



## POLICY 5.1812

**5A** I recommend that the Board approve development of the proposed revised Policy 5.1812, entitled "Student Code of Conduct for Elementary Students."

[Contact: Cheryl Alligood, PX46888]

### Development

### CONSENT ITEM

- No changes have been made to this policy. The only changes were made to the Code of Conduct Manual, not the Policy.
- The proposed definition changes made to the Student Code of Conduct for Elementary Students (Code) are as follows: The first three and the last one are based on state definitions. The other two changes are for coding clarification, requested by administrators.
  - Definition for Physical Attack added
  - Definition for Hazing added
  - Definition for Sexual Assault added
  - Definition for Battery on Law Enforcement added
  - Definition for Other Instruments or Objects added
  - Definitions of Repetitive Bullying and Harassment removed
  - Bullying and Harassment was moved out of Level 1 and moved to Level 2

Policy 5.1812

1 **Student Code of Conduct for Elementary Students**

2 **1. Purpose**

3 The purpose of this policy is to support student discipline that:

- 4 a. Provides a philosophy of discipline that will guide staff and students in  
5 promoting good behavior in an environment that is conducive to effective  
6 and efficient learning;  
7 b. Maintains safe and orderly learning communities;  
8 c. Assures consistency across all schools in the District;  
9 d. Defines and communicates expectations for student behavior;  
10 e. Defines and communicates expectations for staff responsibility related to  
11 student discipline;  
12 f. Ensures that our students and staff are protected against disruptive  
13 behavior and encouraged to participate in the pursuit of higher social  
14 standards for behavior and respect for others; and  
15 g. Assures equity across cultural groups.

16 ~~The School Board of Palm Beach County is committed to providing a safe~~  
17 ~~learning environment with a positive climate that supports academic achievement~~  
18 ~~and promotes fairness, civility, acceptance of diversity and mutual respect.~~

19 **2. Policy Statement**

20 The School Board of Palm Beach County (Board) is committed to providing a  
21 safe learning environment with a positive climate that supports academic  
22 achievement and promotes fairness, civility, acceptance of diversity and mutual  
23 respect. The Board further believes that disciplinary consequences should be  
24 designed to change inappropriate behavior, encourage responsible actions, and  
25 promote the development of self-discipline, as District schools should be  
26 communities in which positive behavior is expected and modeled. To meet  
27 these objectives, the Student Conduct Code for Elementary Students has  
28 been developed to assist students, parents, guardians, administrators and school  
29 personnel in maintaining a safe and supportive environment.

30 **3. Student Conduct Code for Elementary Students**

31 The Student Conduct Code for Elementary Students is attached and  
32 incorporated herein by reference as part of this the Policy and can be found on  
33 the School District's Safety, Culture and Learning Environment website. 4. Any  
34 referenced forms and documents are incorporated herein by reference as part of  
35 this Policy and can be found on the School District's website.

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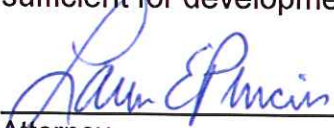
STATUTORY AUTHORITY: Fla. Stat. §§ [1001.41\(2\)](#); [1001.42\(22\)](#); [1001.43\(1\)](#); [1006.07](#)

LAWS IMPLEMENTED: Fla. Stat. §§ [1001.43\(1\)](#); [1003.31\(1\), \(3\)](#); [1006.07](#); [1006.09](#); [1006.13\(4\)](#)

HISTORY: 05/16/01; 1/13/03; 9/19/12; 8/7/13; [\\_ / \\_ /14](#).

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.1812 and finds it legally sufficient for development by the Board.

  
\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Date 7/1/14

The School District of Palm Beach County, FL

# Student Code of Conduct

2014-2015



The School Board of Palm Beach County is committed to excellence in education and preparation of all out students with the knowledge, skills and ethics required for responsible citizenship and productive employment.

Elementary

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## Guiding Principles

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The School District of Palm Beach County firmly believes a positive school culture promotes equal educational opportunity and establishes the framework for a safe learning environment. The Student Code of Conduct is comprised of a set of policies, rules, and laws by which order is established and maintained for the benefit of all. Discipline within a school must have the qualities of objectivity, consistency and equity. It is the responsibility of all school personnel, students, parents, external stakeholders and the greater community to ensure the school environment encourages a climate conducive to learning.

The Student Code of Conduct is intended to be an instructive policy based on interventions and supports for students. However, when consequences are warranted, they shall be implemented based on a system of progressive discipline. Minor infractions and first offenses have less serious consequences than major infractions and repeat offenses. Factors such as age, grade level, social, emotional and intellectual development, and overall student rights and responsibilities shall also be considered. Disciplinary issues will be resolved by every means possible prior to exclusion from school. Equitable and reasonable procedures will be followed to assure students of their rights.

The School District of Palm Beach County expects all stakeholders to demonstrate mutual respect for the rights of others. It is expected that all involved in teaching and learning fully accept their responsibilities to model and practice the Universal Guidelines and Behavioral Expectations: Be Safe, Be Respectful and Be Responsible. Each school center shall create its own Universal Guidelines and Behavioral Expectations.

Stakeholders' responsibilities are outlined below.

### Responsibility of Students

- Attend school daily, be prepared for class and complete assignments to the best of their ability
- Follow the Student Code of Conduct and school based rules
- Model and practice the expected behaviors and universal guidelines
- Notify school staff about any dangerous behavior, bullying or activity that occurs on school grounds or off school grounds when it may result in disruption of the educational setting
- Accept and respect individual differences and people
- Bring only those materials to school that are allowed
- Keep parents informed of school related issues
- Ask school personnel or other trusted adults for help in solving problems

### Responsibility of Parents/Guardians

- Read the Student Code of Conduct with your child(ren)
- Make certain your child(ren) attends school regularly and on time
- Notify the school of absences or tardies in a timely manner

- Monitor your child(ren)'s academic and behavioral progress
- Talk to your child(ren) about school and behavioral expectations
- Visit your child(ren)'s school as necessary
- Play an active role and support your child(ren)'s educational experience
- Teach and model for your child to respect the rights and property of others

**Responsibility of Teachers**

- Teach and review the Student Code of Conduct
- Use well planned, creative and engaging instructional plans daily
- Set expectations, teach, model and reinforce positive behavior
- Use appropriate classroom management strategies to maintain a learning environment that supports academic success
- Provide students with meaningful and relevant feedback on their behavioral and academic progress
- Maintain a safe and orderly classroom by using prevention and intervention strategies
- Provide corrective feedback and re-teach appropriate behaviors when a student demonstrates misconduct
- Use professional judgment to prevent minor incidents from escalating
- Keep parents informed of students' academic progress and behavior through regular communication
- Refer students in need of additional support to Problem Solving/School Based Team
- Request additional training and/or staff development as needed

**Responsibility of Administrators**

- Distribute the Student Code of Conduct to school stakeholders
- Implement the Student Code of Conduct in a fair and consistent manner
- Implement all Palm Beach County School Board policies in a fair and consistent manner
- Maintain a safe and orderly school by using prevention and intervention strategies
- Provide students will meaningful and relevant positive feedback on their behavioral and academic progress
- Communicate policies, expectations and concerns and respond to complaints or concerns from students and parents in a timely manner
- Use professional judgment to prevent minor behavioral incidents from escalating
- Monitor, support and sustain the effective implementation and maintenance of School wide Positive Behavior Support (SwPBS)
- Define, teach, model, reinforce and support appropriate student behaviors to create positive school environments
- Provide meaningful opportunities for parent participation and involvement
- Identify appropriate training and resources as needed to implement positive behavior interventions and supports



**Responsibility of Additional School-based Staff**

- Maintain a safe and orderly school environment by modeling and supporting appropriate student behaviors
- Provide students with meaningful and relevant positive feedback on their behavioral progress
- Provide appropriate corrective feedback and re-teach appropriate behaviors when a student demonstrates misconduct
- Monitor, support and sustain the effective implementation and maintenance of a positive school culture and learning environment
- Use professional judgment to prevent minor incidents from escalating

**Responsibility of District Staff**

- Create and implement policies and procedures that encourage safe and orderly schools for all students, school staff and principals
- Protect the legal rights of school staff, principals, students and parents
- Provide appropriate training and resources to implement positive behavior interventions and supports at each school
- Assist parents who are unable to resolve issues at the school level
- Utilize individual school discipline data to identify and allocate professional development services for school administrators and staff
- Review and revise the Student Code of Conduct annually

Stakeholders are collaborative partners in education and each plays an important role in the commitment to educating all students to reach their highest potential.

## Attendance

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This policy is to encourage regular school attendance and punctuality by establishing requirements for student attendance, outlining guidelines or procedures for attendance monitoring and reporting, and establishing procedures supporting chronically absent and habitually truant students as required by Florida laws, rules, and regulation.

Research indicates that students miss school for many reasons, which can be divided into three broad categories (The Importance of Being in School: A Report on Absenteeism in the Nation's Public Schools. Robert Balfanz & Vaughn Byrnes, John Hopkins University Center for Social Organization of Schools, May 2012):

- a. Students who *cannot attend* school due to illness, family responsibilities, housing instability, the need to work or involvement with the juvenile justice system.
- b. Students who *will not attend* school due to bullying, unsafe conditions, harassment, and embarrassment.
- c. Students who *do not attend* school because they or their parents do not see the value in being there, they have something else they would rather do, or nothing stops them from skipping school.

This policy applies to District students enrolled in grades Pre-K to 12<sup>th</sup> grades.

The Board believes that regular and punctual school attendance play important roles in a student's achievement, as there is a strong correlation among regular school attendance, academic achievement, and the completion of school. Although school attendance is the responsibility of the parents or guardians and students, the District is dedicated to increasing the meaningful involvement of parents and guardians in all aspects of their students' lives, including the reduction of chronic absences and truancy.

