



Code of Student Conduct  
2022-2023



**MARTIN COUNTY**  
SCHOOL DISTRICT  
**Educate all students for success**

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## CHAPTER I: OVERVIEW

The goal of the Code of Student Conduct is to promote positive school climates and opportunities for students to develop relationships, resulting in better decisions and choices. District policies and school norms set expectations for behavior and consequences that will help students make better choices, improve social-emotional behavior, increase engagement and self-efficacy and support achievements.

Students are responsible for their behavior and are held accountable when they behave inappropriately. They are expected to follow the Code of Student Conduct standards, federal and state laws, and school board policies while:

1. on school grounds
2. attending school-sponsored events, such as field trips, athletic functions and similar activities, whether on or off school grounds
3. being transported by school district transportation or waiting at the bus stop
4. the student is, or otherwise should be, en route to or from school
5. during distance and/or digital learning

These guidelines have been developed in order to present the expectations that the school district has for its students. Please read this Code carefully and retain for reference throughout the school year. Students are encouraged to make good decisions because there are serious consequences for making poor choices. Students are encouraged to promote responsibility among students and to assist in the reporting of criminal and/or inappropriate behavior(s) within the schools.

It is the desire of the school board and all educational personnel to create a healthy, positive, and safe environment for our students and staff. The purpose of this Code of Student Conduct (legal authority: FS 1006.07) is to provide information relative to policies, rules, rights, responsibilities, and disciplinary actions that may affect students while attending public schools within the Martin County School District. This Code of Student Conduct is not intended to be totally comprehensive; it reflects the basic policies and procedures in effect for student behavior expectations as well as basic responsibilities of other stakeholders in this school district. Individual schools' student handbooks may have additional rules and expectations within them, in addition to this Code of Student Conduct.

School administration may implement procedures based on policy within their school site to address issues within the school; this applies to setting requirements for students to attend school-sponsored events such as prom, graduation, and others (including behavioral, attendance, and/or other guidelines). Individual schools may not implement rules that conflict with district policy. Should this inadvertently occur, district policy will prevail.

All parents, students, and school employees should read and be familiar with the contents of this Code. If further information is needed, any school official will be able to supply information, identify an appropriate resource office, and help you find the answer to your concern.

The school district recognizes the need for a team effort between the home and the school in the educational process. School staff, students, and parents must work together in order to maximize a student's success. We commit to working with the students and families.

### **Threats of Violence**

(F.S. 836.10: [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0800-0899/0836/Sections/0836.10.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0800-0899/0836/Sections/0836.10.html))

Students are prohibited from making a verbal, written, or symbolic threat of violence, directly or indirectly, against anyone. Any threat of violence must be reported immediately to a teacher or school administrator. All threats of violence will be reported to law enforcement and investigated by school

officials. A student found to have made a threat of violence that adversely impacts the school environment is subject to appropriate disciplinary consequences, up to and including suspension, expulsion, arrest, and prosecution. In addition, law enforcement may be requested to conduct a home visit to assess the risk associated with the threat.

In addition to threats of violence, if a student's presence at the school poses a present and continuing danger to persons or property or a disruption of the teaching environment, whether in a classroom or elsewhere on the school premises, then the Superintendent may remove the student, either temporarily or permanently, from the school premises or from extra-curricular activities.

## CHAPTER II: STUDENT AND ESSENTIAL PARTNER EXPECTATIONS

### Students

Students attending Martin County Public Schools are expected to follow all school rules and district policies (listed in Appendix A). They are expected to demonstrate behavior that has a positive impact on school climate.

| Expectations...  | In other words...  |
|--|--|
| <ul style="list-style-type: none"> <li>▪ Make every reasonable effort to attend school all day, every day, and to be on time.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Come to school every day on time.</li> </ul>                      |
| <ul style="list-style-type: none"> <li>▪ Arrive to school with all necessary materials and be prepared to learn.</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Come to school prepared.</li> </ul>                               |
| <ul style="list-style-type: none"> <li>▪ Follow district and school dress codes.</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Follow dress code.</li> </ul>                                     |
| <ul style="list-style-type: none"> <li>▪ Treat others with respect and courtesy.</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Be respectful.</li> </ul>   |
| <ul style="list-style-type: none"> <li>▪ Be aware that each student's conduct affects other students, school staff and the learning environment, and behave in a positive manner.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Show good character.</li> </ul>                                   |
| <ul style="list-style-type: none"> <li>▪ Demonstrate respect for school property.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Take care of things that belong to the school.</li> </ul>         |
| <ul style="list-style-type: none"> <li>▪ Refrain from publishing libelous and obscene materials; to seek full information on the topics about which they write; and to observe the normal rules for responsible journalism under the guidance of the faculty advisor.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Don't write hurtful or harmful things that are untrue.</li> </ul> |
| <ul style="list-style-type: none"> <li>▪ Follow the Student Network and Internet Responsible Use and Safety Agreement.</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Use technology as instructed.</li> </ul>                          |
| <ul style="list-style-type: none"> <li>▪ Make every effort to restore relationships negatively affected by poor conduct.</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Apologize when it is appropriate.</li> </ul>                      |
| <ul style="list-style-type: none"> <li>▪ Make every reasonable effort to participate in activities, interventions and appropriate programs recommended by school staff.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Join school activities that will help you grow.</li> </ul>        |
| <ul style="list-style-type: none"> <li>▪ Demonstrate good citizenship by reporting threats and hazardous or dangerous situations to an adult in authority.</li> </ul>  | <ul style="list-style-type: none"> <li>▪ If you see something say something.</li> </ul>                    |

## **Essential Partners**

The board and district recognize the importance of developing positive and supportive relationships with all stakeholders in the educational process. The success of our students is incumbent upon the collective responsibility of everyone within the school community. With this in mind, it is important that each stakeholder assist in the following ways:

### **Expectations and Responsibilities of Parents/Guardians/Advocates**

1. Encourage your children to:
  - a. contribute to a safe, supportive, and positive school climate
  - b. demonstrate courtesy and respect for self and others
2. Understand and make certain your child(ren) understand and know you expect them to follow the Code of Student Conduct. If you have questions about this Code or your child's school rules, please ask your school principal to ensure both you and your child clearly understand what is expected. Also see your child(ren)'s school student handbook for school-specific expectations.
3. Ensure that your child attends school regularly and arrives to school on time.
  - a. If your child is absent, report absences to the attendance clerk at your child's school within one week of the absence (preferably 48 hours). Failure to notify the school within one week of the absence will result in an unexcused absence.
  - b. Provide advance written notice if you need to remove your child from class for appointments.
4. Review and ensure that your children follow the district/school dress code policy. Parents are expected to monitor student dress before leaving home. Parents who are financially unable to provide clothing that meets their school's dress code should contact the school's guidance department for assistance. Please be advised that you may be contacted to provide appropriate clothing if your child violates the dress code and disciplinary measures may be taken. (Note: Individual schools may have dress code requirements in addition to those listed in this Code of Student Conduct, as detailed in each student handbook).
5. Support your child's school in accessing and implementing methods to improve conduct, such as counseling, after-school programs, and mental health services. Please work with your child's school counselor if you need assistance locating agencies to provide such services for your child.
6. Visit your school's website or attend school meetings for information regarding what your child is learning. Assist your child with assignments and homework to the best of your ability.
7. Be certain your child has the necessary school supplies each day.
8. Share concerns with school officials as they arise.
9. When visiting your child's school, report to the office and sign in.
10. Ensure that the school has your current home, work, and cellular telephone numbers, and updated home address, e-mail address, and emergency contact information. Only people listed as emergency contacts:
  - a. Can obtain emergency information about the student (if the student is ill, has been transported by emergency responders or needs a parent/guardian to come to the school, etc.)
  - b. Can pick up a student from school, unless specific written permission is given by the legal guardian. Identification will be required upon pick-up during the day, and signing out is required.
11. Make efforts to participate in your child's school activities, conferences, and problem-solving meetings. A Problem-Solving Meeting is structured around the Four-Step Problem Solving Process. (See Section II of the [MCSD MTSS Manual 2022-2023](#)) It is utilized to identify, develop, implement, and evaluate strategies and interventions to accelerate student performance. The "focus" would be on the area of greatest need for the student. In general, a four-step process will help to define and differentiate the tiers: how much additional time will be needed: what; will occur

during that time: who is the most qualified person to deliver the “What” (instructional strategies) and where will that additional instruction occur. Parents are notified, invited and encouraged to attend and be active participants in their child’s problem-solving team meeting.

12. Both parents have the right to access a minor student’s records and information, and are provided information about what is happening at school. In the case of an adult student, (18 years of age or older), the adult student may submit a Records Release form, authorizing the parent to access their transcripts/records. The adult student must attach a copy of their identification card. The parent who is being authorized, must present their identification upon request/pick up of records. These parental rights apply regardless of marital status, unless a certified court document, stating otherwise, is delivered to the school’s principal. Parental Right Statute.
13. Schools will provide law enforcement, crowd control, and proper supervision during extracurricular school activities. If a student is attending a public event on Martin County School District property, as a spectator, the student’s safety and well-being are the responsibility of the parent. Students are expected to follow the Code of Student Conduct whether or not their parent/guardian is present.
14. Damage done to school district property by a student, including lost or damaged books and teaching materials, is the responsibility of the parent. If property or damages are not restored, schools may require:
  - a. student loss of extracurricular activity privileges,
  - b. participation in community service,
  - c. restitution.

#### **Expectations and Responsibilities of School Staff and Administration**

1. Know rules and regulations, discipline policies, intervention strategies and programs, and sources of community support available to our students. Parents will be notified.
2. Promote a positive, professional, safe, and supportive school climate, where all students can grow academically, socially, and emotionally.
3. Utilize a positive system of supports and interventions, as needed, in an effort to keep students in school and engaged in the learning process.
4. Recognize, encourage, and reward appropriate and positive conduct by all students.
5. Participate in professional development promoting student engagement and support, positive classroom management, and a positive school climate.
6. Make every effort to communicate and respond to parents/guardians in a way that is accessible and easily understood.
7. Implement consequences that align with disciplinary actions, in a graduated and progressive manner, increasing in intensity as behaviors increase in severity and frequency, or when a pattern of behavior has been established (when appropriate and indicated by the Code of Student Conduct).
8. Administer interventions with parent approval (see [MTSS manual](#) and page 8 of COSC) and consequences consistently and equitably, regardless of national origin, race, gender, ethnicity, religion, age, disability, sexual orientation and sexual identity.
9. Eliminate disproportionality in discipline referrals, as well as in-school and out-of-school suspensions.
10. Provide due process: the student will be told what they are accused of doing and be given the opportunity to explain their version of the facts (Policy 5611).
11. Use exclusionary disciplinary measures as a last resort, and in accordance with district policies (See Appendix A).
12. Provide students and parents/guardians with makeup work in a timely manner when students are suspended from school.
13. Ensure that students are under the supervision of school staff while on school premises during “reasonable time” before and after school, and while attending or participating in a school-

sponsored activity. "Reasonable time" is defined as 30 minutes before and after school, and 30 minutes before and after a school activity is scheduled or occurs.

### **Expectations and Responsibilities of School Board Members**

1. Collaborate with students, teachers, administrators, and parent organizations, school safety personnel and other school personnel to develop a Code of Student Conduct that clearly defines expectations for the conduct of students on school property and at school functions.
2. Adopt and review annually the district's Code of Student Conduct.
3. Lead by example by conducting board meetings in a professional, respectful, and courteous manner.
4. Be responsive to the concerns and needs of all stakeholders.

### **Expectations and Responsibilities of Community-Based Organizations**

The School District of Martin County recognizes that "Schools Can't Do it Alone" (Jamie Vollmer). Community members such as law enforcement, mental health service providers, and youth activity service providers play a crucial role in the establishment of a safe, supportive, and positive school climate. This is accomplished through mutual support and respect. Community-based partner organizations are expected to:

1. assist schools in creating positive, safe, supportive, healthy, and engaging learning environments,
2. serve as a resource for students, families, and school staff as needed with parent approval.
3. collaborate with school district staff to share ideas and strategies that promote positive, healthy, and enriching school environments.

## CHAPTER III: PREVENTION AND INTERVENTION PRACTICES

### **MTSS**

An approach to prevention and intervention has been established to support our students. Interventions and strategies are provided to students through a Multi-Tiered System of Supports (MTSS) framework. Through MTSS, schools apply strategies to maximize student learning and behavioral outcomes. The interventions and supports provided match the level of support to student needs. Parents are notified, invited and encouraged to attend and be active participants in their child's problem-solving team meeting.

With parental approval our schools will take action steps to:

- Create processes that support positive school climates by using evidence-based strategies through our MTSS framework
- Use school and student data to plan and implement the tiered strategies and interventions. Educators, administrators, and support staff may work with community- based organizations to provide support services as needed.

With parental approval when students are experiencing difficulties in school, they may be referred for additional services and supports. MTSS is built upon three "tiers" of intervention. Tier 1 refers to supports and interventions available and/or provided to all students. Tier 2 interventions/supports are more student specific, often provided in a small group setting. Tier 3 interventions are created as student specific and are targeted to the specific needs of an individual student. The goal of MTSS as applied to discipline is to determine why a student is having behavioral issues and address that issue to improve behavior and reduce the impact of poor behavior.

Parent(s) are included in the process and encouraged to learn more about MTSS. Parents should address questions about how the process is implemented (if it is) in relation to their child to the school guidance department. More information about MTSS may be found at <https://www.fldoe.org/schools/k-12-public-schools/sss/multi-tiered-sys.stml>.

### **Positive Behavior Intervention & Support (PBIS)**

The Martin County School District PBIS initiative is supported by the University of South Florida's PBS collaborative. *"Positive Behavior Support (PBS) gives people a new way to think about behavior. PBS is based on understanding why problem behaviors occur - the behavior's function. This approach to behavior can occur on a school-wide level, in a specific setting, classroom, or with an individual student. PBS is the application of evidence-based strategies and systems to assist schools to increase academic performance, increase safety, decrease problem behavior, and establish positive school cultures."* ([http://flpbs.fmhi.usf.edu/whatispbs\\_def.cfm](http://flpbs.fmhi.usf.edu/whatispbs_def.cfm))

### **The REACH Program**

Beginning in the 2017-2018 school year, the Martin County School District began utilizing the REACH Program with parent approval for their student. This program is provided in collaboration with the Martin County Health & Human Services Department. More information on this program can be found in Chapter VI.

## CHAPTER IV: STUDENT ATTENDANCE

### School Board Policy 5200 – Attendance

The educational program offered by this district is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Attendance shall be required of all students enrolled in the schools during the days and hours that the school is in session. School attendance is the responsibility of parents and students. Absences shall be reported to the school attendance office by the parent or adult student as soon as practicable.

In accordance with statute, the superintendent shall require from the parent of each student of compulsory school age, or from an adult student, who has been absent from school or from class for any reason, a statement of the cause for such absence. The school board reserves the right to verify such statements and to investigate the cause of each single absence.

In addition, educators have the responsibility to encourage regular attendance of students, maintain accurate attendance records, and follow reporting procedures prescribed by the superintendent. Schools will record absent and tardy students in the automated student attendance recordkeeping system.

