The term "school zone" means in or on the grounds of a public, parochial or~~  
110 ~~private school; or within a distance of one thousand (1,000) feet from the grounds~~  
111 ~~of a public, parochial or private school.~~

112 STATUTORY AUTHORITY: Fla. Stat. §§ 230.23(6)(c)&(d); 230.23(8); 230.23(22);  
113 230.235; 230.23005(1)  
114 LAWS IMPLEMENTED: Fla. Stat. §§ 230.23(6)(c)&(d); 230.23005(1); 230.235; 18  
115 U.S.C. §§ 921(a)(25)&(26); 922(q)(2)&(3); 924(a)(4)  
116 HISTORY: New: 1/3/73; 4/06/83;1/08/85; 5/21/97; 05/16/01 To Be Repealed:  
117 \_\_\_/\_\_\_2012

Legal Signoff:

The Legal Department has reviewed the proposed repeal of Policy 5.18 and finds it legally sufficient for repeal-development by the Board.

  
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Attorney

  
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Date