To combat unexcused absences and truancy, all District schools are dedicated to providing culturally, linguistically, fair and age-appropriate interventions. District students shall not be treated differently with regard to attendance, absence or truancy on the basis of their race, color, ethnicity, national origin, sex, sexual orientation, marital status, age, religion, disability, genetic information, gender identity or expression.

In accordance with Fla. Stat. § 1003.26, the superintendent is responsible for enforcing school attendance of all children and youth subject to the compulsory school age in the District's schools.

**a. Attendance, Absence, and Excuse Requirements**

- i. *In General.* Except as provided in Fla. Stat. § 1003.24 and State Board of Education Rule 6A-1.09513, all students are expected to attend school regularly and to be on time for classes in order to benefit from the instructional program and to develop habits of punctuality, self-discipline, and responsibility. Each student is required to attend classes one hundred and eighty (180) days each school year. To be in compliance with these attendance requirements, students must not accumulate fifteen (15) unexcused absences in a period of ninety (90) calendar days.
- ii. *Parental Notification of Absence to School.* Parents and guardians are responsible for notifying the school when a child will be absent and for informing the school of the reason for the absence. Thus, parent and guardians are expected to notify the school when their child is absent and inform the school of the reason for the absence within twenty-four (24) hours by a written note. Otherwise, students returning from an absence shall be required to present a written explanatory excuse from their parents or guardians stating the cause for the absence.
- iii. *Tracking of Absences.* The school centers shall track students' excused and unexcused absences and attendance in the District's computer system.
- iv. *Makeup of Assignments.* For excused and unexcused absences, including suspensions, the student will be afforded the opportunity to make up work without academic penalty. For in-school suspensions, students will receive assignments daily. For out-of-school suspensions, students will receive assignments in a timely manner.
  - a. *Excused or Unexcused Absences.* The number of days allowed to make up the work shall be the same as the number of days the students was absent. It is the student's responsibility to contact his or her teacher(s) about the makeup assignments and to complete all makeup work timely.
  - b. *Suspensions.* For in-school and out-of-school suspensions, all work is due on the day of return from the suspension.
- v. *Reporting on Student Report Cards.* Attendance, including absences and tardiness, shall be reported on student report cards, as required by Fla. Stat. § 1003.33(1)(c) and (2).

**Late Arrival and Early Dismissal**

The Board recognizes that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day. Parents or guardians must follow the same process to obtain an excuse for tardiness or to obtain permission for early dismissal, as they do to obtain an excuse for an absence. A pattern of non-attendance for instructional activities is established by tardiness, early sign-outs, or absences for all or any part of the day.

- i. Late Arrivals or Tardiness. Students reporting late to school/class when the day/class period begins are considered tardy. Excessive tardiness shall be addressed on a case-by-case basis to determine if there is a pattern of non-attendance. Unless excused under the provisions of this policy, accumulated tardiness will be recorded as unexcused absences consistent with Fla. Stat. § 1003.02(1) (b) and this policy. When a secondary student misses fifty (50) percent or more of the identified instructional class period due to late arrival or tardiness, the student shall be considered absent.
- ii. Early Dismissal. Excessive early sign-outs will be addressed on a case- by-case basis to determine if there is a pattern of non-attendance. Unless excused under the provisions of this policy, accumulated early dismissals will be recorded as unexcused absences consistent with Fla. Stat. § 1003.02(1)(b) and this policy. When a secondary student misses fifty (50) percent or more of the identified instructional class period due to early dismissal, the student shall be considered absent.
- iii. Academic Time. Students are not to be sent home or refused admission to school due to tardiness. Students who arrive late for any class period must be allowed to proceed to their classes after obtaining proper documentation of their tardiness.
- iv. School Rule or Policy. Any school creating a late arrival and/or early dismissal rule or policy shall submit the proposed school rule or policy to the Area Superintendent for review and approval prior to the implementation of the rule/policy.

**Driving Privileges and Attendance: Report to Department of Highway Safety and Motor Vehicles**

Pursuant to Fla. Stat. §§ 322.091 and 1003.27, the District is required to report to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) the names, dates of birth, sex and social security numbers of students ages 14 - 18 who accumulates fifteen (15) unexcused absences in any consecutive 90-calendar-day period. Whenever any student has a total of fifteen (15) days of unexcused absence from school during any semester, the student will be considered habitually absent. The Board authorizes the superintendent to inform the student and parents/guardians of the record of excessive absences as well as the District's intent to notify the DHSMV of the student's excessive absences

In accordance with law, the District shall hold a hardship hearing upon the request of any student whose license has been suspended pursuant to this section. The board hereby authorizes the superintendent to develop administrative procedures to implement administrative procedures for such hearing, consistent with state laws and technical assistance from Florida Department of Education. The principal or designee will conduct the hardship hearing within thirty (30) calendar days of receiving the request in accordance with the procedures established by the Superintendent.

# Student Dress Codes and Uniforms

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It is a fundamental function of the District to create and maintain a positive educational environment by devoting attention to learning, increasing school safety, encouraging good behavior and discipline, and minimizing disruptions and distractions. The Board believes that appropriate attire and grooming contribute to a productive and effective learning environment. Thus, all students are expected to be groomed and dressed appropriately for age, grade level, school, and school activities.

Student attire or grooming that substantially or potentially disrupts the educational environment or school program creates a distraction which interferes with the educational process or classroom activity, or presents a health or safety hazard to the students or school community is not permitted. The determination of what constitutes a safety or health hazard, or what constitutes a distraction of students from a classroom activity, or what constitutes a disruption of a school program or excessive maintenance of school property shall be made by the principal or designee. The principal or designee shall have final authority to decide if a student's attire complies with a dress code or uniform dress code, and shall use reasonable discretion in interpreting and implementing the provisions of this policy. The dress and uniform codes as described below shall be applicable for the District.

All documents, forms and communications that are provided to parents, must be translated for parents who speak a language identified as a Major Language in the District. Furthermore, parents who speak languages other than the identified Major Languages, written translations or oral interpretation will be provided upon parents' request, or if the need for translation or interpretation becomes apparent.

Section 1001.43(1) (b), Fla. Stat., authorizes the Board to require uniforms to be worn by the student body or impose other dress-related requirements if the Board finds that these requirements are necessary for the safety or welfare of the student body or school personnel.

The Board recognizes that individual students have a right to free expression and that right must be balanced with the Board's responsibility to provide classrooms and campuses which are safe, secure, and orderly, and an educational environment which is supportive of the school system's academic goals and educational responsibilities. In support of these goals and expectations, the Board establishes the following dress codes for District students.

## Definitions

- a. *Attire* means clothing, headwear, jewelry, book bags, accessories or other articles of personal appearance.
- b. *Dress Code* means a set of parameters that describes acceptable and unacceptable student apparel to ensure the health and safety of all students and creates a positive learning environment; and refers to the District-wide and/or School Specific Dress Codes.

- c. *District-Wide Student Dress Code* means a set of parameters as determined by the School Board, that describes acceptable and unacceptable apparel to ensure the health and safety of all students and creates a positive learning environment.
- d. *School Specific (Standard) Dress Code* means a set of parameters determined by the immediate school site that describes acceptable and unacceptable student apparel and appearance, including but not limited to, clothing, makeup, tattoos, and jewelry.
- e. *Higher Standard (Uniform) Dress Code* means distinctive clothing styles and/or specific colors worn by students as a means of identifying them as members of a school community and determined by the local school site. Included in the definition of a Higher Standard (Uniform) Dress Code is the selective dress or standards of a District academy, magnet, or choice program.

#### **Clothing Assistance**

It is a policy of the Board that no student will be denied attendance at school or otherwise denied an education for failing to wear clothing that complies with the District-wide, a School Specific (Standard), or a Higher Standard (Uniform) Dress Code, whichever is applicable, if such failure is due to financial hardship. Each principal and SAC shall develop procedures and criteria to offer assistance to students who would have or are having difficulty complying with their school's Higher Standard (Uniform) Dress Code due to financial hardships. Parents may request such assistance from the principal or designee. The identity of the family or child shall not be disclosed.

#### **New and Transfer Students**

Students entering the Palm Beach County Public School System for the first time during the school year shall be granted a grace period up to five (5) days before being required to comply with a Higher Standard (Uniform) Dress Code, unless the school provides the student(s) with clothing to comply with the Higher Standard (Uniform Dress Code).

## Student Conduct and Behavior

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- Every student, pre-school through adult, has the right to be educated in a safe, respectful and welcoming environment. Every educator has the right to teach in an atmosphere free from disruption and obstacles that impede learning. This will be achieved through the adoption and implementation of a consistent *Student Code of Conduct* and through the implementation of a SwPBS Plan in all schools.
- The SwPBS Plan emphasizes teaching students to behave in ways that contribute to academic achievement, school success, and support a school environment where students and school staff are responsible and respectful.
- The SwPBS Plan will include: teaching school rules, reinforcing appropriate student behavior, using effective classroom management and positive behavior support strategies by providing early intervention for misconduct and appropriate use of consequences.
- Palm Beach County (PBC) schools are established for the benefit of all students. The educational purposes of the schools are accomplished best in a positive school climate that teaches, models, and reinforces student behavior that is socially acceptable and conducive to the learning and teaching process. There must also be a consistent continuum of consequences for ongoing student misconduct across PBC schools.
- The School Board supports the administrative staff and teachers in taking all necessary and reasonable steps to implement the *Student Code of Conduct* and administrative policies to maintain appropriate student behavior. Important among these policies and directives are those in the areas of conduct, involving behavioral interventions and supports, enhancing the climate for learning, and policies governing suspensions and expulsions.
- The policies herein serve as the code governing student conduct and discipline and are applicable to all students. These policies shall constitute the *Student Code of Conduct*, which are incorporated as Board policy pursuant to Florida Statute. Copies of these documents are available in Spanish, Haitian Creole, Portuguese, Q'anjob'al and Mam languages on the District web site, on file in the Board Minutes Office, the Public Affairs Department, and shall be available at each school and each Area Superintendent's office.
- The School Board recognizes that the *Code of Student Conduct* must be consistent with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504). Therefore, students eligible for services under IDEA or Section 504 will be disciplined in accordance with these acts and are governed by those *Student Code of Conduct* provisions, which specify that they apply to students covered under IDEA and 504 students.
- The School Board establishes guidelines for the conduct and discipline of students. The Superintendent shall recommend, based on these policies, a *Student Code of Conduct* for adoption by the School Board annually, in accordance with Florida Statute. The *Student Code of Conduct* will be available in Spanish, Haitian Creole, Portuguese, Q'anjob'al and Mam to all elementary or secondary teachers, school personnel, students, and parents or guardians and discussed at the beginning of every school year.