Provision shall be made for promoting school attendance through adjustment of personal problems, education of parents, and enforcement of the compulsory attendance laws and related child-welfare legislation. Accordingly:

- A. absences must be reported to the school by the parent or adult student as soon as practicable; Failure to report and explain the absence(s) shall result in unexcused absence(s). The final authority for determining acceptability of the reason for the absence(s) shall rest with the principal.
- B. teachers shall record absentees each period of the school day and report absences, excused and unexcused, as required by the school;
- C. insofar as possible, parents should be contacted each time their child has an unexcused absence, or an absence for which the reason is unknown, to prevent the development of patterns of nonattendance;
- D. when a student has at least five (5) unexcused absences or absences for which the reasons are unknown, within a calendar month, or ten (10) unexcused absences, or absences for which the reasons are unknown, within a ninety (90) calendar day period, the teacher shall report to the principal or designee that the child may be exhibiting a pattern of nonattendance;

Unless there is clear evidence that the absences are not a pattern of nonattendance, the principal will refer the case to the school's problem solving team/multi-tiered systems of support team (MTSS) to determine if early patterns of truancy are developing. If the problem solving team/MTSS finds that a pattern of nonattendance is developing, a meeting with the parent must be scheduled to identify potential remedies. If the problem is not resolved, the problem solving team/MTSS will implement interventions as follows:

1. frequent attempts at communication between the teacher and the family,
  2. evaluation for alternative education programs,
  3. attendance contracts
- E. if the parent refuses to participate in the remedial strategies because s/he believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. If the district school board's final determination is that the strategies of the problem solving team/MTSS are appropriate, and the parent still refuses to participate or cooperate, the district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

Each school should establish procedures to ensure good attendance.

A student who is absent more than nine (9) days within a semester, or more than four (4) days for schools on a block schedule, will not receive a passing grade for the semester unless:

- A. The student demonstrates mastery of the student performance standards in the course(s) as identified in curriculum guides and/or adopted textbooks.
- B. All educational requirements for the course have been met.

### **Make-Up for Absences**

The student shall have a reasonable amount of time, up to one (1) day for each day of absence, to complete make-up work. Principals may grant extensions to the make-up time limit for extenuating circumstances.

### **Excused Absences**

The school board considers the following factors to be reasonable excuses for time missed at school:

- A. Personal illness of the student (medical evidence may be required by the principal or designee for absences exceeding five (5) consecutive days).
- B. Court appearance of the student.
- C. Medical appointment of the student.
- D. An approved school activity.
- E. Insurmountable conditions. Insurmountable conditions are extreme weather conditions, communicable disease outbreaks, and local conditions determined by the school district which, after taking into account the materials circumstances, would render impracticable a student's attendance at school. (F.A.C. 6A-1.09513)
- F. Other absences with prior approval of the principal or designee.
- G. Attendance at a center under Children and Families Services supervision.
- H. Significant community events with prior permission of the principal.
- I. Religious instruction or religious holiday.
- J. Death in the immediate family. Immediate family shall be defined as father, mother, son, daughter, sister, brother, aunt, uncle, first cousin, niece, nephew, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, half-brother, or half-sister.
- K. An accident resulting in bodily injury to the student;
- L. Extenuating circumstances determined by the principal or designee in accordance with state laws and school board rules.

Absences not included in excused absences listed above shall be unexcused.

Students may not be given excused absences to remain out of school for the purpose of working, unless the job is an integral part of the student's instructional program.

## **Discipline**

No student will be suspended for unexcused tardiness, lateness, absence, or truancy but the student may be assigned to detention (or placed in existing alternative programs.)

Any student, who fails to attend any regularly scheduled class and has no excuse for absence, should be referred to the appropriate administrator. Disciplinary action should include notification to parents or guardians. Discipline is addressed in the Code of Student Conduct.

A student's grade in any course is based on his/her performance in the instructional setting and shall not be reduced for reasons of conduct. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades shall be based upon what the student can demonstrate s/he has learned.

The superintendent shall develop administrative procedures that:

- A. require a school session that is in conformity with the rules of the State Board of Education;
- B. govern the keeping of attendance records in accordance with the rules of the State Board of Education;
- C. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- D. require that students whose absence has been excused have an opportunity to make up work they missed and receive credit for the work, if completed;
- E. require that a student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the district's limit on excused absence, is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 or other appropriate accommodation

## **Habitual Truancy**

Whenever any student has fifteen (15) unexcused absences from school within ninety (90) calendar days, with or without the knowledge or consent of the parent, they will be considered habitually truant. The school board authorizes the superintendent to inform the student and their parents of the record of excessive absences as well as the district's intent to notify the Department of Highway Safety and Motor Vehicles pursuant to F.S. 322.091. The department may not issue a driver license or learner's driver license to, or shall suspend the driver license or learner's driver license of, any minor concerning who the department receives notification of noncompliance with the requirements of this section. The superintendent is authorized to file a truancy petition pursuant to F.S. 984.151, if a student has accrued at least five (5) unexcused absences, or absences for which the reasons are unknown, within a calendar month or ten (10) unexcused absences, or absences for which the reasons are unknown within a ninety (90) calendar day period or has had more than fifteen (15) unexcused absences in a ninety (90) calendar day period.

Effective 7/1/12  
Revised 5/17/16

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*Regarding Habitual Truancy, F.S. 984.151 outlines the following:*

(4) The petition must contain the following: the name, age, and address of the student; the name and address of the student's parent; the school where the student is enrolled; the efforts the school has made to get the student to attend school; the number of out-of-school contacts between the school system and

student's parent; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the superintendent or their designee.

(5) Once the petition is filed, the court shall hear the petition within 30 days.

(6) The student and the student's parent shall attend the hearing.

(7) If the court determines that the student did miss any of the alleged days, the court shall order the student to attend school and the parent to ensure that the student attends school, and may order any of the following: the student to participate in alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community services hours for a period up to 6 months; the student and the student's parent to participate in homemaker or parent aide services; the student or the student's parent to participate in intensive crisis counseling; the student or the student's parent to participate in community mental health services if available and applicable; the student and the student's parent to participate in service provided by voluntary or community agencies as available; and the student or the student's parent to participate in vocational, job training, or employment services.

(8) If the student does not successfully complete the sanctions ordered in subsection (7), the case shall be referred to the case staffing committee under F.S. 984.12 with a recommendation to file a child-in-need-of-services petition under F.S. 984.15.

(9) The parent, guardian, or legal custodian and the student shall participate, as required by court order, in any sanctions or services required by the court under this section, and the court shall enforce such participation through its contempt power.

F.S. 984.151, 1002.20, 1003.02, 1003.21, 1003.23, 1003.24, 1003.26, 1003.27, 322.091, 984.12, 984.15

F.A.C. 6A-1.044, Pupil Attendance Records

F.A.C. 6A-1.09512, Equivalent Minimum School Term for Compulsory Attendance Purposes

F.A.C. 6A-1.09513, Parents' Responsibility for School Attendance

F.A.C. 6A-1.09514, Excused Absences for Religious Instruction or Holiday

## **CHAPTER V: INFRACTIONS AND CONSEQUENCES**

A violation of any school rule will result in disciplinary action. Students are expected to behave appropriately and follow behavior expectations at all times while at school, during school activities, on the school bus, and at the school bus stop. Certain law violations or activities off campus may have consequences at the school.

Student disciplinary infractions and the responses to them are divided into five levels. Each level represents progressively more serious infractions, and responses to them become progressively more severe.

### **General**

1. All infractions defined in this section of the Code are prohibited behaviors.
2. All responses and sanctions that include removal from class will involve a parent/guardian contact.

## LEVEL 1

Level 1 infractions are acts of misconduct that interfere with the orderly operation of the classroom, a school function, extracurricular/co-curricular program or approved transportation and include repeated acts of misconduct and acts directed against people or property that do not seriously endanger the health or safety of others.

### **Level 1 Infractions**

1. Cheating/Plagiarism: Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test. Students who assist others in the act of cheating by providing information or assistance may also face disciplinary action. In addition to corrective measures, the assignment, quiz, or test may be scored as 0.
2. Dishonesty: Intentionally providing non-valid or misleading information or the withholding of valid information to a school system staff member.
3. Disrespect: Conduct or behavior which demeans, shames, irritates, humiliates, or embarrasses a person or group of persons.
4. Disrespect for Others' Property: Minor infractions involving property.
5. Dress Code: Not adhering to dress code policy 5511 and/or approved school based dress code. See page # 47 for SB Policy 5511.
6. ID violation: Failure to visibly wear your current school issued ID on front upper torso (defacing/altering ID prohibited).
7. Inappropriate Location: Presence of the student in an unapproved location and/or during an unapproved time.
8. Inappropriate Touching /Public Display of Affection (PDA): Engaging in clearly inappropriate contact not suitable in a school setting
9. Leaving Class or Designated Area Without Permission: Leaving a classroom or educational experience without staff permission, but remaining on the campus.
10. Skipping Class: Unauthorized absence from assigned class.
11. Tardy: Reporting to class or school function late.
12. Technology Infraction (Minor): Unauthorized use of cell phone or technology (i.e. games, unauthorized websites).

## Level 1 Response and Sanctions

If a student commits a Level 1 infraction, the school administration shall take such action as deemed appropriate in the exercise of its judgment and discretion including, but not limited to the following. The below response and sanctions are not listed in a specific or progressive order and may be applied sequentially and/or simultaneously.

| <b>Middle &amp; High School*</b>  | <b>Elementary*</b>   |
|---|--|
| Behavior plan/contract  | Behavior plan/contract   |
| Community service   | Class change   |
| Confiscation of item (with or without return to parent) (If the item is illegal, or being held by law enforcement as evidence the item may not be released to parent).  | Community service  |
| Counseling and direction with the student   | Confiscation of item (with or without return to parent) (If the item is illegal, or being held by law enforcement as evidence the item may not be released to parent).   |
| Detention (before or after school)  | Counseling and direction with the student- Parent notification   |
| Extended Friday or Saturday detention (if available)  | Detention (before or after school)   |
| Functional Behavior Assessment (FBA) and Behavior Intervention Plan if needed based on FBA  | Functional Behavior Assessment (FBA) and Behavior Intervention Plan if needed based on FBA – parent notification   |
| In-school suspension (if available) Not to be used for attendance or tardiness  | In-school suspension (if available) not to be used for attendance or tardiness   |
| Lunch detention   | Lunch detention  |
| Mediation   | Other school-based consequences as deemed appropriate by administration  |
| Paired with a mentor  | Paired with a mentor   |
| Parent/guardian contact   | Parent/guardian contact  |
| Parent/guardian conference  | Parent/guardian conference   |
| Referral to guidance and/or other mental health professional  | Referral to guidance and/or other mental health Professional with parental approval  |
| Referral to MTSS team: multiple referrals will result in a referral to the MTSS (Multi-Tiered System of Support) Team for a review of student success to make recommendations for interventions and supports with parental approval | Referral to MTSS team (3 referrals at ES level): referrals will result in a referral to the MTSS (Multi-Tiered System of Support) Team for a review of student success to make recommendations for interventions and supports with parental approval |
| Repeated infractions will be handled progressively and result in higher level consequences  | Repeated infractions will be handled progressively and result in higher level consequences   |
| Return of property, payment for same (parent responsibility if a minor), or restitution for damages   | Return of property, payment for same (parent responsibility) or restitution for damages  |
| Safety assessment   | Safety assessment  |
| Schedule change (if possible and appropriate)   | Special work assignment  |
| Special work assignment   | Time out   |
| Time out  | Verbal reprimand/warning   |
| Verbal reprimand/warning  | Withdrawal of privileges which may include, but not be limited to, computer access, participation in extracurricular activities, bus riding privileges, and/or parking privileges, etc.  |
| Withdrawal of privileges which may include, but not be limited to, computer access, participation in extracurricular activities, bus riding privileges, and/or parking privileges, etc.   | Written apology  |
| Written apology   |  |

Transportation, dress code and technology violations are found in following chapters.

Any student who violates the dress code shall be subject to disciplinary action per F.S. 1006.07(2)(d)2 which includes the following consequences:

1. For a first offense, a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.
2. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent or guardian.
3. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to F.S.1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

## LEVEL 2

Level 2 infractions are major acts of misconduct. They include repeated misconduct acts from Level 1, serious disruptions of school order and threats to the health, safety and property of others. A student who commits a Level 2 infraction may also be subject to criminal proceedings.

### **Level 2 Infractions**

1. **Ammunition Possession:** Possession of any projectiles together with their fuses, propelling charges, and primers that are fired from guns.
2. **Assault on Employee and/or Student (non-SESIR):** An intentional threat on an employee and/or student by word or act to do violence to another person, or doing some act that creates a well-founded fear in another person that such violence is imminent without subjecting them to physical attack.
3. **Buying/Selling Unauthorized Items:** Buying and selling of items and/or materials that have not been previously approved by the principal and/or designee. (SB Policy 5830)
4. **Technology Infraction (major):** Misuse of a computer/technology, to include cell phone, with malicious intent. Examples may include “system hacking” or making unauthorized changes to operating systems, breaking into restricted accounts or networks, modifying or destroying files without permission, illegally copying software, taking/sending malicious texts or photos (including on social media), etc.
5. **Defiance/Insubordination:** Refusal or failure to comply with a direction or an order from a staff member. Failure to comply with state law, school board policy, local school rule, behavior contracts, or classroom rules. Repeated behavior which ignores correction.
6. **Disruption:** Conduct or behavior which interferes with or disrupts the teaching and learning process, the orderly process of the school environment, a school function, or extracurricular or co-curricular activities. (Includes, but is not limited to, loud talk, sustained out of seat behavior, etc.).
7. **Elopement:** Intentional leaving or running away from assigned area and/or staff supervision and not returning.
8. **Extortion:** Willful or malicious threats of harm, injury, or violence to the person, property, or reputation of another with the intent to obtain money, information, services, or items of material worth.
9. **Failure to Report:** Failure to report to an office or area as designated by staff.
10. **False Accusation Against Staff:** Making any claim that is unfounded and may jeopardize the person’s professional reputation.
11. **False or Misleading Information (including but not limited to forgery):** Making of a false or misleading communication, whether orally, in writing, or by other medium, to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member, but without intending or causing any person to be deprived of property or possessions. (e.g., forging parent’s name). Intentionally

providing non-valid or misleading information or the withholding of valid information to a school system staff member.

12. Fighting (non-SESIR): Two or more individuals participating in physical conflict with both parties engaged. Applies when there is no injury AND engaged party stops on verbal command.
13. Illegal/ Secret Organizations: Establishing, joining or participating in the initiation to any group that is not approved by school administration (including a "criminal street gang" as defined by section 874.03 FS) on school system property, at a school function or extracurricular activity.
14. Inciting Others: The willful act of inciting, leading or participating in any disruption or disturbance which interferes with the educational process or which can result in damage or destruction to public or private property, which may include fighting or cause personal injury to participants and others.
15. Indecent Exposure: To be naked or otherwise exhibit or exposure of sexual organs, buttocks or breasts.
16. Inappropriate behavior (other): Any inappropriate behavior not elsewhere defined in the Code of Student conduct (to include horseplay).
17. Leaving School Without School and Parent/Guardian Approval: Leaving campus without school and parent/guardian approval.
18. Malicious Acts: Any intentional/malicious act(s) with no provocation by a student or a group of students directed against another student(s) with the intent to ridicule, humiliate, or intimidate.
19. Physical Contact: A non-mutual physical contact, but without injury or a minor injury to the victim.
20. Non-Prescription (OTC) Drug Possession/Use/Distribution: Possession/Use/Distribution of any medication, other than prescription medication. If being used for chemical intoxication (See level 3 DRU). Examples might include cold medications, pain medication, dietary supplements, etc.
21. Off-Campus Felony: Any charging affidavit listing a felony crime for a student will be reviewed to determine if the student's presence may have an adverse effect on the school environment. (Florida Statute 1006.09) This includes written threats of violence as per Florida Statute 836.10.
22. Pantsing: Pulling down someone's pants/shorts/trousers, revealing underwear/undergarments or body parts.
23. Pornographic Materials: Possession of pornographic materials.
24. Possession of a Stolen Item: Possession of an item stolen by someone else.
25. Possession of Contraband Materials: Possession, use and/or distribution of materials or items which are forbidden at school include but are not limited to matches, lighters, ammunition, fireworks and lasers. Contraband shall be confiscated and may not be returned to student, including cigarettes or other forms of tobacco/nicotine. The possession, use, distribution, or sale of tobacco or nicotine products on school grounds, at school-sponsored events, or on school transportation by any person over the age of 18, including e-cigarettes and vapor products.