- The School Board adopts the *Student Code of Conduct* in accordance with Florida Statute and will include:
  - a. Establishing policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, and any other disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances, as defined in Chapter 893, F.S.
  - b. Establishing procedures to be followed for acts requiring discipline and establishing procedures for the assignment of violent or disruptive students to an alternative educational program.
  - c. Defining and explaining the responsibilities and rights of students with regard to attendance respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech, student publications, assembly, privacy, and participation in school programs and activities.
- These policies recognize that pursuant to 18 U.S.C. § 922(q)(1)(I)(2)(A) (The Gun-Free School Zones Act), “It shall be unlawful for any individual, knowingly, to possess a firearm...at a place that the individual knows, or has reasonable cause to believe, is a school zone” and 18 U.S.C. § 922(q)(3)(A) “...[I]t shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm...at a place that the person knows is a school zone.”
- These policies recognize that pursuant to § 893.13(1)(c), F.S. (The Drug Free School Zone), it shall be unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver a controlled substance in, on, or within one thousand (1,000) feet of the real property comprising a child care facility as defined in § 402.302, F.S., or public or private elementary, middle, or secondary school, between the hours of 6 a.m. and 12 a.m.
- In addition, pursuant to Florida Statute 1006.07, notice is provided that:
  - a. “[P]ossession of a firearm, a knife, or a weapon, by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution.”
  - b. “[A]ny student who is determined to have brought a firearm...to school, to any school function, or on to any school-sponsored transportation will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than one (1) full year and referred for criminal prosecution.”
  - c. “[I]llegal use, possession, or sale of controlled substances, as defined in Chapter 893, any student while such student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.”



- d. "... [V]iolence against any school district personnel by a student is grounds for out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed."
  - e. "... [V]iolation of district school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student, is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school, and may also result in criminal penalties being imposed."
  - f. "... [V]iolation of the district school board's sexual harassment policy by a student is grounds for in-school suspension, out- of-school suspension, expulsion, or imposition of other disciplinary action by the school, and may also result in criminal penalties being imposed."
  - g. "... [A]ny student who is determined to have made a threat or false report, as defined by §§ 790.162 and 790.163, [F.S.], respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution."
- To the extent that any definition, recommended disciplinary action or any provision in the policies serving as the basis for code governing student conduct are contrary to state law or state board of education rule, the law or state board rule shall control.
  - Grievance Against Schools
    - a. Students, parents, or guardians are required to follow the District's established procedure for addressing discipline grievances against the school.
    - b. The Superintendent shall establish procedures by which students and parents may present discipline grievances to appropriate school authorities.
  - Each school center shall be required to submit any site level policies (i.e. dress code) to district staff for review.
  - Schools shall ensure ELL students and their parents are also provided the opportunity to fully understand behavior expectations and consequences in a language that they understand. Furthermore, in working within the Student Code of Conduct, school administration and staff must be sensitive to cultural differences a student may exhibit.

## Scope of the Student Code of Conduct

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The *Student Code of Conduct* is intended to outline a range of appropriate responses for inappropriate behaviors:

- Poor academic achievement is not an act of misconduct. Therefore, the *Student Code of Conduct* must not be used to discipline students for poor academic achievement or failure.
- A parent's failure to appropriately support his/her child's education cannot be considered misconduct on the part of the child.
- The *Student Code of Conduct* applies to all students. However, discipline for students with disabilities shall be administered in accordance with federal and state law.
- In working within the Student Code of Conduct, school administration and staff must be sensitive to cultural differences a student may exhibit.

The *Student Code of Conduct* applies to actions of students during the time:

- Students are waiting for school transportation, being transported to and from school at public expense.
- Students are attending school.
- Students are participating in school-sponsored activities.
- Commission of off campus conduct which substantially disrupts the school learning environment.

## Discipline Guide

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The discipline guide is a tool for administrators to respond appropriately when students have committed discipline infractions, per the *Code of Student Conduct*. This tool is designed to offer consistency at all levels across the District so that students are disciplined fairly from school to school when their behavior requires discipline beyond the classroom.

The discipline guide does not apply to classroom management as assigned by the teacher, but rather as a progressive step when a student has broken the rules requiring a principal and/or his designee to assign consequences. Certain violations of the rules such as weapon possession, assault, sexual harassment, **require immediate initial administrative action.**

The discipline guide is designed to assist you and your child in understanding the consequences of violating school rules. While most parents will have no need to be familiar with the discipline guide, the School Board and the district want to ensure that parents are knowledgeable about the actions of its school administrators when students misbehave. The discipline guide enables administrators to assign consequences consistently, regardless of the school your child attends. When a student has multiple violations in one incident, such as fighting with a weapon, the administrator will impose the more *severe consequences*.

Like the Student Code of Conduct, the discipline guide is reviewed annually by District stakeholders, including parents, teachers, administrators, counselors, and other community representatives.

Discipline Referral Incidents in Palm Beach County are classified as Level 1, Level 2, Level 3 or Level 4 infractions. When deciding what disciplinary action should be taken, the Principal or designee shall consider the student's age, exceptionality, ELL status, previous conduct, intent, and severity of the incident.

Administrators are asked to administer discipline in a progressive manner. The underlying principle is to use the least severe action that is appropriate for the misbehavior. Administrators will increase the severity of the action if the misbehaviors continue.

# Level One

Behaviors	Range of Corrective Strategies Prior to Administering Discipline	Range of Discipline Actions
<p>Level 1 Incidents are acts that disrupt the orderly operation of the classroom, school, transportation or extracurricular activities</p> <p style="text-align: center;"><b>LEVEL 1 INCIDENTS</b></p> <ul style="list-style-type: none"> <li>➤ Tardiness, Habitual*</li> <li>➤ Truancy</li> <li>➤ Out of Assigned Area</li> <li>➤ Leaving School Grounds w/out permission</li> <li>➤ Dress Code Violations</li> <li>➤ Public Displays of Affection</li> <li>➤ Cheating</li> <li>➤ Failure to comply with School Rules</li> <li>➤ Bus Rules Violation</li> <li>➤ Computer/Technology Misuse (Minor)</li> <li>➤ Disruptive (Unruly) Behavior or Play</li> <li>➤ Disrespectful Language</li> <li>➤ Confrontation</li> <li>➤ Lying/Misrepresentation</li> <li>➤ Cellular Telephone/Technology Violation</li> <li>➤ Prohibited Items, Unauthorized Use of Medications</li> <li>➤ Unauthorized Sale/Distribution of Materials</li> <li>➤ Inappropriate Activity</li> <li>➤ Disobedient/Insubordination</li> </ul> <p><b>*Referral to School Based Team Mandatory</b></p>	<ul style="list-style-type: none"> <li>➤ Review of Matrix of Expectations</li> <li>➤ Re-teach Behavior</li> <li>➤ Coaching</li> <li>➤ Reflective Assignment</li> <li>➤ Apology Letter</li> </ul>	<p>The principal or designees <b>may</b> select at least one of the following from Level 1 Actions. Principals may authorize use of Level 2 Actions for repeated, serious, or habitual Level 1 Incidents.</p> <p style="text-align: center;"><b>Administrative Responsibilities</b></p> <ul style="list-style-type: none"> <li>➤ Parent/Guardian Contacted (<b>M</b>)</li> <li>➤ Conference with Student (<b>M</b>)</li> </ul> <p style="text-align: center;"><b>LEVEL 1 ACTIONS</b></p> <ul style="list-style-type: none"> <li>➤ Conference with Parents</li> <li>➤ Referred to School Guidance</li> <li>➤ Referral for Peer Mediation</li> <li>➤ Referral for Administrative Mediation</li> <li>➤ Behavior Contract</li> <li>➤ Plan Meeting (IEP, 504, LEP)</li> <li>➤ Daily Weekly Report</li> <li>➤ Schedule Change</li> <li>➤ Parent Guardian attends school w/student</li> <li>➤ Voluntary Restitution</li> <li>➤ Assigned Bus Seat</li> <li>➤ Silent Lunch/Lunch Detention</li> <li>➤ After School Detention</li> <li>➤ Extended or Multiple Detention</li> <li>➤ Saturday School Detention</li> <li>➤ Confiscation</li> <li>➤ Conflict Resolution</li> <li>➤ Mentoring</li> <li>➤ Referral to Outside Agency</li> </ul> <p><b>M = Mandatory</b></p>