Possession of a common pocketknife or other item that is not designed or constructed for use as an offensive weapon may be considered under this heading even if:

1) there has been no threatening or intimidating display of the item; (2) the item does not constitute a “concealed weapon” as defined in Section 790.001(3), Florida Statutes; (3) the item is not a gun or firearm of any type, and (4) no criminal charge is filed against the student as a result of the incident being reported to and investigated by law enforcement, as required by this Code.

- 26. Profane, Obscene, Abusive Language or Materials: The use of oral or written language or the drawing of pictures or the use of photographs, videos, recordings that include weapons, racial slurs, gang-related/cult-related gestures or signs and objects or pictures, photographs, videos, recording which are disrespectful or socially unacceptable and which tend to disrupt the orderly school environment, a school function or extracurricular/curricular activity.
- 27. Profanity to School District Employees: Any use of profanity and/or obscene gesture directed at any Martin County School District staff member.
- 28. Theft (Up to \$749): Stealing of an item or possession of an item stolen by someone else.
- 29. Threat to Harm (non-criminal): Making a verbal or written statement or violent gesture which does not meet criminal criteria. The threat is vague and indirect; the information contained in the threat is implausible or seems unlikely to be carried out.
- 30. Threat to Property of Staff: Threat to harm property of a staff member. Examples might be written or verbal threats made directly to the staff member or shared with other students or staff. This could include a threat to “key” a staff member’s car or break into a home.
- 31. Unsafe Act: Endangering the safety of oneself or others.
- 32. Vandalism (Up to \$1000): Malicious destruction of property with a repair or replacement value of up to \$1000.00.
- 33. Vehicle/Parking Violation: Any misconduct or repeated misconduct that involves misuse of a vehicle. May lead to law enforcement penalties. Examples might include (but are not limited to) speeding on campus or unauthorized parking.

**Level 2 Responses and Sanctions**

If a student commits a Level 2 infraction, the school administration may apply the minimum Level 1 response and may in addition use any Level 2 response/ sanctions, as deemed appropriate in the exercise of its judgment and discretion. The below response and sanctions are not listed in a specific or progressive order and may be applied sequentially and/or simultaneously.

| <b>Middle &amp; High School*</b>                                   | <b>Elementary*</b>   |
|--|--|
| *Alternative placement   | Community service  |
| Community service  | Diversity assignment   |
| Diversity assignment   | Out-of-school suspension 5 days or less                            |
| Out-of-school suspension 5 days or less                            | Refer to MTSS for Tier 3 Intervention (initiation or modification) |
| Refer to MTSS for Tier 3 Intervention (initiation or modification) | Referral to the REACH Program if age eligible                      |

|   |  |
|---|--|
| Referral to the REACH Program (See page 34) | Referred for counseling                  |
| Referred for counseling                     | Use any Level 1 response/sanction        |
| Suspension from bus ten (10) days or less   | Suspension from bus ten(10) days or less |

Transportation, dress code and technology violations are found in following chapters.

\*Students initially assigned to Alternative Placement at a non-traditional school, for more than 18 weeks, may appeal their case to the School Board by requesting a hearing in writing.

### **LEVEL 3**

Level 3 acts of misconduct are serious and may result in a recommendation for expulsion. All infractions must be reported to the Student Services Department. A student who commits a Level 3 infraction will be reported to law enforcement and may be subject to criminal proceedings. Level 3 infractions must be coded into data using SESIR (School Environmental Safety Incident Reporting (<https://www.fldoe.org/safe-schools/sesir-discipline-data/>) codes for data collection by the Florida Department of Education. The definitions of these events are provided directly by the FLDOE.

#### **Level 3 Infractions (SESIR)**

1. Alcohol (ALC- Level IV) (FS562.111): Possession, sale, purchase, or use of alcoholic beverages. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.
2. Aggravated Battery (BAT- Level I) (FS 784.081): A battery where the attacker intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; uses a deadly weapon; or, where the attacker knew or should have known the victim was pregnant.
3. Arson (ARS- Level I) (FS 806.01): To Intentionally damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents. Fires that are not intentional, that are caused by accident, or do not cause damage are not required to be reported to SESIR.
4. Burglary (BRK- Level II) (FS 810.02): Unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein.
5. Bullying (BUL- Level IV) (FS1006.147; SB Policy 5517.01 & 7540): Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation. Bullying includes instances of cyberbullying.
  - a. *Bullying" is further defined as unwanted and repeated written, verbal or physical behavior, including any threatening, insulting or dehumanizing gesture by a student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment; cause severe discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation and may involve but is not limited to: teasing, social exclusion, threat, intimidation, stalking, cyber stalking\*, physical violence, theft, sexual, religious or racial harassment, public humiliation and destruction of property. Bullying includes cyber-bullying and cyber- stalking. "Cyber bullying" means bullying using technology or any electronic communication, which includes, but not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo optical system, including but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyber bullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or impersonation of another person as the author or posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyber bullying also includes the distribution by electronic means of a communication to more than one (1) person or the posting of material on an electronic medium that may be accessed by one (1) or more persons, if*

*the distribution or posting creates any of the conditions enumerated in the definition, of bullying.*

*i. "Cyber stalking" means to engage in a course of conduct to communicate words, images, or language by or using electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.*

6. Disruption on Campus-Major (DOC- Level III) (FS790.162 and 790.163): Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others. Examples of major disruptions include bomb threats, inciting a riot, or initiating a false fire alarm. (Do not use this code for students defying authority, disobeying or showing disrespect to others, using inappropriate language or gestures, or classroom disruption.)
7. Drug Sale or Distribution (excluding alcohol) (DRD- Level II) (FS 577.111 and 893.147): The manufacture, cultivation, sale, or distribution of any drug, narcotic, controlled substance or substance represented to be a drug, narcotic, or controlled substance. (This offense includes the recipient.)
8. Drug Use/Possession (excluding alcohol) (DRU- Level III) (FS 499.03): (illegal drug possession or use) The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication (including OTC substances). Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.
9. Fighting (FIT- Level III): When two or more persons mutually participate in use of force or physical violence that requires either physical intervention or results in injury requiring first aid or medical attention. Lower-level fights, including pushing, shoving, or altercations that stop on verbal command are not required to be reported in SESIR.
10. Harassment (HAR- Level IV) (FS 1006.147 and SB Policy 5517): Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property: has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 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.
11. Hazing (HAZ- Level III) (FS 1006.135): Any action or situation that endangers the mental or physical health or safety of a student at a school with any grades 6 through 12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization. Hazing includes, but is not limited to pressuring, coercing, or forcing a student to participate in illegal or dangerous behavior, or any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.
12. Larceny/Theft (\$750 threshold) (STL- Level III) (FS 812.014 and 812.061): The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm. Incidents that fall below the \$750 threshold are not reportable in SESIR, but instead should be reported as locally-defined incidents according to district policies.
13. Other Major Incidents (OMC- Level III): Any serious, harmful incident resulting in the need for law enforcement consultation not previously classified.

14. Physical Attack (PHA- Level II): An actual and intentional striking of another person against his or her will, or the intentional causing of bodily harm to an individual. (To distinguish from fighting, report an incident as battery only when the force or violence is carried out against a person who is not fighting back.)
15. Robbery (ROB- Level II) (FS 812.13(1)): The taking or attempted taking of anything of value that is owned by another person or organization, under the confrontational circumstances of force, or threat of force or violence, and/or by putting the victim in fear.
16. Sexual Harassment (SXH- Level III) (Title IX of The Education Amendments of 1972): Unwanted verbal, non-verbal, or physical behavior with sexual connotations by an adult or student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation or unreasonably interfere with the individual's school performance or participation as defined in Rule 6A-19.008, F.A.C.
17. Sexual Offenses (Other) (SXO- Level III) (FS 800): Other sexual contact, including intercourse, without force or threat of force. Includes subjecting an individual to lewd sexual gestures, sexual activity, or exposing private body parts in a lewd manner. (Law enforcement must be notified to investigate.)
18. Threat/Intimidation (TRE- Level III) (FS 836.05): An incident where there was no physical contact between the offender and victim, but the victim felt that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats (e.g., brandishing a weapon) and verbal threats of physical harm which are made in person, electronically or through any other means.
19. Tobacco (TBC- Level IV) (FS386.212): The possession, use, distribution, or sale of tobacco or nicotine products on school grounds, at school-sponsored events, or on school transportation by any person under the age of 21.
20. Trespassing (TRS- Level III) (FS 810.08): To enter or remain on school grounds, school transportation, or at a school-sponsored event, without authorization or invitation and with no lawful purpose for entry.
21. Vandalism (\$1,000 threshold) (VAN- Level III) (FS 806.13): The intentional destruction, damage, or defacement of public or private/personal property without the consent of the owner or the person having custody or control of it. Incidents that fall below the \$1,000 threshold are not reportable in SESIR, but instead should be reported as locally-defined incidents according to district policies.

### Level 3 Responses and Sanctions

If a student commits a Level 3 infraction, the school administration must apply the minimum Level 3 response and may in addition use any Level 1 or 2 response/ sanctions, as deemed appropriate in the exercise of its judgment and discretion. The below response and sanctions are not listed in a specific or progressive order and may be applied sequentially and/or simultaneously.

| <b>Middle &amp; High School</b>             | <b>Elementary</b>  |
|---|--|
| *Alternative placement                      | *Alternative placement   |
| May result in recommendation for expulsion  | Out-of-school suspension up to 10 days                                       |
| Out-of-school suspension up to 10 days      | Referral to the REACH Program (in lieu of alternative placement if eligible) |
| Referral to the REACH Program (See page 34) | Reported to law enforcement  |
| Reported to law enforcement                 |  |

NOTE: Students must successfully complete REACH and/or alternative school when assigned simultaneously, in order to return to comprehensive campus.

Transportation, dress code and technology violations are found in following chapters.

\*Students initially assigned to Alternative Placement at a non-traditional school, for more than 18 weeks, may appeal their case to the School Board by requesting a hearing in writing.

#### **LEVEL 4**

In accordance with the requirements of Florida Statute FS 1006.13, the School Board of Martin County has adopted a policy of zero tolerance with regard to school violence, possession or use of weapons and other crime(s) as part of a comprehensive approach to reducing school violence and crime. The recommendation of expulsion is mandatory for the following offenses committed at any time this code applies:

1. Armed Robbery (ROB) (FS 812.13(2a, b)) Using force to take something from another. The taking or attempted taking of anything of value that is owned by another person or organization, under the confrontational circumstances of force, or threat of force or violence, and/or by putting the victim in fear. If in the course of committing the robbery the offender carried a firearm or other weapon.
2. Arson (ARS) (FS 806.031): Intentionally setting fire on school property when bodily injury is involved. To damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, when there is bodily injury. Note: Arson is a "Violent Incident if it Results in Bodily Injury" and must be reported in the related element "Injury-Related". All fires are reported to authorities so they can be investigated for intent. Report only intentionally-set fires to SESIR.
3. Battery or aggravated battery on a teacher or other school personnel (BAT) (FS 784.081).
4. False report concerning planting a bomb, an explosive, or a weapon of mass destruction, or concerning the use of firearms in a violent manner (FS 790.163 SB 7026). It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction as defined in [FS 790.166](#), or concerning the use of firearms in a violent manner against a person or persons. A person who violates this subsection commits a felony of the second degree (FS 790.162 and 790.163).
5. Homicide (HOM) (FS 782.04 and 782.07): Murder, manslaughter. The unjustified killing of one human being by another.
6. Kidnapping (KID) (FS 776.08): Abduction of an individual. Forcibly, or by threat, confining, abducting, or imprisoning another person against his or her will and without lawful authority.
7. Sexual Assault (SXA) (FS 776.08): An incident that includes threatened rape, fondling, indecent liberties, or child molestation. Both males and females can be victims of sexual assault.
8. Sexual Battery (Rape)(SXB) (FS 794.011): Forced or attempted oral, anal, or vaginal penetration by using a sexual organ or an object simulating a sexual organ, or the anal or vaginal penetration of another by any body part or foreign object. Both males and females can be victims of sexual battery.
9. Threat to throw, project, place, or discharge any destructive device, felony; penalty. —It is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person, and any person convicted thereof commits a felony of the second degree (FS 790.162).
10. Weapons Possession (WPO)(SB Policies 5772 & 7217; [FS 790.115](#)): Possession of a firearm or any instrument or object that can inflict serious harm on another person or that can place a person in reasonable fear of serious harm. (Possession of a common pocketknife is exempted

from state zero tolerance expulsion requirement [FS 1006.07\(2\)](#); however, law enforcement should be notified of any weapon or knife, including pocketknives, for investigation.)

**Middle & High School Students:**

**For the following infractions a student will be suspended for a minimum of 10 days and recommended for expulsion. The superintendent reviews all recommendations for expulsion. The student will also be reported to law enforcement for prosecution. NOTE: Elementary students may receive the same consequences; however, all discipline recommendations will be reviewed by the Superintendent/designee prior to final decisions being made.**

## **CHAPTER VI: PROCEDURES FOR DISCIPLINARY REMOVAL**

It is the goal of the Martin County School District to keep students in their scheduled education environment. However, at times, it is necessary to remove a student from their schedule for disciplinary reasons. Procedures for those situations are outlined in this chapter following the board's policy on Due Process Rights.

In the case of students with disabilities, suspensions and disciplinary alternative education placement shall be conducted pursuant to School Board Policy 5605.

## 5611 – DUE PROCESS RIGHTS

The School Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due process is provided a student, the School Board establishes the following regulations which District administrators shall use when dealing with students:

**A. Students subject to suspension:**

Prior to a suspension (as outlined in MCSB Policy [5610](#)), a student will receive oral and written notice of the charges and an explanation of the evidence against him/her. As part of the investigation, the Principal or designee will hold an informal meeting to give the student an opportunity to explain his/her side of the story. The Principal or designee will make a good faith effort to inform a student's parent by telephone of a suspension and reasons for it. An appeal may be addressed to the Principal whose decision will be final.

**B. Students assigned to alternative placement at a non-traditional school for 18 weeks or more:**

The Principal will initially follow procedures for out of school suspension. A student and his/her parent/guardian will be given written notice of the Principal's recommendation and the reasons thereof and an opportunity to meet with a representative of the Superintendent to answer the charges.

The parent/guardian of a student assigned to an alternative placement at a non-traditional school for 18 weeks or more has the opportunity to appeal their case to the School Board by requesting a hearing in writing.

**C. Students subject to expulsion:**

Prior to expulsion (as outlined in MCSB Policy [5610](#)), a student and his/her parent/guardian will be given written notice of the Principal's recommendation and the reasons therefore, and an opportunity to meet with a representative of the Superintendent to answer the charges.

The student and/or his/her parent or guardian shall also be provided a brief description of the student's rights and of the hearing procedure. The School Board shall act on the Superintendent's recommendation for an expulsion.

In determining whether disciplinary action set forth in this policy is to be implemented, District administrators shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 – Information Management (i.e., "Litigation Hold")) created and/or received as part of an investigation.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

In addition, this statement of due process rights is to be placed in the Code of Student Conduct (see: SB Policy [5500](#)) in a manner that will facilitate understanding by students and their parents.

F.S. 1001.51, 1002.20, 1006.07, 1006.09

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## Procedures for In School Suspension

A student violates the Code of Student Conduct



Prior to an assignment to in school suspension, the student will receive oral and written notice of the infraction(s), explanation of the evidence and parental notification. The principal or designee will provide the student an opportunity to explain their side of the story per School Board Policy 5611 Due Process Rights.



A good faith effort shall be made by the principal or the principal's designee to employ parental assistance or other alternative measures prior to using in school suspension, except in the case of disruptive conditions which require immediate removal from the classroom or other campus facilities. The principal or designee will inform the parents in writing within 24 hours by U.S. Mail, a phone call and email (if applicable) of the length of the in school suspension and the reasons for the disciplinary action.



A student shall be given the opportunity to make up schoolwork and course requirements during the time they are assigned to in school suspension as outlined in the [Student Progression Plan](#) and shall do so on their own initiative. This means the student is responsible for following the teacher's procedure for retrieving missed work (i.e. on Focus or in a missed work folder etc.). If a procedure is not in place, then the student needs to ask the teacher what work is to be made up. Students may not be assigned zeros without the opportunity to make up the work missed while serving an in-school suspension.

## Procedures for Out-of-School Suspension

A student violates the Code of Student Conduct

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graph TD; A[A student violates the Code of Student Conduct] --> B[Prior to a suspension, the student will receive oral and written notice of the charges and an explanation of the evidence against them. The principal or designee will hold an informal hearing to give the student an opportunity to explain their side of the story.]; B --> C[A good faith effort shall be made by the principal or the principal's designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which may require immediate suspension or in the case of a serious breach of conduct as defined by rules of the identified the board approved Code of Student Conduct. Such rules shall require oral and written notice to the student of the charges and an explanation of the evidence against them prior to the suspension.]; C --> D[The principal or designee will attempt to contact the parent/guardian via phone and send formal written notice, to the student's parent/guardian by U.S. Mail and email (if applicable), to inform them of the discipline infraction and length of the suspension. The principal will also report each suspension to the superintendent or designee in writing within twenty-four (24) hours of the time the student is informed of the suspension.]; D --> E[Except in cases of emergency, all out-of-school suspensions shall begin at the end of the school day of the infraction, unless the parents or guardians have been notified and are able to pick up the student during the school day.]; E --> F[A student shall be given the opportunity to make up schoolwork and course requirements missed while serving out-of-school suspension as outlined in the Student Progression Plan and shall do so on their own initiative. This means the student is responsible for following the teacher's procedure for retrieving missed work (i.e. on Focus or in a missed work folder etc.). If a procedure is not in place, then the student needs to ask the teacher what work is to be made up. Students may not be assigned zeros without the opportunity to make up the work missed while serving an out of school suspension.];
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Prior to a suspension, the student will receive oral and written notice of the charges and an explanation of the evidence against them. The principal or designee will hold an informal hearing to give the student an opportunity to explain their side of the story.

A good faith effort shall be made by the principal or the principal's designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which may require immediate suspension or in the case of a serious breach of conduct as defined by rules of the identified the board approved Code of Student Conduct. Such rules shall require oral and written notice to the student of the charges and an explanation of the evidence against them prior to the suspension.

The principal or designee will attempt to contact the parent/guardian via phone and send formal written notice, to the student's parent/guardian by U.S. Mail and email (if applicable), to inform them of the discipline infraction and length of the suspension. The principal will also report each suspension to the superintendent or designee in writing within twenty-four (24) hours of the time the student is informed of the suspension.

Except in cases of emergency, all out-of-school suspensions shall begin at the end of the school day of the infraction, unless the parents or guardians have been notified and are able to pick up the student during the school day.

A student shall be given the opportunity to make up schoolwork and course requirements missed while serving out-of-school suspension as outlined in the [Student Progression Plan](#) and shall do so on their own initiative. This means the student is responsible for following the teacher's procedure for retrieving missed work (i.e. on Focus or in a missed work folder etc.). If a procedure is not in place, then the student needs to ask the teacher what work is to be made up. Students may not be assigned zeros without the opportunity to make up the work missed while serving an out of school suspension.

### Note:

- A teacher will not suspend a student from school or class.
- A student may not be suspended for unexcused tardiness, lateness, absence, or truancy.
- Students who are suspended out of school are encouraged to attend the Alternative to OSS (ALTOSS). <http://www.tykesandteens.org/altoss/>
- Information is available from your school administration. Students who attend this program are coded as present for attending the program and the OSS is not reflected on their attendance record.
- When school board action on a recommendation for the expulsion of a student is pending, the superintendent may extend the suspension assigned by the principal beyond ten (10) school days if such suspension expires before the next regular or special meeting of the school board.

- In the case of students with disabilities, suspensions and disciplinary alternative education placement shall be conducted pursuant to School Board Policy 5605.

## Procedures for Felony Suspension

When a student is formally charged with a felony by a proper prosecuting attorney for an incident which allegedly occurred off school property but which incident is shown to have an adverse impact on the educational program, discipline or welfare in the school in which the student is enrolled, the principal may conduct an administrative hearing for the purpose of determining whether or not the student should be suspended pending court determination of their guilt or innocence or the dismissal of the charge is made by the court. In the event that a student is to be suspended pending resolution of felony charges, the following procedures shall apply.



Upon receiving proper notice that a student has been formally charged with a felony, the principal shall immediately notify the parent/guardian of the student, in writing, by phone and/or email, of the specific charges against the student and the right to a hearing prior to disciplinary action being instituted.



Such notice shall stipulate a date for hearing which shall be not less than two (2) school days nor more than five (5) school days from postmarked date, or delivery, of the notice and shall also advise the parent/guardian of the conditions under which a waiver of suspension may be granted, as prescribed in subsections (2) and (3) of Florida Statute 1006.09. Pending such hearing, the student may be temporarily suspended by the principal.



The hearing shall be conducted by the principal or designee and may be attended by the student, the parent, student's representative or counsel and any witnesses requested by the student or the principal. The student may speak in their own defense, may present any evidence indicating their eligibility for waiver of disciplinary action, and may be questioned on their testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify.



In conducting the hearing, the principal or designee shall not be bound by rules of evidence or any other courtroom procedure and no transcript of testimony shall be required. Following the hearing, the principal shall provide the student and parent/guardian with the decision, in writing, as to whether or not suspension will be made. Any suspension pending adjudication of guilt shall be made only upon a finding, based upon conclusive evidence, that a felony charge has been formally filed against the student by a proper prosecuting attorney. NOTE: Suspension may exceed 10 days. F.S. 1006.09

## Procedures for Disciplinary Alternative Educational Placement at a Non-Traditional School

Step One - Principal's Investigation: Upon receipt of information that a student has committed a discipline infraction that the Code of Student Conduct indicates may/will result in a disciplinary \*alternative placement, the principal or designee shall conduct a thorough and appropriate investigation. The principal or designee will investigate and give the student an opportunity to explain their side of the story per School Board Policy 5611 Due Process Rights. The principal will follow procedures for out-of-school suspension and send a copy of the complete packet to Student Services for compliance review.



Step Two – Parent/guardian Meeting with Principal/Designee: Any principal whose investigation leads to a conclusion that a student may be assigned to an alternative educational placement at a non-traditional school, shall notify the parent/guardian within 1 school day of conclusion of the investigation, by phone, in writing by U.S. Mail and/or email, and shall schedule a conference with the parent/guardian within 5 school days.



### Step Three – Assignment to Alternative Non-traditional School and/or REACH:

1. If \*alternative placement at a non-traditional school is assigned by the principal:
  - a. the principal/designee will provide the parent/guardian, in writing, the period of time the student is assigned and
  - b. the principal/designee will provide information on how and when to register the student at the alternative site.
2. However, if REACH is offered at the discretion of the principal, in lieu of \*alternative placement, it must be the first time during the student's enrollment at middle school (grades 6-8) and/or high school (grades 9-12).
3. REACH may be required in addition to \*alternative placement at the discretion of the principal.

**NOTE: Students not offered or eligible for REACH may enroll in the non-traditional alternative school and begin attending classes prior to the end of their ten day suspension.**

\*Students initially assigned to Alternative Placement at a non-traditional school, for more than 18 weeks, may appeal their case to the School Board by requesting a hearing in writing.

## THE REACH PROGRAM

The REACH Program stands for:

- R – Rethink behavior
- E – Embrace change
- A – Accept Responsibility
- C – Commit to positive behavior
- H – Help yourself and others

This program is offered to our students through the Martin County Human Services Department (MCHSD). It is not run or governed by the Martin County School District. When a student exhibits certain behaviors that would result in \*alternative placement according to the Code of Student Conduct, students age 12 and over may be eligible for the REACH Program.

The REACH Program may be offered at the discretion of the principal, in lieu of \*alternative placement if it's the first time during the student's enrollment at middle school (grades 6-8) and/or high school (grades 9-12).

REACH may be required in addition to \*alternative placement at the discretion of the principal.

### NOTE:

- **Cost of the program and any recommendations made by the MCHSD is the parents' responsibility.** However, the MCHSD states they will attempt to work with any income challenges individual students may have.
- See the infractions pages in the Code of Student Conduct for behaviors that are or are not eligible for this program.

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| <p>*Students initially assigned to Alternative Placement at a non-traditional school, for more than 18 weeks, may appeal their case to the School Board by requesting a hearing in writing.</p> |
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## REACH Program Procedures

Follow the steps for \*alternative placement with the following changes:

- Step One – Principal's Investigation – Same as \*alternative placement
- Step Two – Same as \*alternative placement
- Step Three – Same as \*alternative placement. In addition, if this is the first time during the student's enrollment at middle school (grades 6-8) and/or high school (grades 9-12), that s/he has been assigned to an alternative educational setting and offered at the discretion of the principal an in lieu of alternative education option, the principal or designee will explain and provide the parent/guardian information on the optional REACH Program.
- Step Four – REACH may be required in addition to \*alternative placement.

The principal or designee will offer the REACH Program contract form to the parent. If the student and parent/guardian choose for the student to participate in the REACH Program in lieu of alternate placement, the parent/guardian and the student will sign a referral/contract and also sign for a release of information between the Martin County School District and the MCHSD.

The parent/guardian will have 48 hours to contact the MCHSD to make an appointment for the student.

The appointment(s) for the student will include a psycho-social assessment and a drug/alcohol test.

MCHSD, based on assessment results, will make recommendations for the interventions the student may need. All recommendations must be followed through by the student and parent/guardian to qualify as successful program completion.

MCHSD will communicate student's progress to the Student Services Department at the Martin County School District.

- The student's parent/guardian may choose to opt out of the program at any time. **However, opting out or breaking the conditions of the contract/sanctions (at any time) will result in the student being assigned to \*Alternative placement, for the full time period recommended at the time the infraction occurred.**
- In the case of seniors who commit an offense between 60 and 10 days from graduation that would ordinarily result in \*Alternative Placement per the Code of Student Conduct, the student will not be permitted to attend graduation programs and related senior events even if they choose to enter the REACH program.

\*Students initially assigned to Alternative Placement at a non-traditional school, for more than 18 weeks, may appeal their case to the School Board by requesting a hearing in writing.

**Procedures for Appealing School disciplinary Consequences,  
Including Suspension, Alternative Placement to a Traditional and Non-Traditional School  
for Less Than 18 Weeks (except expulsion)**

Principal or designee will provide a copy of the discipline appeal process upon notification of action.



A consequence including Out of School Suspension or \*Alternative Placement at a traditional or non-traditional school for 18 weeks or less is assigned to a student based on the behavior and what the established response are in the Code of Student Conduct. The student and/or the student's parent/guardian do not agree with the assignment.



The student and parent/guardian will meet with the school Principal; to appeal the disciplinary action. The school administrator will make a good faith effort to hear appeals within 2 school days of the written appeal request.



If the student and/or the student's parent/guardian are not yet satisfied with the outcome following the appeal to the principal, they should contact the district Student Services Department and request in writing, an appeal meeting.

A Student Services administrator will make a good faith effort to hear appeals within 2 school days of the written request.



If the student and/or the student's parent/guardian are not yet satisfied with the outcome following the appeal to Student Services Administration, they should contact the Deputy Superintendent's office and request in writing a final appeal meeting.

\*Students initially assigned to Alternative Placement at a non-traditional school, for more than 18 weeks, may appeal their case to the School Board by requesting a hearing in writing.

**Procedures for Appealing Initial Involuntary Disciplinary Reassignment to Alternative Placement at a Non-Traditional School for 18 Weeks or More**

Principal or designee will provide a copy of the discipline appeal process upon notification of action.



A consequence including Out of School Suspension or Alternative Placement at a non-traditional school exceeding 18 weeks is assigned to a student based on the behavior and what the established response is in the Code of Student Conduct. The student and/or the student's parent/guardian do not agree with the assignment.



The student and parent/guardian will meet with the school Principal to appeal the disciplinary action. The school Principal will make a good faith effort to hear appeals within 2 school days of the parent/guardian written request.



If the student and/or the student's parent/guardian are not yet satisfied with the outcome following the appeal to the principal, they should contact the district Student Services Department and request in writing an appeal meeting.

A Student Services administrator will make a good faith effort to hear appeals within 2 school days of the request.



If the student and/or the student's parent/guardian are not yet satisfied with the outcome following the appeal to Student Services Administration, they should contact the Deputy Superintendent's office and request in writing an appeal meeting.



If the Deputy Superintendent has found that cause exists to recommend the student's involuntary disciplinary reassignment to an alternative non-traditional school exceeding 18 weeks, the student and/or the student's parent/guardian has the opportunity to appeal their case to the School Board by submitting a written request for a hearing. *Any appeals of alternative placement to a non-traditional school for 18 weeks or more, when heard by the school board, is held at an open to the public, noticed meeting compliant with the sunshine laws of Florida.*

## Procedures for Expulsion from Martin County Schools

The School Board of Martin County, Florida may expel a regular program student who has committed a serious breach of conduct. The recommendation for expulsion is generally preceded by a suspension which remains in effect until the expulsion proceedings are complete. The procedures for suspension should apply with additional notice to the parent/guardian that a recommendation for expulsion may be made.

From Martin County School Board Policy 5611:

“Prior to expulsion (as outlined in MCSB Policy 5610), a student and his/her parent/guardian will be given written notice of the Principal’s recommendation and the reasons therefore, and an opportunity to meet with a representative of the Superintendent to answer the charges.

The student and/or his/her parent or guardian shall also be provided a brief description of the student’s rights and of the hearing procedure. The School Board shall act on the Superintendent’s recommendation for an expulsion.”