# Level Two

<p><b>Behaviors</b></p> <p>Level 2 Incidents are more serious than Level 1 Incidents. These behaviors significantly interfere with the learning process and/or the well being of others</p> <p style="text-align: center;"><b>LEVEL 2 INCIDENTS</b></p> <ul style="list-style-type: none"> <li>➤ Harassment *</li> <li>➤ Bus Disruption</li> <li>➤ Profane or Obscene Language</li> <li>➤ Threat, non criminal *</li> <li>➤ Physical Aggression, *</li> <li>➤ Repetitive Disruptive Behaviors *</li> <li>➤ Repetitive Disobedience</li> <li>➤ Bullying/Cyber bullying *</li> <li>➤ Vandalism &lt;1000</li> <li>➤ Petty Theft or Stealing &lt;300</li> <li>➤ Possession of Tobacco Products **</li> <li>➤ Un-served Detentions (Regular)</li> <li>➤ Un-served Detentions (Saturday)</li> <li>➤ Firecrackers/Poppers *</li> <li>➤ Forgery of Document of Signature</li> <li>➤ Gambling *</li> <li>➤ Sexual Harassment *</li> <li>➤ Possession of Other Instruments or Objects</li> <li>➤ Menacing Statements, Non Criminal *</li> <li>➤ Severe Inappropriate Activity *</li> </ul> <p><b>*Referral to School Based Team Mandatory</b></p>	<p><b>Administrative Responsibilities</b></p> <ul style="list-style-type: none"> <li>➤ Investigation</li> <li>➤ Witness Statements</li> </ul> <p style="text-align: center;"><b>Range of Corrective Strategies Prior to Administering Discipline</b></p> <ul style="list-style-type: none"> <li>➤ Investigation</li> <li>➤ Witness Statements</li> <li>➤ Review of Matrix of Expectations</li> <li>➤ Coaching</li> <li>➤ Reflective Assignment</li> <li>➤ Apology Letter</li> <li>➤ Check in-Check Out</li> <li>➤ Restorative Justice</li> <li>➤ Ripple Effects</li> <li>➤ Stay Away Agreement</li> <li>➤ Victim Safety Plan</li> </ul>	<p><b>Range of Discipline Actions</b></p> <p>Where appropriate Principal or designees should apply discipline in a progressive manner.</p> <p>The principal or designees <b>can</b> select one of the strategies from Level 1, as well as one action from Level 2.</p> <p><b>Administrative Responsibilities</b></p> <ul style="list-style-type: none"> <li>➤ Parent/Guardian Contacted (<b>M</b>)</li> <li>➤ Conference with Student (<b>M</b>)</li> </ul> <p style="text-align: center;"><b>LEVEL 2 ACTIONS</b></p> <ul style="list-style-type: none"> <li>➤ Mediation</li> <li>➤ Behavior Contract</li> <li>➤ Plan Meeting (IEP, 504, LEP)</li> <li>➤ Daily Weekly Report</li> <li>➤ Voluntary Restitution</li> <li>➤ Restorative Justice</li> <li>➤ Community Service</li> <li>➤ Loss of Privileges</li> <li>➤ Confiscation</li> <li>➤ In-School Intervention</li> <li>➤ In-School Suspension</li> <li>➤ Days Held in Abeyance</li> <li>➤ ATOD Program **</li> <li>➤ Bus Suspension</li> <li>➤ Out of School Suspension for 1-3 days</li> </ul> <p>** 1<sup>st</sup> Offense – Parent Conference, Afterschool Detention, Referral to School Guidance</p> <p>** 2<sup>nd</sup> Offense - Parent Conference, 1 day OSS, Counseling Materials</p> <p>**3<sup>rd</sup> Offense –5 days OSS/3 in Abeyance with attendance at an approved Alcohol Other Drug(AOD) program</p> <p><b>M = Mandatory</b></p>
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# Level Three

Behaviors	Administrative Responsibilities	Range of Discipline Actions
<p>Level 3 Incidents are more serious than Level 2 Incidents. These behaviors cause significant disruptions with the learning process. These incidents cause health and/or safety concerns, or damage to school property.</p> <p><b>LEVEL 3 INCIDENTS</b></p> <ul style="list-style-type: none"> <li>➤ Fighting</li> <li>➤ Verbal Assault on an Student/Person</li> <li>➤ Verbal Assault on School Board Employee</li> <li>➤ Physical Aggression on a Student / Person (Non-School Board Employee)</li> <li>➤ Physical Attack</li> <li>➤ Extortion/Blackmail/Coercion</li> <li>➤ Robbery</li> <li>➤ Physical Aggression on School Board Employee</li> <li>➤ Hazing</li> <li>➤ Stealing &gt;300</li> <li>➤ Vandalism &gt;1000</li> <li>➤ Breaking and Entering/Burglary</li> <li>➤ Computer /Technology Misuse (Major)</li> <li>➤ Reckless Vehicle Use</li> <li>➤ Motor Vehicle Theft</li> <li>➤ Arson ****</li> <li>➤ Counterfeit or Misrepresented Document</li> <li>➤ Sexual Assault</li> <li>➤ Unauthorized use of Prescription Medications***</li> <li>➤ Use of Intoxicants***</li> <li>➤ Alcohol ***</li> <li>➤ Drug Paraphernalia ***</li> <li>➤ Drugs/Imitation Drugs Represented as Drugs (possession/use/storage)***</li> <li>➤ Disruption of a School</li> <li>➤ Trespassing</li> <li>➤ False Fire Alarm/ 911 Call</li> <li>➤ Bomb Threat ****</li> <li>➤ Inappropriate Lewd, or Obscene Act</li> <li>➤ Sexual Misconduct</li> <li>➤ Possession of a Knife or Other Potentially Dangerous Item</li> </ul>	<ul style="list-style-type: none"> <li>➤ Investigate (M)</li> <li>➤ Witness Statements (M)</li> <li>➤ Notify School Police (M)</li> <li>➤ Referral to School Based Team (M)</li> </ul>	<p>Principal or designees <b>must</b> select at least one of the non-mandatory Level 3 Actions.</p> <p><b>Administrative Responsibilities</b></p> <ul style="list-style-type: none"> <li>➤ Parent/Guardian Contacted (M)</li> <li>➤ Student Conference (M)</li> </ul> <p><b>LEVEL 3 ACTIONS</b></p> <ul style="list-style-type: none"> <li>➤ Confiscation (where applicable)</li> <li>➤ Restorative Justice</li> <li>➤ Community Service</li> <li>➤ Loss of Extra Curricular Activities</li> <li>➤ In School Suspension</li> <li>➤ Days Held in Abeyance</li> <li>➤ Suspension from School 1-5 days</li> <li>➤ Recommended for Expulsion ****</li> </ul> <p><b>Alcohol and Other Drugs Offenses</b></p> <p>*** 1<sup>st</sup> Offense – 5 days OSS/3 in Abeyance with attendance at an approved Alcohol Other Drug(AOD) program</p> <p>*** Repeated AOD offense – 10 days OSS/5 in Abeyance with attendance at an approved AOD program</p> <p>Principals can request to convene a Discipline Screening Committee on any infraction that is unique in nature.</p> <p><b>M= Mandatory</b></p>

# Level Four

Behavior	Administrative Responsibilities	Discipline Consequences
<p>These behaviors are the most serious acts of student misconduct and threaten life</p> <p><b>LEVEL 4 INCIDENTS</b></p> <ul style="list-style-type: none"> <li>➤ Imminent Threat of Violence, High Level****</li> <li>➤ Attempt a Criminal Act Against a Person****</li> <li>➤ Possession of a Firearm, Handgun, Rifle, Shotgun****</li> <li>➤ Battery on Law Enforcement Officer****</li> <li>➤ Possession, Use, Sale, Storage or Distribution of an Explosive Device****</li> <li>➤ Sale, Intent to Sell, or Distribution of Drugs, Imitation Drugs Represented as Drugs, or Prescription Medications****</li> <li>➤ Aggravated Assault****</li> <li>➤ Battery or Aggravated Battery on Student/ Person (Non-School Board Employee)****</li> <li>➤ Armed Robbery****</li> <li>➤ Battery or Aggravated Battery on School Board Employee****</li> <li>➤ Sexual Battery ****</li> <li>➤ Kidnapping or Abduction****</li> <li>➤ Homicide****</li> </ul>	<ul style="list-style-type: none"> <li>➤ Investigate <b>(M)</b></li> <li>➤ Witness Statements <b>(M)</b></li> <li>➤ Notify Area Supt. <b>(M)</b></li> <li>➤ Notify Safe Schools <b>(M)</b></li> <li>➤ Notify School Police <b>(M)</b></li> </ul>	<p>Principal or designee <b>must</b> use the following Level 4 Actions</p> <p><b>LEVEL 4 ACTIONS</b></p> <ul style="list-style-type: none"> <li>➤ Parent/Guardian Contacted <b>(M)</b></li> <li>➤ Student Conference <b>(M)</b></li> <li>➤ Confiscation (if applicable) <b>(M)</b></li> <li>➤ Suspension from School 10 days <b>(M)</b></li> </ul> <p>****Recommendation for Expulsion <b>(M)</b></p> <p>Principals can request to convene a Discipline Screening Committee on any infraction that is unique in nature.</p> <p><b>M= Mandatory</b></p>

## District Imposed Consequences

Consequences that schools can recommend but only district staff can impose.

### Alternative Placement Pending Expulsion

The District will assign students to an alternative education site pending the outcome of an expulsion.

### Assignment to Special Program/ Alternative School/ Alternative Program (District-placed)

The District will place students at an alternative education site for a specified period of time. (Pursuant to School Board Policy 8.13)

### Expulsion

The removal of the right and obligation of a student to attend a public school under conditions set by the District School Board and for a period of time not to exceed the remainder of the term or school year and 1 additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly. F. S. § 1003.01(6).

**Comment [SGS1]:** Could possibly change watch FS 1244

### Felony Suspension Incident

This incident code should be used for a student who has been felony suspended per F.S. § 1006.09(2) and SBER 6A-1.0956, and is assigned to an alternative education program until the student is adjudicated. If the student is adjudicated guilty, the principal may recommend expulsion.

### Honoring an Expulsion from another District

The School District of Palm Beach County will honor the expulsion from another school district if it is an expellable offense in Palm Beach County.

### IAES

Interim Alternative Educational Setting for an ESE student for up to forty five (45) calendar days without parental consent for:

- a. Possession of dangerous weapons in school or at school functions; or
- b. Possession, use, sale or solicitation or a controlled substance while at school or at a school function; or
- c. Serious Bodily Harm.

### Long-Term Suspension (District approved and entered)

F.S. § 1006.09(1) (b) permits the Superintendent to extend a suspension beyond ten (10) school days if the student is being recommended for expulsion.

### Refer to Courts or Juvenile Authorities

The District can refer students through some type of action for any reason either to the courts or juvenile authorities.



## Authorization for Suspension

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Suspension of a student from school for committing any of the infractions warranting suspension under the Palm Beach County Student Code of Conduct shall be employed only if the offense is related to school activity or school attendance.

These offenses may occur at any time, including, but not limited to, while on school grounds; while utilizing school transportation; or during a school-sponsored activity. Bus suspensions can also be warranted for infractions that occur on school transportation vehicles. ONLY Suspensions for Level 3 and Level 4 offenses may carry from one school year to the next.

Whenever a student has been suspended during a school year for **fifteen (15)** cumulative school days, the appropriate Area Superintendents Office shall be notified and the student referred to the School Based Team for necessary discussion and possible interventions.

Informal suspension (i.e., a parent is told to keep a child at home under the supervision of the parent, or a student is sent home without benefit of a conference and of official documentation) is a violation of Florida's compulsory attendance laws, the Individual's with Disabilities Education Act (IDEA), and District policy. It is prohibited.

## Appeal Process for Suspension

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The principal is to advise parents or guardians, in their native language, of the appeal procedures for an out-of-school suspension. The appeal must first be made to the school principal. A decision by the school principal must be made within 24 hours of receipt of the appeal. If the parents do not agree with the principal's decision they may appeal to the Area Superintendent or designee. The conference shall be arranged as soon as possible following the parents' request; during the period of appeal, the suspension remains in effect for the length of time designated.

The results of the appeal may include, but are not limited to:

1. Sustaining the suspension in all respects.
2. Modification of penalties imposed.
3. Rescinding the suspension and expunging the suspension from the student's records.

The parents shall be notified of the appeal decision.

# Discipline for Students under IDEA

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## 1. Statutes and Rules

- a. The discipline of all students with disabilities (“ESE”) is governed by federal statutes and regulations under the Individuals with Disabilities Education Act (“IDEA”) as well as Florida Statutes and State Board of Education Rules.
- b. If the district knows, or should know that a student may be eligible for special education and related services, but has not yet determined such eligibility, that student may assert all or any of the protections stated within this policy.

## 2. Suspension

- a. Suspension is the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, for a period not to exceed ten (10) cumulative school days per year. Any removal from school, even if the necessary paperwork for a formal suspension is not initiated or completed, counts toward the 10 day rule. All days a student with a disability spends out of school as a result of school action, whether formal or informal, apply towards the 10 day limit.
- b. A principal/designee may remove a student eligible for services under the IDEA for up to **ten (10) cumulative school days per calendar year** for disciplinary infraction(s).
- c. Prior to consideration of suspension, the school must have made and documented reasonable attempts to use less restrictive alternatives and/or interventions to decrease the inappropriate behavior.
- d. Educational services may be provided during the ten (10) days, but are not required.
- e. If an ESE student is arrested on campus **and** suspended those days count towards the cumulative ten (10) days allowed each year school year.
- f. The IEP team must meet no later than the tenth (10<sup>th</sup>) day of the cumulative suspension to:
  - i. Determine if the student’s behavior is a manifestation of the student’s disability.
  - ii. Initiate a FBA or review the student’s current FBA and behavior intervention plan.
  - iii. If the behavior is a manifestation of the disability, review the student’s IEP.

- g. The Manifestation Determination Review (MDR) must be conducted at the IEP meeting.
  - i. When making a manifestation determination, the district, parent, and relevant members of the Team shall review and take into consideration the student's present program and case history, including all relevant information in the student's file, the student's accommodation plan, any teacher observations, and any relevant information provided by the parents.
  - ii. The team shall then determine: (a) If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (b) If the conduct in question was the direct result of failure to implement the IEP. A consensus of the members of the team shall make these determinations and such determination will be based upon the information reviewed by the Team. If either (a) or (b) is applicable the conduct shall be determined to be a manifestation of the student's disability.
- h. The student's custodial parent/guardian must be invited to participate as a member of this IEP Team and the principal/designee must take reasonable steps to ensure that one or both of the parents of a child with a disability are present at the meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed on time and place. If neither parent can attend an IEP Team meeting, the principal/designee shall use other methods to ensure parent participation, including individual or conference telephone calls. The custodial parent/guardian must be provided with a copy of procedural safeguards.
- i. A school cannot make a parent conference mandatory prior to the ESE student being returned to campus after suspension. A conference may be suggested, but the student maintains the right of access to education under the IDEA after ten (10) cumulative days per school year, even if the parent does not attend the conference.
- j. If the student's behavior is a manifestation of the student's disability, the IEP Team shall conduct a functional behavioral assessment and implement a behavior support plan, which includes the provision of Positive Behavior Interventions and Supports, if such assessment for conduct was not completed prior to the behavior. If a behavior support plan has been developed, the committee shall review the IEP, modify it, as necessary, to address the behavior and include the provision of Positive Behavior Interventions and Supports, and *return the student to the placement from which he or she was removed*. Nothing herein shall be construed as preventing the team from proposing another placement, so long as the placement is appropriate and in the least restrictive environment.
- k. If the IEP Team determines that the student's behavior is not a manifestation, then the student may be suspended from school in the same manner students not eligible for services under the IDEA. Nevertheless, such student shall continue to receive

educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP, and receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

3. **Bus Suspension.** Suspension of ESE students from the bus must be counted as part of the cumulative ten (10) days if transportation is needed for the student to access FAPE and an alternative means of arriving to school is not available.
4. **In-School Suspension**
  - a. In-school suspension is the temporary removal of a student from the student's regular school program and placement in an alternative program, such as that provided Florida Statute, under supervision of district personnel, not to exceed ten (10) school days.
  - b. A student's IEP must continue to be delivered while assigned to in-school suspension.
  - c. Repeated removals of a student from the regular/ESE classroom to an in-school suspension are prohibited.
5. **Expulsion**
  - a. Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the board, for a period not to exceed the remainder of the term or school year and one additional year of attendance.
  - b. Expulsion cannot be considered for students eligible for services under the IDEA because it would constitute a cessation of educational services for that period of time.
6. **Exclusion**
  - a. An ESE exclusion is the removal of the right and obligation of a student to attend a public school under conditions set by the board, and for a period not to exceed the remainder of the term or school year and one additional year of attendance, provided however, that appropriate educational services developed through an Individual Education Plan ("IEP") will continue to be provided through some alternative means.
  - b. The educational services must enable the child to continue to participate in the general education curriculum, although in another setting, and to make reasonable progress toward meeting the goals set out in the child's IEP, and include, as appropriate, a functional behavioral assessment, behavioral intervention services modifications, that are designed to address the behavior that gave rise to the violation so that it does not recur.
7. **A Manifestation Determination Review (MDR)** MDR is a process by which parents and the school meet to determine if the student is being subjected to a disciplinary change in placement

for behavior that is a manifestation of his or her disability. Whenever a student with a disability is subjected to a disciplinary change of placement (e.g. suspension or expulsion), the school district must conduct an MDR within 10 days of the decision to remove the student from school.

#### 8. **Disciplinary Action for Drugs and Weapons**

A student with a disability may be placed in an Interim Alternative Educational Setting ("IAES" for up to forty five (45) calendar days without parental consent for:

Possession of dangerous weapons in school or at school functions; or

Possession, use, sale or solicitation of a controlled substance while at school or at a school

Function; or

Causing serious bodily injury

A dangerous weapon is defined as a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such item does not include a pocket knife with a blade of less than two and one-half inches (2-½") in length.

Serious Bodily Injury is defined as bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

#### 9. **Interim Alternative Educational Setting ("IAES")** Placement is a very restrictive placement which is permitted if the circumstances set for in paragraph 5(a) above exist:

- a. Placement in an IAES may occur pursuant to paragraph 5(a) above whether the behavior is or is not a manifestation of the student's disability.
- b. Under the circumstances set forth in paragraph 5(a) above, placement in an IAES may occur at the request of the principal.
- c. An IEP meeting must be scheduled within the first ten (10) days of placement. The principal/designee will take reasonable steps to ensure that one or both of the parents of a child with a disability are present at the meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed on time and place. If neither parent can attend an IEP Team meeting, the principal/designee shall use other methods to ensure parent participation, including individual or conference telephone calls.
- d. A meeting may be conducted without a parent in attendance if the principal/designee is unable to convince the parents that they should attend. In this case, the district will keep a record of its attempts to arrange a mutually agreed on time and place.

- e. The custodial parent/guardian must be provided a copy of their procedural safeguards.
- f. A MDR must be conducted at the IEP meeting.
- g. When making a manifestation determination, the district, parent, and relevant members of the Team shall review and take into consideration the student's present program and case history, including all relevant information in the student's file, the student's accommodation plan, any teacher observations, and any relevant information provided by the parents.
- h. The team shall then determine: (a) If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (b) If the conduct in question was the direct result of failure to implement the IEP. A consensus of the members of the team shall make these determinations and such determination will be based upon the information reviewed by the Team. If either (a) or (b) is applicable the conduct shall be determined to be a manifestation of the student's disability.
- i. A Functional Behavioral Assessment ("FBA") must be initiated within ten (10) days of placement. Staff from both the student's current and previous schools will participate in the FBA.
- j. A Behavior Intervention Plan ("BIP") must be developed immediately upon completion of the FBA.
- k. Educational services to be determined within ten (10) days of placement must:
  - i. Enable student to appropriately progress in the general curriculum;
  - ii. Enable the student to appropriately advance towards IEP goals; and
  - iii. Include, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the behavior that gave rise to the violation so that it does not recur.