Step One - Principal's Investigation. Upon receipt of information that a student has committed a serious breach of conduct, the principal or designee shall conduct an appropriate investigation.



Step Two - Principal's Recommendation. Any principal who feels that expulsion of a student is required shall so recommend to the superintendent in writing. The recommendation shall include a detailed report by the principal, or the principal's designee, complete with names, witnesses and facts to which each witness may testify. The principal shall notify the parent/guardian confirming the recommendation for expulsion, and direct the parent/guardian to contact the superintendent for further review of the matter.



Step Three - Superintendent's Investigation. Upon receipt of the recommendation for expulsion, the Superintendent or designee will investigate the occurrence. A district level review will ensure compliance with federal and state laws and district policies. Once the Superintendent’s investigation is complete, if the recommendation for expulsion stands, the proceedings will continue even if the student has withdrawn from the district.



Step Four - Superintendent's Informal Review. After the investigation, the Superintendent or designee will provide an opportunity to the student and parent/guardian to informally review the results of the investigation.



Step Five – The student and/or their parent/guardian will be scheduled before the School Board at which time a hearing will be held and a Final Order will be issued. At the hearing, the parent/guardian and student have an opportunity to speak and present evidence. The School Board is not required to adopt the recommendation of the Superintendent. After the hearing, the parent/guardian and/or the student will receive a copy of the School Board’s Final Order. The Final Order will be noted in the student’s record, whether or not the student has withdrawn from the District. The hearing before the School Board is an administrative hearing pursuant to F.S. 120.569 and 120.57(2).

In the case of students with disabilities, suspensions and disciplinary alternative placement shall be conducted pursuant to School Board Policy 5605.

## **CHAPTER VII: TRANSPORTATION**

### **Student Transportation Responsibilities and Safety Rules**

The District School Board of Martin County provides free transportation to and from school for students who live more than two miles away from school. Students will be assigned one bus stop. Parents/ guardians are responsible for their child(ren) at the bus stop. Once the bus arrives at the stop, and only at that time does the student become the responsibility of the District School Board of Martin County. Such responsibility shall end when the student is delivered to the regular bus stop and the bus has departed, at the close of the school day.

Each student using district transportation must abide by the rules, which are established to ensure the safety of all passengers. When waiting for the bus, loading or unloading, and riding on the bus, students must follow the Code of Student Conduct. Bus drivers will report students who violate the Code of Student Conduct and/or school bus rules to the school administration for appropriate disciplinary action. Administrators shall investigate and issue discipline accordingly. Behavior not directly observed at bus stops, but reported and confirmed by witnesses, may be investigated and potentially acted upon.

Violations of the Code of Student Conduct shall result in disciplinary action, and/or possible suspension of riding privileges or recommended bus expulsion and may result in referral to law enforcement.

Although bus drivers are the authority while in transit, teachers who chaperone bus trips do not abdicate their responsibility for student welfare. Teachers have the same authority and responsibilities as they have in the classroom.

Parent/guardian conferences with drivers are not permitted while the bus is en route or stopped at a bus stop. Any conference that the parents wish to have must be schedule with school's administration and transportation administrator.

**NOTE:** It is unlawful for a parent/guardian to board a school bus.

Bus transportation is a privilege. By paying attention to the surroundings and obeying the rules, students help to keep themselves, their fellow students, their bus driver and our community safer.

The responsibilities of students transported by Martin County School District are as follows:

1. Students should arrive to their bus stop at least five minutes prior to their scheduled pick-up time since drivers are not allowed to wait. Parents are responsible for their child's behavior at the bus stop and should be present if possible to ensure appropriate behavior prior to the arrival of the bus in the morning and after the departure of the bus at the end of the day. School officials have jurisdiction at bus stops. Bus drivers may issue bus referrals based on behavior observed at bus stops, and administrators may investigate and assign discipline accordingly. In addition, behavior not directly observed at bus stops, but reported and confirmed by witnesses, may be acted upon.
2. Students may only board or exit the bus at their assigned or designated stop.
3. While waiting for the bus students should **KEEP OFF THE ROAD**. Once the bus arrives, students should line up and board the bus in a single file.
4. When the bus arrives, wait for it to come to a complete stop before walking in front of the bus to get on.

5. As they board, students are to take their assigned seat quickly and remain seated while the bus is in motion. Drivers shall assign each student a seat number.
6. Secure seatbelts if available.
7. A student will be assigned a seat on the bus. Students must sit in their assigned seat.
8. Keep the aisle and doorway clear of all obstacles. No large items can be transported on the bus and all items must be held in lap.
9. Busses should be considered "mobile school sites" where students are expected to be on their best behavior. Bus drivers and assistants should be treated with respect and obeyed just as teachers and administrators are. By displaying proper behavior, you allow the driver to concentrate on driving, which keeps everyone safer.
10. Classroom conduct is to be observed on the bus, including having quiet conversations. Code of Student Conduct rules apply to bus riders the same as students in school: For example, students may not use tobacco or other prohibited products, engage in rough-housing, fighting, or harassing, bullying, or foul language or gestures.
11. Keep your HANDS AND ARMS INSIDE the bus and DO NOT throw anything inside the bus or out the windows.
12. Eating and drinking are not allowed while riding the bus.
13. Be absolutely quiet when the dome lights are on (railroad crossings, emergencies).
14. Report any hazardous conditions to your driver or principal.
15. For students who must cross the street on exiting the bus, please be aware of the following:
  - a. After standing 10 feet in front of the bus, and only after thoroughly checking for traffic, students may cross the highway, upon direction from the bus driver.
  - b. When a school bus stops on a four-lane highway with a median strip, only those vehicles moving in the same direction are required to stop.
16. A student must ride their assigned bus. **Switching buses is not permitted.** Transportation is provided only to the documented address on file, and any change in address should be updated immediately.
  - a. Written parental requests are required and must be signed by school officials before a student may change their assigned bus stop or ride a different bus.
  - b. **Non-authorized riders are prohibited.**
17. If a student causes any damage (vandalism) to the bus or another vehicle, the parent/guardian shall be responsible to pay for the damage. Restitution or arrangements must be made with transportation within 30 days of notification. Failure to make full restitution for vandalism cost can result in loss of bus riding privileges for the remainder of the current school year.
18. Students are not allowed to wear headsets. One (1) earbud is permissible.

19. All students riding the bus must have their current school issued ID visible.

### **Transportation Infractions**

**Remember, your behavior determines whether you may continue riding the bus.** Students may be audio/video recorded while on a school bus. School bus surveillance videos are considered "student records," and can be viewed by school administrators and school officials involved with student discipline when considering consequences to be assigned.

Violation of district school board transportation policies, including disruptive behavior on a school bus or that is a witnessed act at the school bus stop with the bus present (FS 1006.10) by a student, is grounds for suspension of the student's privilege of riding on a school bus, may be grounds for other disciplinary action by the school, and may also result in criminal penalties being imposed.

**If a student engages in violent or very unsafe behavior while riding the bus, or uses tobacco, drugs or alcohol while riding the bus, the school principal/designee may immediately suspend bus riding privileges.** After a conference is held with the parent/guardian, the principal/designee will then determine whether to take additional disciplinary steps, including bus expulsion, and whether to impose further conditions for the student's return to bus riding.

The school board believes that all students, as well as the bus driver, should be able to ride safely on school buses. Therefore, if students severely misbehave, they will be removed from the bus. If a student commits minor infractions, the school bus driver has the authority to address the behavior appropriately. If a student causes repeated problems on the bus or does something the bus driver considers a more serious rule violation, the bus driver will report it to the school principal/designee. The bus driver will give the school a written referral that details what the student did and what actions were taken by the driver. School administrators/designees can take any of the following disciplinary steps against a student for misbehaving at a bus stop or on a bus, and will notify the parent/guardian immediately by phone within 24 hours when they take any of these steps; in writing for suspensions; in writing delivered by mail for expulsions:

1. Warn the student that the behavior is not allowed and will result in further discipline as well as suspension of bus riding privilege if the behavior is repeated.
2. Assign consequences the same as if the student had misbehaved at school.
3. Suspend the student from riding the bus if prior warning and other discipline options have not improved the behavior. The student can be suspended for up to 10 days at a time.
4. Recommend the student be expelled from riding a school bus if previous discipline has not worked or if a student commits a serious offense. The process by which a student is expelled from riding the bus is the same as the process for being expelled from school. The principal/designee will make a recommendation to the superintendent, who then recommends bus expulsion to the school board.
5. The student is not permitted to ride any district school bus until the school board rules on the expulsion.

Students who transfer to a different school within the district will be held responsible for any incidents of bus misconduct from the previous school.

## **Bus Incident Procedures**

### Step 1 - Verbal Warning, Parent/ Guardian Contacted

1. Students who misbehave or who demonstrate potentially unsafe behavior shall receive a verbal warning, documented on a bus incident report log. The student's behavior will be described on the log and will also include the date, time, student's name, name of the person spoken to, and a brief description of the conversation.
2. The driver shall ask the school administration to telephone the student's parent/guardian to seek help in correcting the student's behavior.
3. After this step, a student's behavior is expected to become acceptable immediately.
4. If an additional incident occurs, the next step will be taken.

### Step 2 - Written Notice to Parent/Guardian

1. Written notice shall be sent to the parent/guardian if a student's behavior has not become acceptable immediately.
2. If the written notice is not signed and returned to the driver or school the next day, the school will contact the parent/guardian again by phone and mail the written notice.
3. If the written notice is not signed and returned to the driver or school within 3 days, or if student's behavior does not improve, driver will proceed to step 3.

### Step 3 - Administrative Referral

1. Students who continue to violate bus rules, jeopardizing the safety of others, engage in severely dangerous or violent behavior or use, possess or sell drugs, tobacco or alcohol while on the bus will receive an immediate referral to the school administrator/designee.
  - a. Bus referrals must be signed by the parent/guardian before the student may resume riding the bus
2. After presentation of detailed documentation by the driver to the administrator/designee, the school administrator/designee will determine if there is cause for suspension or recommendation of expulsion. Based on the infraction, suspension time is determined by the administration.

**NOTE: A student may be suspended from the bus for a period exceeding the (10) days for willfully and persistently violating school board policies.**

NOTE: Riding the bus or attempting to ride the bus while on suspension could result in another referral, loss of bus riding privileges, and referral to the School Resource Officer for a trespass warrant.

Due to safety concerns, penalties may result for not wearing a seat belt, when it is part of the available equipment or for unbuckling a seat belt prior to the arrival at school or bus stop.

### **Appeal of Bus Suspension**

A parent/guardian may appeal a bus suspension by calling the school principal/designee. The parent/guardian must come to the school and have a conference with a school administrator/designee and a representative from the transportation department/district office as part of the appeal. The student may be permitted to ride a bus pending the outcome of a bus suspension appeal as long as there are no additional incidents of misconduct.

### **Appeal of Bus Expulsion**

Once the school board provides a final order for a bus expulsion there are no appeals.

#### 5610.04 - SUSPENSION OF BUS RIDING/TRANSPORTATION PRIVILEGES

While on a bus or other authorized School Board transportation vehicles, students are under the direct supervision and authority of the bus/vehicle driver. The driver has the responsibility and authority to enforce the established rules and regulations for student conduct while on a district bus/vehicle. Disorderly conduct or refusal to submit to the lawful authority of the driver will be sufficient grounds for refusing transportation services to any student.

A student's school bus/vehicle riding privileges may be suspended for all or part of a school year for any violation of established regulations for bus conduct and/or for any violations of the Student Code of Conduct occurring on the bus/vehicle. The Principal may suspend a student from riding the school bus for a period not to exceed ten (10) school days.

Before a suspension from bus/vehicle riding privileges is imposed, the Superintendent or other designated District personnel will provide the student with written notice of the intended suspension and an opportunity to appear before the Superintendent or other designated District personnel. Disciplinary suspension periods will be commensurate with the infraction(s) committed as determined by the Principal or designated District personnel for a suspension of ten (10) days or less, or as determined by the School Board upon recommendation of the Superintendent for a suspension longer than ten (10) days.

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Please note: Students suspended from school cannot ride any school district transportation.

## CHAPTER VIII: TECHNOLOGY

### **MCS D Student Responsible Use Policy: Technology**

MCS D provides students with monitored technology access and accounts. The district goals are to provide tools for more effective, engaging, meaningful classroom instruction and activities, and to ensure that these tools are used in a safe and ethical manner. Available technology and student accounts are intended for educational purposes only (SB Policy 7540, 7540.03, &7542). Failure to comply with the responsible use policy of MCS D by students can result in restrictions being placed upon the accounts, loss of access, and possible disciplinary consequences based on the Student Code of Conduct. Students are responsible for their own behavior at all times.

MCS D students will have access to G-Suite for Education (Google) applications. G-Suite for Education is comprised of multiple applications such as, but not limited to Google Drive, Google Classroom, Google Docs, and Google Slides intended for educational use. Students will have limited access to Gmail, students are only able to send and receive email from school staff (teachers, administrators, guidance counselors). Students cannot email other students or outside of the @sbmc.org domain. Your student and your student's teachers may be using G-Suite for Education applications for lessons, assignments, and communication. G-Suite for Education is available on any device with internet access.

### **Account security and safety**

It is the responsibility of students to maintain the confidentiality of their student account information. Students will not share usernames, passwords, or other account information unless it is with the student's parent(s)/guardians(s). Students will report any possible unauthorized use of their accounts to a teacher, administrator, or district official immediately. Under no circumstances will students attempt to login to another user's account. If students are asked to share personal information, they should consult a parent, guardian, teacher, guidance counselor, or administrator prior to sharing.

### **Student use guidelines**

*Student accounts including G-Suite for Education are to be used for the following purposes:*

- Teacher-student correspondence
- Student-student collaboration
- Access to materials
- Creation of student products
- Submission of student work
- Demonstrating positive digital citizenship

*ISTE (International Society for Technology in Education) Digital Citizenship standards:*

- Students cultivate and manage their digital identity and reputation and are aware of the permanence of their actions in the digital world.
- Students engage in positive, safe, legal and ethical behavior when using technology, including social interactions online or when using networked devices.
- Students demonstrate an understanding of and respect for the rights and obligations of using and sharing intellectual property.
- Students manage their personal data to maintain digital privacy and security and are aware of data-collection technology used to track their navigation online.

Digital citizenship and responsible use of technology allows for a more effective instructional atmosphere; it also highlights critical skills needed to be successful global citizens. In order to become

good and responsible digital citizens, students need to practice critical thinking, be kind to others, learn how to protect their information, and have good privacy habits. Doing this can help create a safe and positive experience online.

*Student accounts including G-Suite for Education are NOT to be used for the following purposes:*

- Unauthorized personal communication that impedes instruction
- Bullying or harassment of other students (FS1006.147; SB Policy 5517.01 & 7540)
- Sending inappropriate content or language
- Social Media, blogs, and chat rooms (SB Policy 7540 & 7540.03)

***\*Cyber-bullying and harassment will not be tolerated. Any suspicious or threatening communication that is reported to school personnel will be investigated immediately.***

### **Consequences of Violation of Responsible Use Policies**

Students are responsible for their behavior at all times. Students who violate MCSD policies with regard to responsible use of student G-Suite accounts are subject to any of the following based on the Student Code of Conduct:

- Restrictions placed upon accounts, such as limiting accounts to teacher-student communication only.
- Temporary or permanent loss of access to student Google accounts.
- Disciplinary action as determined to be appropriate by teachers, site administrators, district officials, or criminal prosecution by appropriate law enforcement agencies.

### **Student Use of Wireless Communication Devices**

**School Board Policies 7542, 7540.04, 7540.03**

Students may use wireless communication devices (WCDs) in the following instances:

- Before and after school, and/or during after school activities (e.g. extra-curricular activities).
- For instructional purposes under the supervision and permission of the instructional staff member or teacher (e.g., taking notes, recording classroom lectures, writing papers).
- WCDs on a school bus or school board provided vehicle during school-sponsored activities,

*Students may use school phones to contact parents/guardians during the school day.*

Exceptions to these allowable uses may be invoked as deemed necessary by a teacher, administrator, or IEP Team.

Use of WCDs at any other time is prohibited and they must be powered completely off (i.e. not just placed into vibrate or silent mode) and stored out of sight.

## **User Log-on Agreement (Revised 06/19/19)**

*Below is the agreement students acknowledge to sign in to access technology devices at school:*

By clicking OK you agree to the following:

You are accessing a restricted information system. Use of this system indicates consent to monitoring and recording.

Unauthorized use of this system is prohibited and may be subject to criminal and/or civil penalties.

Unauthorized sharing of Protected Health Information (PHI) is prohibited.

You are responsible for the protection of student and employee data in hard copy and electronic form, including flash drives, optical and removable media. Files containing protected data should be stored in appropriate locations to ensure its protection, integrity and confidentiality.

You are responsible for all activity associated with your network login.

Therefore, protect and do not share your password.

You are responsible for the appropriate use of technology. School Board Rules 7540, 7540.01, 7540.02, 7540.03, 7540.04, 7540.05, 7542, and 7543 govern the use of telecommunications, including networks, email, telephones and computers, which shall be consistent with the mission, goals, policies and priorities of the Martin County School District.

Violations include but are not limited to:

- Personal email,
- Selling goods or services,
- Personal shopping,
- Jokes, holiday greetings and chain letters,
- Cyberbullying,
- Anything in violation of CIPA (e.g., pornography, racism, hate speech, hacking)

All District network traffic and email is archived, monitored, audited, and subject to public record laws. Do not connect non-district computers, laptops, printers, hubs, wireless access points, or any other equipment to the District network or PC's. The Educational Technology Department must approve any network or other devices and/or any software prior to using it on the District's network or computers. All software is subject to appropriate licensing and copyright laws.

If you have questions, please contact the Educational Technology Department at x30359.

## CHAPTER IX: DRESS CODE

### 5511 - STUDENT DRESS CODE

#### A. Right

The School Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The School Board will not interfere with the right of students and their parents to make decisions regarding their appearance, however, the standards of appearance for students shall ensure that the student be clean, neat, and properly dressed. They shall observe modes of dress and standards of personal grooming which are in conformity with the studious atmosphere and good personal hygiene necessary in schools. Furthermore, it is the responsibility of the principal to see that the dress or appearance of no student shall be extreme to the point of creating a disturbance or is hazardous to oneself, others, or school property. The dress code shall be incorporated into the Student Code of Conduct.

#### B. Responsibility

Students have the responsibility to dress neatly, be clean, and well groomed, and avoid dressing in a manner that offends or distracts others.

#### C. Procedures

1. The following procedures are established to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Clothing that exposes the torso is not allowed. Clothing that displays/exposes cleavage is not allowed. The following examples include but are not limited to what is considered unacceptable: tube tops, tank tops, spaghetti straps and halters, bare back or midriff clothing, skin-tight clothing, see-through clothing, bathing suits (except with permission for specified events).
2. Skirts, skorts, and dresses may be no shorter than two (2) inches above the top of the knee. Shorts must be no shorter than four (4) inches above the knee.
3. Appropriate undergarments must be worn but shall not be exposed, i.e., boxer shorts, underwear, bras. Pajamas shall not be worn to school. Sports bras are considered undergarments.
4. Students must wear shoes at all times. Slippers or shoes with containers, cleats, wheels, or tap shoes are prohibited. Athletic shoes may be required for physical education classes. Shoes with laces and/or straps must be secured at all times.

For safety reasons, elementary students may not wear sandals or open toe shoes. Elementary and middle school students are not permitted to wear flip flops or shoes without a back. Middle school students may wear open toe shoes with a back strap.

5. Headgear (with the exception of safety helmets) are not to be brought to school unless for medical purposes. Students may wear sunglasses, hats, or other sun-protective wear while outdoors during school hours, such as when students are at recess.
6. No clothes or accessories with metal studs, ornaments, chains, or other objects which can scratch furniture, damage property, or cause harm to oneself or others, may be worn.

7. Clothing, jewelry, and accessories shall not convey messages that are crude; vulgar/profane; violent/death-oriented (Gothic); gang related; sexually suggestive; and/or promoting alcohol, drugs, or tobacco.
8. Clothing which is not worn appropriately, is not properly fastened, or has tears or holes will not be permitted.
9. Pants, jeans, slacks, and shorts must be worn to the top of the hipbone or higher. Pants must be secured at the hip, must not be baggy or oversized and the hem of the pant leg must not drag on the ground.
10. No hairstyle, jewelry, or tattoo that is a distraction to the learning environment is allowed.
11. All students enrolled in a vocational program must dress to reflect current business and industry standards for the particular program.

These samples are not all-inclusive but serve as a guide for individual schools. Individual schools may have a stricter dress code approved by the school advisory council (SAC), but all such restrictions must be justifiable with a rationale related to the health, safety, or welfare of the students as stated in F.S. 1011.78:

1. Encouraging students to express their individuality through personality and academic achievements, rather than outward appearance.
2. Enabling students to focus on academics, rather than fashion, because they are able to convey a neat, serious, and studious image.
3. Minimizing disciplinary problems because students are not distracted by clothing.
4. Reducing the time needed to correct dress code violations through a readily available inventory of compliant attire.
5. Minimizing visible differences between students and eliminating social pressures to wear brand-name clothing or colors to show gang affiliation, thereby easing financial pressures on parents and enhancing school safety.
6. Creating a sense of school pride and belonging.

All school dress codes should be reviewed and approved by the Superintendent/Superintendent's designee before implementation.

#### **D. Violation of Dress Code**

1. Students may be subject to disciplinary action for violation of dress code.
2. Students may be provided alternate clothing at school to comply with the dress code.
3. Parents may be requested to bring alternative clothing to the school.

4. Pursuant to FS 1006.07(2)(d)2,

*“Any student who violates the school dress code is subject to the following disciplinary actions:*

- a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student’s parent or guardian.
- b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student’s parent or guardian.
- c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s.1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student’s parent or guardian and send the parent or guardian a written letter regarding the student’s in-school suspension and ineligibility to participate in extracurricular activities.”

Effective 07/01/2012

Revised 07/26/2022

Pursuant to FS 1006.07(2)(d)2,

Please see full Florida Statute 1006.07 at

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=1000-1099/1006/Sections/1006.07.html/](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1006/Sections/1006.07.html/)

*“Any student who violates the school dress code is subject to the following disciplinary actions:*

- a. *For a first offense, a student shall be given a verbal warning and the school principal shall call the student’s parent or guardian.*
- b. *For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student’s parent or guardian.*
- c. *For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s.1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student’s parent or guardian and send the parent or guardian a written letter regarding the student’s in-school suspension and ineligibility to participate in extracurricular activities.”*

## CHAPTER X: OTHER INFORMATION

### A. Interscholastic and Extracurricular Activities

Interscholastic Extracurricular Eligibility- s. 1006.15, F.S.

Extracurricular means any school-authorized or education-related activity occurring during or outside the regular instructional school day.

In order to participate in interscholastic extracurricular student activities, a student must maintain a cumulative GPA of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by statute for high school graduation per s. 1003.43(1), F.S.

A student must fulfill the requirements of an academic performance contract between the student, the District School Board, the appropriate governing association, and the student's parents. If the student's cumulative GPA falls below 2.0 or its equivalent, on a 4.0 scale in courses required for high school graduation specified in s. 1003.43(1), F.S., the contract shall require the student to attend summer school—or its equivalent—between grades 9 and 10, or grades 10 and 11, as necessary. A student must have a cumulative GPA of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required for high school graduation, specified in s. 1003.43(1), F.S., during his or her junior year.

The content and the format of the academic performance contract are determined by the school district and the appropriate governing association. The student must maintain satisfactory conduct, and if a student is convicted or is found to have committed a felony or delinquent act, which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation in interscholastic extracurricular activities is contingent upon School Board policy.

Any student who is exempt from attending a full school day based on rules adopted by the District School Board for double sessions or programs, experimental schools, or schools operating under emergency conditions, must maintain a 2.0 GPA, or its equivalent, on a 4.0 scale and pass each class.

A home education student is eligible to participate in interscholastic extracurricular activities at the public school that he or she would be assigned to attend based on a district's attendance area policies or may develop an agreement to participate at a private school provided the following conditions are met:

The student must meet the requirements of the home education program per s. 1002.41, F.S.

During the period of participation, the home education student must demonstrate educational progress in all subjects taken in the home education program by a method of evaluation agreed upon by the parent/guardian and the school principal, which may include:

- Review of the student's work by a certified teacher chosen by the parent.
- Grades earned through correspondence.
- Grades earned in courses taken at a community college, university, or trade school.
- Standardized test scores above the 35th percentile, or any other method in s. 1002.41, F.S.

The student must meet the same residency requirements as other students in the school at which he or she participates.

The student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

The student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for which the activity in which he or she wishes to participate. A home education student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

A student who transfers from a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student has a successful evaluation from the previous year. Any public school or nonpublic school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate as a home education student until the student has successfully completed one grading period in home education, fulfilling the requirements for interscholastic extracurricular eligibility, s. 1006.15(3)(a)2, F.S., to become eligible to participate as a home education student.

The complete Student Progression Plan can be found [here](#).

a. Extracurricular Scholastic Requirements – Current School Year

To be eligible to participate in interscholastic extracurricular student activities, a student entering grade 9 thereafter must maintain a cumulative unweighted grade point average of 2.0 or above on a 4.0 scale after one year of academic progress. Students in grades 9 and 10 may participate without having a cumulative 2.0 grade point average, if they agree to an Academic Performance Contract as prescribed by State Statute. Middle school students must be regularly promoted in order to be eligible and meet the 2.0 grade point average as noted below for extracurricular participation.

Additionally, a student must maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by any adult, regardless of whether adjudication is withheld, the student's participation in interscholastic extracurricular activities may be denied by the principal.

b. Extracurricular Grade Point Average Requirements

In order to participate in any extracurricular activity, middle school students must maintain a minimum unweighted grade point average of 2.0 for the quarter immediately preceding participation.

## B. Legal Investigations Involving Students

- a. School employees have a duty to cooperate with law enforcement agencies and the Department of Children and Family Services, and comply with investigations relating to child abuse, abandonment, neglect, or an alleged unlawful sexual offense involving a child. The principal may also assist authorities in their investigations of other violations of law in which students are alleged to be involved. Personally identifiable records or reports of a student, and any personal information contained therein, shall not be released to DCF or the law enforcement agency except as expressly authorized or required by applicable state and federal law and regulation.

- b. Student interviews by law enforcement or DCF will comply with Florida Statutes 39.304.
- c. Before student(s) are questioned as a witness to, or a suspect in, an alleged violation of law, the principal shall attempt to contact the parent/guardian to notify them of questioning, unless compelling reasons for not doing so are provided by the law enforcement agency.

**C. Required Notice:**

In accordance with Florida Statute 1006.07(2) students and their parents or guardians are hereby notified that:

- a. Illegal use, possession or sale of controlled substances as defined in chapter 893 by 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.
- b. The possession of a firearm, a knife, a weapon or an item which can be used as 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.
- c. Violence against any school district personnel 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.
- d. Violation of 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 a 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.
- e. Violation of the 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.
- f. It is a violation of this code for any person to threaten to throw, project, and place or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to property. It is also a violation of this code for any person to make a false report with intent to deceive, mislead or otherwise misinform any person concerning the placing or planting of any bomb, dynamite or other deadly explosive.
  - i. Any student who is determined to have committed either of these acts which involves a school, school personnel's property, school transportation or 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 one full year and referred to criminal prosecution. The school board may assign the student to a disciplinary program or a second chance school for the purposes of continuing educational services during the period of expulsion. The superintendent may consider the one year expulsion requirement on a case-by-case basis and request that the school board modify the requirement by assigning the student to a disciplinary program or alternative school if it is determined to be in the best interest of the student and school system.

**D. Search and Seizures** (School Board Policy 5771; F.S. 1001.41, 100143, 1006.09)

- a. Students are subject to a search of their person, possessions, locker and/or vehicle if school personnel have reasonable suspicion that they are in possession of illegal materials or other forms of contraband. The use of metal detection devices or electronic surveillance equipment may be employed.

**E. Suspension/Expulsion of Students with Disabilities**

In matters relating to the disciplining of disabled students, the school board shall abide by federal and state laws regarding suspension and expulsion.

(See <https://www.martinschools.org/page/ese-policies-and-procedures>; and A Plan for Expanding Educational Accommodations to all Disabled Students (504)).

**F. Peaceful Assembly/Free Speech**

- a. Students shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of schools. Students have the right to participate in the development and distribution of publications as a part of the educational process.
- b. School facilities or equipment may not be used as a means of producing or disseminating to the community any materials that advertises or promotes a political party, a political cause or the candidacy of an individual for public office. Students and employees of the School Board shall not be used to distribute campaign literature within the schools or on school grounds (SB Policy 9700).

**G. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are as follows:

- a. The right to inspect and review the student’s education records within thirty (30) days of the day the school receives a request for access. Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent/guardian or eligible student of the time and place where the records may be inspected.
- b. The right to request the amendment of the student’s education records that the parent/guardian or eligible student believes are inaccurate. Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it is inaccurate. If the school decides not to amend the record as requested by the parent/guardian or eligible student, the school will notify the parent/guardian or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the

hearing procedures will be provided to the parent/guardian or eligible student when notified of the right to a hearing.

- c. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent/guardian or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility. Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent/guardian or student of the records request unless it states in its annual notification that it intends to forward records on request.]
- d. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-5901.