## Discipline for Students under 504

1. This Policy for discipline of students eligible for services under Section 504 is designed to comply with State Board of Education Rule 6A-6.0331(8), the Section 504 Regulations at 34 C.F.R. Part 104, and 29 U.S.C. § 794 (“Section 504”). The phrase “eligible for services under Section 504” refers to students with active Section 504 accommodation plans and students with disabilities who require Section 504 plans. *However, for purposes of this policy, if the student’s sole impairment is drug or alcohol dependence, the student is not eligible for protection under Section 504 or the ADA if the student is currently a user of illegal drugs or alcohol. Such students may be disciplined in the same manner as other students for use or possession of illegal drugs or alcohol under Policies 5.1812 or 5.1813 [and Policy 5.1815] and will receive the same due process and substance-abuse assistance as other students under those Policies.*
2. **Definitions.** The words suspension and expulsion of students eligible for services under Section 504 shall have the following meanings through this policy:
  - a. **Suspension.** Pursuant to Fla. Stat. § 1003.01(5) (a) [and Policy 5.1815], suspension, also referred to as out-of-school suspension, is defined as the temporary removal of a student from all classes of instruction on public school grounds, except as authorized by the principal/designee, for a period up to ten (10) cumulative school days and remanding of the student to the custody of the student’s custodial parent with specific homework assignments for the student to complete. *Any removal from school, even if the necessary paperwork for a formal suspension is not initiated or completed, counts toward the 10 day rule. All days a student with a disability spends out of school as a result of school action, whether formal or informal, apply toward the 10 day limit.*
  - b. **Expulsion.** As defined in Fla. Stat. § 1003.01(6), and Policy 5.1817, expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the Board, and for a period of time not to exceed the remainder of the term or school year and one (1) additional year of attendance. Expulsions may be imposed with or without continuing educational services (subject to Section (4) (f) below) and shall be reported accordingly.
  - c. **Re-evaluation.** Students with active Section 504 accommodation plans who are recommended for suspension in excess of ten (10) days, or expulsion, must have a re-evaluation prior to a significant change in placement, as required by 34 C.F.R. § 104.35(d). Students with disabilities, suspected of being eligible for services under Section 504, who are recommended for suspension in excess of ten (10) days, or expulsion, must be evaluated prior to a significant change in placement, as required by 34 C.F.R. § 104.35(b).

Comment [SGS2]: FS 1244



3. **Suspension of Students under Section 504/ADA.** Unless otherwise indicated by their accommodation plans, students eligible for services under Section 504 are expected to follow the rules of the student conduct code. Students who are eligible for services under Section 504/ADA may be suspended for infractions as defined for all students pursuant to Policies 5.1812 or 5.1813 [and Policy 5.1815], with the following limitations:
- a. **Suspension for Ten (10) Cumulative Days or Less.** Unless otherwise indicated by their accommodation plans, student suspension procedures [in Policy 5.1815] will be followed for students who are eligible for services under Section 504/ADA and recommended for suspension for ten (10) cumulative days or less.
  - b. **Any Suspension beyond Ten (10) Cumulative Days.** No student who is eligible for services under Section 504/ADA shall be suspended beyond ten (10) cumulative days per school year, except through the following procedure. It is the responsibility of the principal/designee to monitor all serial/cumulative suspensions. **NOTE:** If a student has been referred for ESE evaluation prior to or during the Section 504 manifestation determination, the student is then protected under the IDEA for discipline provisions. Therefore, the manifestation team must treat the student as an ESE student. The principal/designee shall notify the 504 Multi-Disciplinary Team immediately when a student who is or may be eligible for services under Section 504/ADA violates the student conduct code and will be considered for suspension for more than ten (10) cumulative days per school year.
    - i. Within twenty-four (24) hours of the recommendation for the extended suspension, the principal/designee shall provide written notice to the custodial parent/guardian and the student of the proposed suspension, alleged misconduct, and time and date of the scheduled 504 Multi-Disciplinary Team meeting. Notification of purpose, participants and location of the meeting will be included. The custodial parent/guardian shall also be notified that the 504 Multi-Disciplinary Team will also serve as a 504 plan team and may change the student's Section 504 plan. The custodial parent/guardian shall be given a copy of the Section 504/ADA Procedural Safeguards.
    - ii. The principal/designee will take reasonable steps to ensure that one or both of the parents of a child with a disability are present at the meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed on time and place. If neither parent can attend an IEP Team meeting, the principal/designee shall use other methods to ensure parent participation, including individual or conference telephone calls.
    - iii. *Conducting a meeting without a parent in attendance.* A meeting may be conducted without a parent in attendance if the principal/designee is unable to

convince the parents that they should attend. In this case, the district will keep a record of its attempts to arrange a mutually agreed on time and place.

- iv. The notice and copy of Section 504/ADA Procedural Safeguards shall be delivered by registered or certified mail (return receipt requested) or personally delivered by the principal/ designee at least twenty-four (24) hours prior to the meeting. A signed receipt of delivery must be obtained.
- v. Before the student can be removed from the campus for the suspension recommendation, the principal/designee will arrange a 504 Multi-Disciplinary Team review of the incident that was the basis for the recommendation for suspension.
- vi. Members of the Committee must include the following personnel:
  1. A school psychologist as the person knowledgeable of the evaluation procedures pursuant to the disability.
  2. If the disability of record is a medical disability, the school nurse should be present to consult with the psychologist.
  3. A teacher, counselor, or appropriate person knowledgeable of the student.
  4. An administrator (not the recommending administrator) as the person who is knowledgeable of the suspension/expulsion process.
- vii. The 504 Multi-Disciplinary Team will review the case and determine whether the student's conduct was or was not a manifestation<sup>1</sup> of the disability for which the student has a Section 504 plan. A Manifestation Determination Review (MDR) is a process by which parents and the school meet to determine if the student is being subjected to a disciplinary change in placement for behavior that is a manifestation of his or her disability. Whenever a student with a disability is subjected to a disciplinary change of placement (e.g. suspension or expulsion), the school district must conduct an MDR within 10 days of the decision to remove the student from school.
- viii. When making a manifestation determination, the district, parent, and relevant members of the Team shall review and take student's accommodation plan, any teacher observations, past disciplinary referrals/infractions and any relevant information provided by the parents.

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<sup>1</sup> Manifestation of the Disability: A manifestation of the disability is the exhibition of behaviors which are considered to be a component of the individual student's disability.

- ix. The team shall then determine: (a) if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (b) if the conduct in question was the direct result of failure to implement the Section 504 Accommodation Plan. A consensus of the members of the team shall make this determination and such determination will be based upon the information reviewed by the Team. If either (a) or (b) is applicable the conduct shall be determined to be a manifestation of the student's disability.
- x. "PBSD 2209 the Manifestation of Disability Determination Process for Students with Section 504 Plans"
- xi. If the 504 Multi-Disciplinary Team determines that the student's behavior is not a manifestation, then the student may be suspended from school in the same manner students not eligible for services under Section 504. Nevertheless, such student shall continue to receive education services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's Section 504 accommodation plan, and receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.
- xii. If it is determined that the student's behavior is a manifestation of the student's disability, the Multi-Disciplinary Team shall conduct a functional behavioral assessment and implement a behavior intervention plan, which includes the provision of Positive Behavior Interventions and Supports, if such assessment for conduct was not completed prior to the behavior. If a behavior support plan has been developed, the committee shall review the plan, modify it, as necessary, to address the behavior and include the provision of Positive Behavior Interventions and Supports, and return the student to the placement from which he or she was removed. Nothing herein shall be construed as preventing the team from proposing another placement, so long as the placement is appropriate and in the least restrictive environment.

#### 4. Expulsion of Students under Section 504/ADA

- a. Students eligible for services under Section 504/ADA may be recommended for expulsion as defined for all students.
- b. The principal/designee shall notify the 504 Multi-Disciplinary Team immediately when a student with a Section 504 plan is being recommended for expulsion.
- c. In addition to procedures under Policy 5.1817, within twenty-four (24) hours of the recommendation for expulsion, the principal/designee shall provide written notice to the custodial parent/guardian and the student of the proposed expulsion and the date

and time of the scheduled 504 Multi-Disciplinary Team meeting to determine manifestation of disability. The procedures for *conducting a MDR and for ensuring parental participation* shall apply to proposals for expulsions.

- d. The notice, procedural safeguards, and a copy of this Policy shall be delivered by certified mail (return receipt requested) or the principal/designee shall personally deliver it and obtain a signed receipt.
- e. If it is determined that the misconduct is not a manifestation of the student's disability, the student may be expelled in the same manner as students not eligible for services under Section 504. *Nevertheless, such student shall continue to receive educational services, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's Section 504 accommodation plan, and receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior that gave rise to the violation so that it does not recur.*
- f. If it is determined that the student's misconduct is a manifestation of the student's disability, federal law does not permit a school district to cease all educational services. If it is determined that the student's behavior is a manifestation of the student's disability, the Multi-Disciplinary Team shall conduct a functional behavioral assessment and implement a behavior intervention plan, which includes the provision of Positive Behavior Interventions and Supports, if such assessment was not completed prior to the behavior. If a behavior intervention plan has been developed, the committee shall review the plan, modify it, as necessary, to address the behavior and include the provision of Positive Behavior Interventions and Supports. In either case, the student shall be returned to the placement from which he or she was removed. Nothing herein shall be construed as preventing the team from proposing another placement, so long as the placement is appropriate and in the least restrictive environment.

## Glossary

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Definitions of terms and/or student conduct which are considered to be violations of the Student Code of Conduct are described in this section of the handbook. The use of words, such as battery and arson, are not meant to be considered equivalent to or to carry the same standards and consequences as the same words, which are defined in the criminal context in the Florida Statutes. The School Board retains the flexibility and right to attach definitions found in Board Rule to such words without attaching any criminal standards set by the courts or legislature. When a student has committed an infraction, the misbehavior is to be classified according to the definition which best describes it. All students and parents/guardians must understand that, in addition to taking corrective strategies at the school level, certain criminal and/or disruptive behavior must by Board Rule be reported to School Police.

The notation \* next to the three letter violation code listed below in the Glossary, represents SESIR definitions and guidelines required by the Department of Education.

**Abeyance** - Out of School suspension days issued, but not enforced if an alternative plan is completed. Examples include tobacco, alcohol, or drug education classes.