## APPENDICES

## APPENDIX A

### School Board Policies Relating to the Code of Student Conduct

To view the complete policy [click here](#) and type the policy number.

| BOARD POLICIES  |
|---|
| 2430: District-Sponsored Clubs and Activities   |
| 2431: Interscholastic Athletics   |
| 2451: Alternative School Plans/Programs   |
| 5111.01: Homeless Students  |
| 5112: Entrance Requirements   |
| 5200: Attendance  |
| 5223: Absences for Religious Instruction  |
| 5230: Late Arrival and Early Dismissal  |
| 5310: Health Examinations and screenings  |
| 5320: Immunization  |
| 5330: Use of Medications  |
| 5410: Student Progression   |
| 5500: Student Conduct   |
| 5511: Dress Code  |
| 5512: Tobacco-Free Environment  |
| 5516: Student Hazing  |
| 5517: Anti-Harassment   |
| 5517.01: Bullying and Harassment  |
| 5517.02: Nondiscrimination Grievance Procedure  |
| 5517.03: Dating Violence and Abuse  |
| 5530: Drug Prevention   |
| 5540: The Schools and Investigations Involving Students                                 |
| 5600: Behavior Management of Student  |
| 5605: Suspension/Expulsion of Disabled Students   |
| 5610: Removal, Suspension and Expulsion of Students                                     |
| 5610.04: Suspension of Bus Riding/Transportation Privileges                             |
| 5610.05: Prohibition from Extra-Curricular Activities                                   |
| 5630: Corporal Punishment and Use of Reasonable Force and Restraint                     |
| 5771: Search and Seizure  |
| 5772: Weapons   |
| 7440.02: Vandalism, Damage, Loss and Malicious Mischief                                 |
| 7540: Computer Technology and Networks  |
| 7540.01: Technology Privacy   |
| 7540.02: District Web Page  |
| 7540.03: Student Network and Internet Acceptable Use and Safety                         |
| 7540.04: Staff Network and Internet Acceptable Use and Safety                           |
| 7542: Access to Technology Resources from Personal Communication Devices                |
| 7543: Utilization of the District's Website and Remote Access to the District's Network |
| 8330: Student Records   |
| 8462: Student Abuse and Neglect   |
| 8600: Transportation  |
| 8965: Discrimination/Harassment Complaint Procedure                                     |
| 9700: Relations with Special Interest Groups  |

## 5500 – STUDENT CONDUCT

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency and honesty shall be maintained in the schools of this District.

The School Board has zero tolerance for conduct that poses a threat to school safety. Zero tolerance policies must apply equally to all students and are not intended to be rigorously applied to petty acts of misconduct.

Florida law requires that students found to have committed one of the following offenses:

- A. bringing a firearm or weapon, as defined in F.S. Chapter 790, to school, to any school function, or onto any school-sponsored transportation, or possessing a firearm at school; or
- B. making a threat or false report, as defined by F.S. 790.162 and 790.163, involving school or school personnel's property, school transportation, or a school-sponsored activity;

shall 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 shall be referred to mental health services identified by the District and to the criminal justice or juvenile justice system.

The Superintendent may consider the one (1) year expulsion requirement on a case-by-case basis and request that the School Board modify the requirement by assigning a student to a disciplinary program. The Superintendent's request for modification must be in writing and may only be presented to the School Board for consideration if the student and/or the student's parent(s) agree in writing to accept the Superintendent's recommendation before it is presented to the School Board. The School Board may approve the request if it is determined to be in the best interest of the student and the school system. If a student committing either of the offenses enumerated above is a student who has a disability, the School Board shall comply with applicable State Board of Education rules for the discipline of such students.

The District shall enter into agreements with local law enforcement specifying procedures so that acts that pose a threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency having jurisdiction.

Those acts that pose a threat to school safety are listed in the Student Code of Conduct and referenced in Florida State statute. The following are examples of acts that pose a threat to school safety, but are not all inclusive:

- A. possession of firearms or other weapons
- B. placing, discharging, or throwing an explosive item or noxious substance or making threats to do so
- C. arson
- D. felony assault
- E. threats of unsafe and potentially harmful, dangerous, violent, or criminal activities

Petty acts of misconduct that are not a threat to school safety do not require consultation with law enforcement.

Each act must be examined on a case-by-case basis to determine whether or not the act constitutes a threat to school safety requiring consultation with law enforcement. The following are typically considered petty acts of misconduct but are not all inclusive:

- A. disorderly conduct
- B. disrupting a school function
- C. simple assault or battery
- D. verbal abuse or use of profanity
- E. cheating
- F. theft of less than \$300, trespassing, and vandalism of less than \$1,000
- G. possession or use of tobacco

Notwithstanding any other provision of School Board policy, pursuant to F.S. 1006.13(5), any student found to have committed an act of assault or aggravated assault, or battery or aggravated battery, on any elected official of the School District, teacher, administrator, or other School District personnel, shall be recommended for expulsion or placement in an alternative school setting, as appropriate, for a minimum period of one (1) year confer with policy 5611 Due Process. The student shall be referred to the criminal justice or juvenile justice system.

Further, upon being charged with such offense, the student shall be removed from the classroom immediately, suspended from school, and possibly placed in an alternative school setting pending disposition.

The Student Code of Conduct which is adopted and reviewed annual consistent with F.S. 1006.07, shall provide for review of a decision to suspend or expel a student pursuant to this policy consistent with F.S. 1006.07.

Violations of Policy 5511 – Dress and Grooming are subject to the following disciplinary actions:

- A. For a first offense, a student shall be given a verbal warning and the Principal shall call the student's parent or guardian.
- B. For a second offense, the student is ineligible to participate in any extra-curricular activity for a period of time not to exceed five (5) days and the Principal shall meet with the student's parent or guardian.
- C. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to F.S. 1003.01(5) for a period not to exceed three (3) days, the student is ineligible to participate in any extra-curricular activity for a period not to exceed thirty (30) days, and the Principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extra-curricular activities.

Furthermore, if the Board receives notice from the Department of Juvenile Justice, as required by law, that a student enrolled in the District has been adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty of nolo contendere to, a felony violation as set forth in F.S. 1006.13(6)(a), the School Board shall, pursuant to State law and the adopted cooperative agreement with the Department of Juvenile Justice, require that any no contact order entered by a court be enforced and that all of the necessary steps be taken to protect the victim of the offense or a sibling of the victim.

Students may be subject to discipline for violation of the Student Code of Conduct even if that conduct occurs on property not owned or controlled by the School Board but that is connected to activities or incidents that have occurred on property owned or controlled by the School Board, or conduct that, regardless of where it occurs, is directed at a School Board official or employee, or the property of such official or employee.

The principal shall notify all school personnel as to their responsibilities regarding incident reporting. Acts which post a threat to school safety and crimes shall be properly report to the principal. The disposition of the incident shall be properly documented.

Student conduct shall be governed by the rules and provisions set forth in the Student Code of Conduct which is reviewed and adopted in accordance with School Board policy and F.S. Chapter 120 and is incorporated in the policy by reference.

The Code of Student Conduct shall contain provisions for the assignments of violent or disruptive students to an alternative educational program and/or referral of such students to mental health services identified by the District.

F.S. 1006.07, 1006.13, 1012.584

Effective 7/1/12

Revision 9/20/16, 8/15/17, 7/16/19, 07/26/22

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## 2266 – Nondiscrimination on the Basis of Sex in Education Programs and Activities

### I. Introduction

The United States Department of Education (USDOE) has undertaken a sweeping review and revision of the handling and investigation of Title IX complaints. The revisions included definitional changes and additions, investigative and decision-making oversight, processes, and procedures, standards of evidentiary review, appeal processes and decision-making considerations.

This Policy will serve to set forth the new rules and multiple changes that will be followed as matter of District policy, procedure, and appropriate practice.

### II. Title IX Sexual Harassment: Administrative Policy and Procedure; Definitions Title IX Coordinator

#### A. Application of the Policy and Related Procedures

While all forms of sex-based discrimination are prohibited by the Board, the purpose of this policy and procedure is to address sexual harassment, as defined in Title IX regulations, in the event of occurrence within District educational programs and activities. It will also provide guidance on the complaint grievance process, supportive measures, the investigative process and report preparation, determination of responsibility by a decision-maker, including the standard of evidence to be applied, the decision-making process, the appeals process, and the final decision-making, if any appeal is sought either by the Complainant or the Respondent.

#### B. Definitions

The following definitions shall be used and applied to the rules and procedures set forth herein:

##### 1. Sexual Harassment:

- a. Conduct on the basis of sex (including, without limitation, gender, sexual orientation, and/or gender identity), occurring in a school system's educational program or activity that satisfies one or more of the following criteria:
  1. Quid Pro Quo harassment: Quid pro quo means "this for that" and involves conditioning aid, benefit or service for an educational program or activity on an individual's participation or refusal to participate in sexual conduct; regardless of whether the conduct is welcomed by a student or employee,
  2. Unwelcome and unwanted sex-based/related conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational program or activity; or
  3. Sexual assault, dating violence, domestic violence, or stalking as defined in Florida law (whether civil or criminal), Federal law as set forth in the Clery Act (20.U.S.C. 1092) with respect to sexual assault, and the Violence Against Women Act of 1994 (34 U.S.C., 12291(a)(10)) with respect to stalking, dating violence,

and domestic violence.

- b. Behaviors that could constitute Sexual Harassment, include but are not limited to, the following:
  - 1. Sexually suggestive remarks, jokes, or slurs
  - 2. Verbal harassment or abuse, including derogatory stereotypes
  - 3. Displaying or distributing sexually suggestive pictures (drawings, photographs, videos)
  - 4. Touching in a sexual nature or groping
  - 5. Sexually suggestive gesturing, including touching oneself in a suggestive manner in front of others
  - 6. Harassing, sexually suggestive or offensive messages that are written or electronic
  - 7. Subtle or direct propositions for sexual favors or activities
  - 8. Teasing or name-calling related to sexual characteristics or the belief an individual is not conforming to expected gender roles or conduct
  - 9. Threats or intimidating conduct including hostile activity or physical acts of violence against a student or employee on the basis of sex
  - 10. Stalking a student or employee

2. Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment, whether or not that person files a report or a formal complaint.

3. Respondent

An individual who is reported to be the individual accused of conduct that could constitute sexual harassment. Under Title IX, there is a presumption of non-wrongdoing by the Respondent during the complaint and investigatory process.

4. Actual knowledge

Under the new regulations, the new standard of review is “actual knowledge” instead of the previous one of “known or should have known”. This means that when the Title IX Coordinator or any employee receives notice, a report or information, or becomes aware of sexual harassment or allegations of sexual harassment, s/he is presumed to have actual knowledge and has a mandatory obligation to report the matter to the Title IX Coordinator aside from mandatory statutory reporting.

5. Educational Program

Locations, events, or circumstances over which the District as the recipient of Federal funds exercises substantial control over both the Respondent and the context in which the sexual harassment occurs. Substantial control is understood to mean recipient (District) funded, promoted, or sponsored event that includes off campus conduct if the event is District operated and controlled. Title IX sexual harassment will be deemed not to have occurred if the alleged conduct occurred (a) outside of the United States; or (b) under circumstances in which the school had or exercised no control over the Respondent and context where it occurred.

6. Formal Complaint

A Formal Complaint is the document filed by the Complainant, the Complainant's parent or guardian, or the Title IX Coordinator after consultation and agreement by the Complainant or the Complainant's parent or guardian (if the student is under eighteen (18) years old). The document must allege sexual harassment against a Respondent and must request the District to investigate such allegations. A report of sexual harassment is not enough to trigger an investigation. There must be an actual Formal Complaint in writing. If only a report is provided, the District may investigate the allegations under another policy or the *Code of Student Conduct*.

7. Investigator

The person to whom the Title IX Coordinator will assign a Formal Complaint for investigation; the Coordinator may also be the Investigator. The Investigator's role is to be a neutral fact finder who will gather evidence from the Complainant, Respondent, and third-party witnesses as deemed appropriate and necessary for the investigation. Such evidence received may include both inculpatory evidence (evidence that tends to establish the responsibility of the Respondent) or exculpatory evidence (evidence that tends to excuse or clear the Respondent of responsibility). At the conclusion of the investigation, the Investigator will make no determination. It is the Investigator's duty and responsibility to prepare a factual report and provide it to an independent Decision-Maker.

8. Decision-Maker

The person tasked with making what the rules refer to as the "determination of responsibility" with respect to the Formal Complaint. The determination of responsibility is the formal finding made by the Decision-Maker on each allegation of sexual harassment contained in the Formal Complaint as to whether or not the Respondent engaged in conduct constituting sexual harassment in violation of Title IX and this Policy. If either party appeals the matter, a separate Decision-Maker shall be assigned to make a final determination. The Decision-Maker's determination shall be based upon the evidentiary standard of clear and convincing. Clear and convincing proof means that the evidence must be highly and substantially more probable to be true than not and the Decision-Maker must have a firm belief or conviction in its factuality of the evidence.

9. Supportive Measures

Supportive measures are free, non-disciplinary, non-punitive, individualized services that may be offered to both the Complainant or the Respondent as appropriate, either before or after a Formal Complaint has been filed or when

they are determined to be appropriate even if only a report is submitted.

Supportive measures may include, but are not limited to the following:

- a. Counseling
- b. Course modifications and extensions of deadlines
- c. Schedule changes (including changing work schedule and work location if an employee is involved)
- d. Increased security, monitoring or supervision, (including restrictions on contact between the parties including placing an employee on leave if an employee is the Respondent)
- e. Any service designed to restore or preserve equal access to the District's educational programs and activities without unreasonable burden to the other party

The purpose of supportive measures is not only to assist one or both of the parties, but also to restore or preserve equal access to the District's educational programs and activities as required by Title IX. Supportive measures will remain confidential unless otherwise required by law.

#### 10. Third Parties

"Third parties" include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property). There is nothing in these provisions that are to be construed as conferring a right to due process on any third party unless any such right can be established as applicable under prevailing law. Any third party (e.g., volunteers, guests, visitors, vendors) who is reported to or is known to have engaged in sexual harassment (including stalking, dating violence, or domestic violence involving a District student or employee) will be directed to leave school property immediately and law enforcement and the Department of Children and Family Services ("DCF") will be promptly notified. Any such party will be subject to termination of contracts, agreements, and restricted from access to school property.

#### 11. Days

Days shall be understood to mean calendar days but will not include vacations, District-wide holidays, and hurricane days.

#### C. Title IX Coordinator: Role and Responsibilities

The Superintendent shall annually appoint a District Title IX Coordinator. The name and contact

information of the Title IX Coordinator shall be posted on the District's website along with this Policy. This Policy will also be linked to District's Code of Student Conduct for prompt reference.

The Title IX Coordinator shall be responsible for receiving and promptly responding to all general and specific reports, as well as Formal Complaints of sexual harassment. The Title IX Coordinator will be the person responsible for coordinating the District's responses to both reports and Formal Complaints of sexual harassment, including being responsible for the following:

1. Carefully reviewing the reports and, in connection with Formal Complaints received, determining whether there is jurisdiction to proceed with the claims in the Formal Complaint or whether jurisdictional grounds exist to dismiss the Formal Complaint. Grounds for dismissal include:
  - a. the allegations/events occurred outside the U.S.
  - b. the allegations/events occurred at a location and during an activity over which the District had no control
  - c. the student is not currently enrolled with the District or the employee is no longer employed by the District
  - d. if the Respondent has withdrawn from the District, the Title IX Coordinator may end the investigation
2. Initiating the Formal Complaint based on a report received and in consultation with the parent or guardian of a student;
3. Informing and meeting with Complainant and the Complainant's parent/guardian (if Complainant is a minor) once the Title IX Coordinator becomes aware of allegations of misconduct that meet the definition and conditions of sexual harassment;
4. Identifying and implementing supporting measures after consultation and review with the Complainant and the Complainant's parent/guardian (if Complainant is a minor);
5. Engaging with Complainant's parent/guardian (if Complainant is a minor) as to whether they want to proceed with filing a written Formal Complaint of sexual harassment;
6. Consulting with the Deputy Coordinators concerning commencing an investigation;
7. Coordinating with District and school-level personnel to facilitate investigations, remedies and helping to assure that the obligations of reports and complaints are met;
8. Discuss the possibility of informal resolution with the parties in a confidential manner.

The Coordinator may be the Investigator.