**Abuse of School Property/Minor Vandalism** - To use wrongly or improperly, or to maltreat any school equipment or property. L2

**Aggravated Assault {OMC\*}** - An assault with a deadly weapon without intent to kill; or with intent to commit a felony. "Assault" is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent. (F.S. 784.011 and 784.021) L4

**Alcohol {ALC\*}** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of intoxicating alcoholic beverages. Use should be reported only if the person is caught in the act of using, or is discovered to have used in the course of the investigation. L3

**Apology Letter** - Student makes amends for negative actions by taking responsibility to correct the problem created by the behavior through written declaration of remorse.

**Armed Robbery {ROB\*}** - The taking of money or other property which may be the subject of larceny from the person or custody of another, with intent to either permanently or temporarily deprive the person or the owner of the money or other property, when in the course of the taking there is the use of force, violence, assault, or putting in fear with the use of a firearm or other deadly weapon (F.S. 812.13 (1) & (2) (a)). L4

## Glossary

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**Arson {ARS\*}** - To willfully and unlawfully, or while in the commission of any felony, by fire or explosion, damage or cause to be damaged: any dwelling, whether occupied or not, or its contents; any structure, or contents thereof, where persons are normally present; and any other structure that the person knew or had reasonable grounds to believe was occupied by a human being (F.S. 806.01 (1) (a)-(c)). L3

**Battery {BAT\*}** - Intentionally or knowingly causing great bodily harm, permanent disability, or permanent disfigurement or using a deadly weapon while committing a battery. The physical use of force or violence by an individual against another. The attack must be serious enough to warrant consulting law enforcement and result in more serious bodily injury to an individual who is not fighting back. (F.S. 784.03 & 784.045). L4

**Behavior Contract or Plan** - A written/verbal contract or plan for the student with stated goals, objectives, and outcomes for the student to develop the necessary skills to address the stated incident.

**Bomb Threat {TRE\*}** - Intentionally making a false report to any person, including school personnel, concerning the placement of any bomb, dynamite, explosive, or arson-causing device. L3

**Breaking and Entering/Burglary {BRK\*}** - The unlawful entry with or without force into a building or other structure, remaining behind or conveyance with the intent to commit a crime to property. L3

**Bullying/Cyber Bullying {BUL\*}** - Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or persuasive enough to create an intimidating, hostile or offensive environment, or unreasonably interfere with the individual's school performance or participation, , and as defined in SB Policy 5.002. L2

**Bus, Assigned Seat** - The temporary or permanent assignment to specified seat on the school bus.

**Bus Disruption** - Behavior that disrupts and/or distracts the driver from safely operating the school bus. L2

**Bus, Probation** - An alternative to a Bus Suspension. A student placed on Bus Probation will, very likely, be suspended from the school bus if another bus violation occurs.

**Bus, Suspension** - Suspension of bus riding privileges for a specified period of time. (Consequences for violations of transportation policies, rules, or standards of conduct are not limited to the suspension of bus riding privileges. Other sanctions, up to and including out of school suspension and expulsion may be imposed when warranted).

**Cellular Telephone/Technology Violation** - The use of wireless communication devices including but not limited to cellular telephones, camera telephones, MP3 players, iPods, readers and other electronic devices in violation of the time, place, and manner as outlined in the *Code of Student Conduct* (SB Policy 5.183). L1

## Glossary

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**Cheating** - The unauthorized use and/or the sharing, distributing, publicizing or duplicating of any instructional materials, copied or written information obtained by any means that is intended to be used for academic or personal gain. (This would not include copying another student's work, the use of cheat sheets, or any cheating violation that can be resolved by the classroom teacher. L1

**Check In/Check Out** - Daily contact with an assigned adult on campus. Student should see the adult before school starts each day, as well as at the end of the day.

**Computer/Technology Misuse –Major {OMC\*}** - The inappropriate use of a computer, including, but not limited to, breaking into restricted accounts or networks, modifying, or destroying files without permission, illegally copying software, and entering or distributing or printing unauthorized files. Accessing or entering unauthorized internet sites; distributing inappropriate electronic messages. L3

**Computer/Technology Misuse –Minor** - Minor inappropriate use of a computer and/or technology without malicious intent. L1

**Conference with Student/Warning** - Administrative conference with student and warning about stated incident.

**Confiscation** - The confiscating of an item(s) not permitted on school grounds. Depending on the item(s), the item(s) could be turned over to law enforcement, held until parent/guardian came to retrieve it, or returned to the student after a specified period of time.

**Conflict Resolution** - An umbrella term for a variety of activities that result in resolution of problems and normalized relationships.

**Confrontation** - A verbal confrontation, or the encouraging or inciting of a confrontation that has the propensity to escalate into a fight. L1

**Counterfeit** - To fashion or reproduce a document, money, or other items with the intent to defraud; includes counterfeit money or documents; also, any Level 3-type incident that is inappropriate in a school setting and does not fit into another Level 3 category. Included in this category is culpable negligence, exposing another person to personal injury. L3

**Criminal Act Against a Person {OMC\*}** - Any person who attempts to commit, or who solicits another to commit, or who agrees, conspires, combines, or confederates with another person or persons to commit the offense of a Battery, Robbery, Homicide, Kidnapping, or Sexual Battery against another person or persons, and in such attempt does any act toward the commission of such offense, but fails in the perpetration or is intercepted or prevented in the execution of the offense (F.S. 774.04). L4

## Glossary

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**Dangerous Items {WPO\*}** - Any instrument or object, other than firearms, handguns or knives that could be deliberately used to inflict harm on another person, or could be used to intimidate any person. Included in this category are BB-guns and toy or replica guns represented as real guns. Also, included in this category is the possession or storage of items which are prohibited at school, including, but not limited to ammunition clips, bullets or cartridges, flammable liquids, combustible materials, poisonous substances, mace, pepper spray, and any other items which may result in injury. (NOTE: If a weapon is used during an incident, that incident should be coded including an appropriate corresponding weapons-related entry AND disciplinary action may increase substantially) L3

**Detention** - Additional time a student must stay at school after other students have gone for the day, or on Saturday.

**Disobedient/Insubordination** - Failure to obey a reasonable instruction or request by a staff member. L1

**Disrespectful Language** - Written, verbal remarks and/or gestures that shows a lack of respect, rudeness and is inappropriate. The use of words or acts which demean, degrade, antagonize, or humiliate a person or group of persons. L1

**Disruption of a School Function {DOC\*}** - Any act which substantially disrupts the orderly conduct of a school function; behavior which substantially disrupts the orderly learning environment or poses a threat to the health, safety, and/or welfare of students, staff, or others. L3

**Disruptive (Unruly) Behavior or Play** - Repeated referrals (3 or more) for Level 1 disruptive behaviors including disruptive play, disrespectful language, and any other repetitive behaviors that create a disruptive learning environment. L2

**Dress Code Violation** - Dress in a manner that violates the school's dress code policy and/or in a manner that would constitute a safety hazard (F.S 1006.07). L1

**Drugs or Imitation Drugs Represented as Drugs {DRU\*}** - To store, possess, purchase, use, or be under the influence of any mood-modifying substance and/or dangerous substance listed in Florida Statutes 893, , including, but not limited to, marijuana, hallucinogens, inhalants, as well as any substance represented to be an illegal substance, such as "designer drugs," or caffeine pills, tablets, or caplets, or any substance which is represented to be any such substance while on school property or jurisdiction of the School District of Palm Beach County. L3

**Drug Paraphernalia {OMC\*}** - To possess, use, sell, store, or distribute any device or equipment used for the purpose of preparing or taking drugs, including, but not limited to, items listed in Florida Statute 893.145, and items which may be determined to be drug paraphernalia under the criteria set out in Florida Statute 893.146. L3



## Glossary

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**Drugs (Sale) {DRD\*}** - To sell or distribute any mood-modifying substance and/or dangerous substance listed in F.S. Chapter 893,, including, but not limited to, marijuana, hallucinogens, inhalants, as well as any substance represented to be an illegal substance, such as "designer drugs," or caffeine pills, tablets, or caplets, or any substance which is represented to be any such substance while on school district property, school transportation, or at a school related function. L4

**Explosive Device {WPO\*}** - An explosive is any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock. This includes but is not limited to dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, and detonators (F.S. 790.001 (5)).

**Extortion/Blackmail/Coercion {ROB\*}** - The use of threat or intimidation to obtain anything of value from another person, including, but not limited to, money. L3

**False Fire Alarm/911 Call {OMC\*}** - Whoever, without reasonable cause, by outcry or the ringing of bells, or otherwise makes or circulates, or causes to be made or circulated, a false alarm of fire or 911 call. L3

**Fighting {FIT\*}** - Mutual participation in a hostile, physical encounter; mutual participation in an altercation involving physical violence. L3  
(NOTE: Self-Defense is described as an action to restrain or block an attack by another person or to shield self from being hit by another person. Retaliating by hitting a person back is not self-defense and will be considered as fighting.)

**Firearm/Handgun/Rifle/Shotgun {WPO\*}** - Possession or sale of any firearm, including handguns, on school property, school sponsored transportation or during a school-sponsored activity. A firearm, including handguns, is any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer, any destructive device, or any machine gun, rifle, or shotgun. The term firearm does not include an antique firearm unless the antique firearm is used in the commission of a crime. A destructive device is any bomb, grenade, mine, rocket, missile, pipe-bomb, or similar device containing some type of explosive that is designed to explode and is capable of causing bodily harm or property damage. L4

**Firecrackers/Poppers** - Possession, use, sale, storage, or distribution of firecrackers, poppers or associated devices as long as the object is not used as a weapon or is not considered a weapon by Florida statutes. L2

**Forgery of a Document or Signature** - To fashion or reproduce the signature of another for fraudulent purposes. L2

**Gambling {OMC\*}** - One who participates in games of chance or skill for money, profit, or anything of value. L2

## Glossary

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**Harassment {HAR\*}** - Any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct. that (1) places a student or school employee in reasonable fear or harm to his or her person or damage to his or her property, (2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or (3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person, that causes substantial emotional distress in such a person and serves no legitimate purpose, and as defined in SB Policy 5.002. L2

**Hazing {HAZ\*}** - Any action or situation that endangers the mental or physical health or safety of a student for purposes of initiation or admission into or affiliation with any school sponsored organization. "Hazing" includes, but is not limited to: (a) pressuring, coercing or forcing a student to participate in illegal or dangerous behavior, or (b) any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements. L3

**Homicide/Murder {HOM\*}** - The unlawful killing of a human being (Florida Statute 782.04) and manslaughter - the killing of a human being by the act, procurement, or culpable negligence of another, without lawful justification (F.S. 782.07). L4

**Inappropriate Activity** - Any activity that is disruptive and tends to interfere with the process of teaching and learning that cannot be coded in another Level 1 incident. L1

**In-School Alternative to Suspension** - An alternative to an out-of-school suspension that prevents a student from attending all or some classes. During the period of an alternative to suspension, the student is assigned to a self-contained alternative classroom.

**Instruments or Objects** - Possession of any instrument or object that could be used as a weapon (other than a firearm) may be considered under this heading if there has been no threatening or intimidating display of the instrument or object. i.e. BB Guns, toy guns, etc. L2

**Intoxicants {DRU\*}** - The inhaling or ingestion of intoxicants, including but not limited to, glue, solvents, butane, and whip cream, for the purpose of obtaining a mood-modifying experience. L3

**Kidnapping or Abduction {KID\*}** - Forcibly, secretly, or by threat, confining, abducting, or imprisoning another person against his or her will and without lawful authority. L4

## Glossary

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**Lewd, or Obscene Act {SXO\*}** - The use of oral or written language, electronic messages, pictures, objects, gestures, or engaging in any physical act considered to be offensive, socially unacceptable, or not suitable for an educational setting. Included in this category are indecent exposure (exposure of private body part(s) to the sight of another person in a lewd or indecent manner in a public place), and obscenity (conduct which by the community standards is deemed to corrupt public morals by its indecency and/or lewdness such as phone calls or other communication or unlawful manufacture, publishing, selling, buying or possessing materials such as literature or photographs. L3

**Loss of Privileges** - The loss of a privilege(s) during school hours and non-school hours such as assemblies, incentive activities and sporting events, etc.

**Lying /Misrepresentation** - Intentionally providing false or misleading information to, or withholding valid information from, a school staff member. L1

**Materials** - Unauthorized selling or distributing of materials during school, e.g. candy, magazines. L1

**Menacing Statements** - A medium level of threat which could be carried out, although it may not appear entirely realistic. The threat is more direct and more concrete than a low level threat; the wording in the threat suggests that the aggressor has given some thought to how the act will be carried out; there may be a general indication of a possible place and time (though these signs still fall well short of a detailed plan). There is no strong indication that the aggressor has taken preparatory steps, although there may be some veiled reference or ambiguous or inconclusive evidence pointing to the possibility. L2

**Mentoring** - An agreed upon adult or student who provides consistent support, guidance, and concrete help to a student who is in need of a positive role model.

**Motor Vehicle Theft {STL\*}** - The theft or attempted theft of a motor vehicle. Examples include theft of a car, truck, motorcycle, golf cart, dune buggy, RV or anything that is self-propelled. L3

**Out of Assigned Area** - Out of assigned area without permission and/or in a restricted access area without permission. L1

**Out-of-School Suspension** - The temporary removal of a student from school for a period of 1 to 10 days. During the out-of-school suspension, the student is prohibited from attendance at school or any school-related functions.

**Petty Theft/Stealing (less than \$300)** - The unlawful taking, carrying, leading, or riding away of property less than \$300 in value from the possession, or constructive possession, of another person. L2

**Physical Aggression (not involving Law Enforcement)** - Brief exchange of physical contact which could include pushing or shoving that doesn't result in significant injury AND does not require significant adult intervention to separate or restrain. L2

## Glossary

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**Physical Aggression (non SBE and SBE)** - The willful and unlawful use of force or violence upon the person of another that does not result in serious bodily injury and the individual is not fighting back. L3

**Physical Attack {PHA\*}** - An actual and intentional striking of another person against his/her will, or the intentional causing of bodily harm to an individual. L3

**Prescription Medication {DRU\*}** - To possess, use, store, or be under the influence of another person's substance which requires a physician's prescription, to misuse one's own prescription medication, or to possess, store or use any over-the counter medication (other than those listed in Prohibited Items) without parent approval and school notification. L3

**Profane/Obscene Language** - Abusive, profane, obscene, or vulgar language (verbal, written, or gestures) or conduct in the presence of another person. L2

**Prohibited items** - Possession and/or use of items or contraband designated by the school as inappropriate materials AND any other items that causes distraction or damage to persons or property or otherwise interfere with the learning process (included would be matches and lighters). Unauthorized possession or use of one's own prescription medication or over-the-counter mild pain medication including but not limited to items such as Aspirin, Advil, Aleve, Midol, NoDoze, or herbal supplements without parental approval AND school notification.

**Public Displays of Affection** - Engaging in overtly amorous contact or language not appropriate in a school setting. L1

**Reckless Vehicle Use {OMC\*}** - The use of any motorized or self-propelled vehicle on school grounds in a reckless manner or so as to threaten the health, safety, welfare of others, or to disrupt the educational process. L3

**Restitution** - Repayment for damages or loss

**Restorative Justice** - A structured process guided by a trained facilitator in which the participants in an incident examine the intended and unintended impact of their actions and decide on interpersonal remedies to repair harm and restore relationship.

**Ripple Effects** - A media program that is structured towards the area of behavioral concern, allowing students to work at their own pace.

**Robbery {ROB\*}** - The taking or attempting to take anything of value that is owned by another under confrontational circumstances by force or threat of force of violence and/or by putting the victim in fear. (A key difference between robbery and armed robbery is that a threat of battery is involved in armed robbery.) L3

**School/Class Rules** - Violation of specific posted or written school or class rules that are not necessarily disruptive behaviors (ex: repeated gum chewing) L1

## Glossary

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**Sexual Assault {SXA\*}** - An incident that includes a threat of rape, fondling, indecent liberties, child molestation, or sodomy. Both male and female students can be victims. Classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offender(s). L3

**Sexual Battery {SXB\*}** - Attempted or actual forcible penetration, forced oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object (F.S. 794.011 (1) (h)). Would also include the above sexual act if student was placed under the influence of drugs or alcohol with the purpose of committing such act. L4

**Sexual Harassment {SXH\*}** - Unwanted or repeated verbal or physical sexual behavior that is offensive and objectionable to the recipient causes discomfort or humiliation or creates a hostile environment (undesired sexual behavior towards another) L2

**Silent Lunch/Lunch Detention** - A separate facility and/or seating arrangement for the student during a regularly scheduled meal may request some cafeteria clean-up assistance from the student such as sweeping, wiping tables, and/or assisting with other clean-up activities.

**Stay Away Agreement** - A formal agreement regulating the movements of the victim and offender in incidents of bullying and/or dating violence.

**Stealing more than \$300 {STL\*}** - The unauthorized taking or concealing the property of another person, without threat, violence or bodily harm, with the intent to prevent or deprive the rightful owner of its use. This includes taking of property or taking property from a vehicle on school property. Law Enforcement is involved. L3

**Tardiness (Habitual)** - A consistent failure to be in a place of instruction at the assigned time. L1

**Threat (non-criminal)** - A statement which does not meet the criteria of a criminal assault. A low level threat that poses a minimal risk to the victim and public safety. The threat is vague and indirect; the information contained within the threat is inconsistent, implausible or lacks detail; the threat lacks realism; and the content of the threat suggests the person is unlikely to carry it out. L2

**Threat of Violence (High Level) {TRE\*}** - High level of threat is a threat that appears to pose an imminent and serious danger to the safety of others; the threat is direct, specific, and plausible; the threat suggests concrete steps have been taken toward carrying it out, for example, statements indicating that the aggressor has acquired or practiced with a weapon or has had the victim under surveillance. L4

**Tobacco/Alcohol/Drug Alternative** - A program designed to educate the student about tobacco, alcohol, and/or drugs and to deter future use. Generally, this is used as an alternative to an out-of-school suspension and/or to shorten the length of the suspension.

## Glossary

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**Tobacco Products TBC\*** - Possession, use, sale, storage, or distribution of tobacco products on school district property. Tobacco/nicotine products include, but are not limited to cigarettes, e-cigarettes, cigars, snuff, dip, pipe tobacco, chewing tobacco and hookah pens. L2

**Trespassing TRS\*** - To enter or remain on a public school campus, school board facility, or at a school function without authorization or invitation and with no lawful purpose for entry, including students under suspension or expulsion; to enter or remain on a public school campus, school board facility, or at a school district facility sponsored activity without authorization after being directed to leave by the chief administrator or designee of the facility, campus, or function. L3

**Truancy (Unexplained Absence)** - An absence from class or school for which the reason or excuse is inadequate or does not meet the criteria for an excused absence. L1

**Vandalism (more than \$1000) VAN\*** - The willful and/or malicious destruction, damage, or defacement of public or private property, real or personal, without the consent of the owner or the person having custody or control of it.

**Verbal Assault** - Any intentional, unlawful threat, by word or act, to do violence to a School Board employee, coupled with an apparent ability to do so, performing some act that creates a well-founded fear of imminent violence to another person. L3

**Victim Safety Plan** - A formal agreement specifying the actions students and school officials will take to protect the victims of bullying and/or dating violence.

**Voluntary Restitution** - Student designs and implements a plan to correct errors made apologizes and/or replace/repair property.

## Acronyms

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**ATOD** = Alcohol, Tobacco and Other Drugs

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**ESE** = Exceptional Student Education

**ELL** = English Language Learners

**EP**= Education Plan

**IEP** = Individual Education Plan

**LEP** = Limited English Proficiency

**MDR** = Manifestation Determination Review

**PBC** = Palm Beach County

**SwPBS** = School-wide Positive Behavior Support

# Appendices

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