### III. **The Grievance Process**

#### A. Reports of Sexual Harassment, Formal Complaints, and District Responses

##### 1. Reports of Sexual Harassment

Under Title IX, any person may report sexual harassment at any time, whether relating to herself/himself or another person. If any District employee, other than an employee harasser or Title IX Coordinator receives information of conduct that might constitute sexual harassment, including sexual assault, dating violence, or domestic violence, the employee must promptly inform the Title IX Coordinator of the alleged sexually harassing misconduct. The receipt of such information means the District employee has (a) actual knowledge; and (b) a mandatory reporting obligation. A report of sexual harassment may be made by mail, email, telephone, in person or any other means that would result in the Title IX Coordinator receiving the report.

##### 2. Contact with the Complainant

Upon receiving a report of alleged sexual harassment, the Title IX Coordinator shall promptly contact the Complainant in order to: (a) discuss supportive measures available with or without filing a formal complaint and the Complainant's interest in receiving such measures, including those proposed by the Complainant; and (b) explain to the Complainant the process for filing a formal complaint.

#### B. The Title IX Grievance Process and the Filing of a Formal Complaint: Initial Steps and Considerations

1. A Complainant, whether a student or an employee, may file a complaint or choose not to file a complaint and simply receive the supportive measures. If the Complainant does not file a complaint, the Title IX Coordinator may sign a Formal Complaint, but only if initiating the grievance process against the Respondent is not clearly unreasonable in light of the known circumstances. And in other cases where, in the exercise of good judgment and, in consultation with the District's legal counsel as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment (e.g., reports of sexual assault, employee on student harassment, repeat reports, or the conduct in the Complainant's report has not been adequately resolved through the provision of supportive measures). If the complaint is filed by the Title IX Coordinator, s/he is filed by the Title IX Coordinator, s/he is not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to Respondents and Complainants.

If no formal complaint is filed by the Complainant or the Title IX Coordinator, no disciplinary action may be taken against the Respondent based upon conduct that would constitute sexual harassment under this policy.

2. A Formal Complaint must contain the following information signed by the Complainant or otherwise indicate that the Complainant is the person filing the complaint:
  - a. the name and address of the Complainant and the Complainant's parent/guardian (if the Complainant is a minor)

- b. a description of the alleged sexual harassment
  - c. a request to investigate the matter
3. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail or by electronic mail by using the contact information provided on the District website. When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the District will follow the Grievance Procedure more fully set forth below.
  4. The District must respond to any Complaint received whether verbal or written, including prior to the submission of a Formal Complaint, in order to show that it has not been “deliberately indifferent,” a standard of review applied to school districts, to a report of sexual harassing conduct involving District students or employees. Once an employee learns of, has knowledge of, or receives a report of sexual harassment s/he, as a mandatory reporter with actual knowledge, must notify the Title IX Coordinator within forty-eight (48) hours of the receipt of such allegations/information. Failure to report will subject the employee to disciplinary action up to and including termination.
  5. If the Complainant withdraws a complaint, the investigation ends under Title IX. However, the Title IX Coordinator can continue to investigate if the complaint is severe; especially if the Title IX Coordinator finds there have been multiple complaints against the respondent.
  6. In the event law enforcement becomes involved warranting a criminal investigation, upon consulting with law enforcement, the Title IX Coordinator may suspend the investigation for a period of time and will notify the parties accordingly. Any such suspension of an investigation, would not suspend preserving supporting measures or putting new ones in place. A person may file criminal charges at the same time s/he reports allegations of harassing misconduct or submits a Formal Complaint. The Complainant does not have to wait until a Title IX investigation is underway before doing so.
  7. In the event that there is a conflict of interest involving the Title IX Coordinator, or the Title IX Coordinator is the party against whom a report and/or a formal complaint is submitted, the Superintendent will ensure that another person with appropriate training and qualifications will be appointed the acting Title IX Coordinator for the case.

C. Notice Requirements with Respect to Filing a Formal Complaint and Initial Review Issues

1. The Title IX Coordinator will provide notice to the Complainant and the Complainant’s parent/guardian, if the complainant is a non-eligible student under the Family Education Rights and Privacy Act ("FERPA"), and to the Respondent and the Respondent’s parent/guardian (if the Respondent is a non-eligible student under FERPA), of the following:
  - a. that a Title IX Formal Complaint has been filed along with the allegations of sexual harassment potentially constituting sexual harassment;

This shall include the name and address of the Complainant, sufficient details known at the time, as well the time to prepare a response before any initial interview. “Sufficient details” shall include to the extent known as identities of persons involved, the conduct allegedly constituting

sexual harassment, and the date and location of the incident.

- b. statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  - c. that each party may have an advisor of his/her choosing, who may be, but is not required to be, an attorney;
  - d. that each party is entitled to inspect and review evidence;
  - e. a reference to any provision in the District's Code of Student Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process; and
  - f. the availability of informal resolution if the parties agree in writing.
2. The Title IX Coordinator will contact the Complainant to discuss and offer supportive measures. The Title IX Coordinator may contact the Respondent to discuss, and require, if necessary, non-disciplinary supportive measures.
  3. The Title IX Coordinator will examine the allegations in the Formal Complaint, to determine whether, even if assumed true, the allegations are sufficient to sustain a finding of sexual harassment under this policy, the determination shall be based on a consideration of the following questions:
    - a. Do the allegations meet the definition of sexual harassment?
    - b. Did the conduct occur during an educational program or activity of the District over which it exercised substantial control over both the Respondent and the context in which the alleged sexual harassment occurred?
    - c. Did the allegations occur against a person in the United States?

If any of these questions are answered in the negative, the Title IX Coordinator will dismiss the complaint on jurisdictional grounds.

#### D. Confidentiality

1. While the identities of the parties will become known to each upon the communication of the Formal Complaint to the Respondent, the District will respect the confidentiality of the Complainant and the Respondent to the fullest extent possible, including not disclosing identities to persons not involved in the process and the maintaining of the confidentiality of medical, psychological, and academic records. However, some information may need to be disclosed to appropriate individuals or authorities. All disclosures shall be consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action, if warranted. Examples of such disclosure include the following:

- a. Information to either party to the extent necessary to provide the parties with due process during the course and scope of the investigative process.
  - b. Information to the Title IX Coordinator, case Investigator(s), and District Decision-Makers, who are the persons that are in charge of handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process.
  - c. Mandatory reports of child abuse or neglect to DCF and/or local law enforcement.
  - d. Information to the Complainant's and the Respondent's parent/guardian as required under this Policy and/or FERPA.
  - e. Reports to the Florida Department of Education as required regarding violations of the Conduct of Ethics of the Education Profession in Florida pursuant to F.S. 1012.796.
2. Supportive measures offered to the Complainant or the Respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the School District to provide the supportive measures. Moreover, consistent with the above, the District will not release the names of the following persons to any third party outside the grievance process:
- a. Any person who has submitted a report or complaint of sex discrimination
  - b. Any person who has made a report or filed a formal complaint of sexual harassment
  - c. Any witness

E. Emergency Removal and Administrative Leave

1. At any point after receiving either a report or Formal Complaint of sexual harassment, the Title IX Coordinator, after consultation with the Superintendent, may request an individualized safety and risk analysis be performed to determine whether the reported student, or the Respondent, if a Formal Complaint has been filed, is an immediate threat to the physical health or safety of any person. In the event that the safety and risk analysis determines that the Respondent student does present an immediate threat to the physical health and safety of any person, the District may remove that student, provided that such removal is in full compliance with the Individuals with Disabilities Education Act ("IDEA"), and a student's Individualized Education Program ("IEP") and/or Section 504 plan if applicable.
2. Such emergency removal shall not, in any way, be considered to be disciplinary in nature and will not affect the presumption that the Respondent has not violated this Policy. Moreover, the District must provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The District shall continue to provide the removed student with full educational programming and opportunities available as a matter of right to a free and appropriate education (FAPE) until a final determination is made pursuant to the Title IX Grievance Process.
3. In addition, the Title IX Coordinator shall inform the Superintendent and the Executive Director of Human Resources of the need for non-disciplinary administrative leave of any

employee Respondent so that s/he can make any necessary reports to the Florida Department of Education in compliance with applicable law under F.S. 1012.796.

4. With the foregoing in mind, under Title IX, even if (a) a Respondent student is removed, or alternative supporting measures provided; or (b) a District employee/Respondent is placed on administrative leave, the District shall not impose discipline upon them until the Title IX grievance process, up through a final appeal determination, has been completed.

#### F. Training

1. All District employees shall receive annual training or other instruction relative to mandatory reporting obligations, or any other responsibilities that may have relevance to this Policy.
2. The Title IX Coordinator, Investigators, Decision-Makers, and District administrators must receive training on the elements of sexual harassment, this Policy, the scope of the District's educational programs and activities, how to conduct an investigation, evidentiary standards, decision-making, and determination of responsibility as well as report preparation and writing. This would also include review of issues pertaining to the initial complaint, formal complaints, and the grievance process. The training will also include avoiding prejudging the facts, bias and conflicts of interest.
3. Investigators will receive training on issues concerning gathering evidence, witness meetings and questioning, including assessment of witness credibility and providing accurate statements, and preparing an investigative report that fairly summarizes relevant evidence so that it can be properly presented to the Decision-Maker. The training will also include the relationship between sexual harassment and the experience of trauma and traumatic episodes; including the various ways that trauma may manifest itself in order to assist the Investigator in appropriately listening to witnesses.
4. Decision-Makers must be trained on issues of relevance of questions and evidence, standards of evidentiary review and assessing elements of a claim. This includes the non-relevance of the Complainant's sexual predisposition or prior sexual behavior. The Decision-Maker will also receive training on the experience of trauma and traumatic episodes as noted above.
5. Materials used to train Title IX Coordinators, Investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment, and must be made available to the public as required under Title IX.

#### G. Retaliation Prohibited

Retaliation against any person who makes a report or files a Formal Complaint, or against any person who assists, participates, or refuses to participate in any investigation of an act alleged in this Policy is prohibited. Actions taken in response to knowingly making false statements, or knowingly submitting false information as part of a report or Formal Complaint or during the Title IX investigative/grievance process do not constitute retaliation. A finding of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith. A party or witness may make an inaccurate statement in the course of otherwise accurate testimony or statements. Complaints of retaliation concerning reports or Formal Complaints of sexual harassment shall be filed under the District's general grievance process and will be promptly reviewed and investigated.

#### H. Conflict of Interest

No person designated as a Title IX Coordinator, Investigator, Decision-Maker, nor any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

### IV. **Investigation of the Formal Complaint and the Determination of Responsibility Process**

#### A. Investigative Process

1. The Title IX Coordinator will coordinate the investigation and in some cases conduct the investigation. Based on the status of the Complainant (whether student or employee) the Coordinator will consult with the Directors overseeing the divisions (employee and student) to have an Investigator properly assigned to the case. The Directors will provide the Title IX Coordinator with the name and contact information of the Investigator.
2. Upon assignment, the Investigator must complete the following:
  - a. Interview all witnesses, including the Complainant and the Respondent, and provide written notice of any interview, or meeting, to the participant including the date, time, location, and purpose of the interview or meeting.
  - b. Objectively review all relevant evidence, including inculpatory and exculpatory evidence. In any such review, evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent.
  - c. Carefully review the issue of consent to determine factually, especially as it pertains to allegations of sexual assault, whether the Complainant consented to the activity or had the ability or capacity to do so or where statutory consent is not possible.
  - d. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties.
  - e. Ensure that s/he will not access, consider, or disclose or otherwise use a party's records that contain physician, psychiatrist, psychologist, or other professional provider records involving consultation and treatment without the party's written consent.
  - f. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence during the



prior sexual behavior are offered to provide that someone other than the Respondent committed the conduct alleged by the Complainant, or if the question and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent, except where statutory consent is not possible.

3. The initial Decision-Maker will provide the submitted questions to the party/witness, with copies to each party, and provide no less than ten (10) days for written responses, likewise to be provided to each party.
4. The Decision-Maker must afford the parties the opportunity to submit limited follow up questions with the understanding that these questions can be excluded if not relevant.
5. The initial Decision-Maker must issue a written determination of responsibility, within ten (10) days after the close of the period for responses to the last round of follow up questions. The Decision-Maker may not make credibility determinations based on the person's status as a Complainant, Respondent, or witness.
6. The written "Initial Determination of Responsibility" must include the following:
  - a. identification of the allegations potentially constituting sexual harassment;
  - b. a description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination of Responsibility, including any notification to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence;
  - c. findings of fact supporting the determination. In preparing the findings of fact, the decision maker should identify the agreed upon facts as well as conflicting facts and how conflicting facts were resolved;
  - d. conclusions regarding application of the Code of Student Conduct to the facts;
  - e. the result and rationale as to each allegation, including examining each element of a claim to see if evidence exists to support the claim.

If any of the elements of claim are not met, then the claim cannot be sustained whether it involves sexual harassment, quid pro quo issues, sexual assault, and so on.
  - f. a determination regarding responsibility as to each allegation;
  - g. any disciplinary sanctions to be imposed on the Respondent by the District;
  - h. whether remedies will be provided by the District to the Complainant;
  - i. permissible procedures and grounds for the Complainant and Respondent to appeal.
7. The initial Decision-Maker shall communicate his/her Determination of Responsibility to the Title IX Coordinator, the Superintendent, and the parties

simultaneously.

V. **The Appeals Process and the Appellate Decision-Maker**

A. The Appeals Process

1. Either party may appeal the Determination of Responsibility issued by the initial Decision-Maker or the dismissal of formal complaint by notifying the Superintendent and the Title IX Coordinator in writing within ten (10) days after the Determination of Responsibility was communicated to the parties.
2. An appeal under this Policy and Procedure may only be based on one or more of the following bases which must be specifically stated in the written request for an appeal:
  - a. procedural issues, including any procedural irregularities, that affected the outcome;
  - b. new evidence that was not reasonably available at the time the written determination or dismissal was made that has become available and could affect the outcome of the matter; or
  - c. there was a conflict of interest or bias by the school-based Title IX Coordinator, Investigator, or Decision-Maker, against the Complainant or Respondent that affected the outcome of the matter.
3. Appeals for any other reason will not be considered. In this regard, appeals of disciplinary sanctions must follow the District's ordinary review process under the *Code of Student Conduct* or other District Policy, or pursuant to a relevant provision in a collective bargaining agreement in place at the time the determination was made.

B. The Filing of an Appeal and the Appellate Decision-Making

1. Within three (3) to five (5) days after the appeal is received, the Superintendent will appoint a Decision-Maker to handle the appeal. The appellate Decision-Maker cannot be the same person as the initial Decision-Maker, Investigator, or the Title IX Coordinator, nor must the appellate Decision-Maker have any conflict of interest or bias for or against the Complainant or Respondent. Upon the appointment of the appellate Decision-Maker, the Superintendent will provide the Notice of Appeal to each party that an appeal has been filed and provide such Notice to the Title IX Coordinator along with a copy of the written appeal that was submitted. The Notice of Appeal will include information about timeframes and deadlines during the appellate stage of review.
2. Each party shall have ten (10) days from the date the Notice of Appeal is communicated to the parties to submit to the appellate Decision-Maker a written statement, which copies the Superintendent, Title IX Coordinator, and other party support of, or challenging, the Determination of Responsibility of the initial Decision-Maker or dismissal. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's appeal statement.

3. After reviewing the record and appeal statements of the parties, the Decision-Maker shall provide a written decision. The Initial Determination of Responsibility will be overturned only upon showing that it was clearly erroneous (i.e., either because it was either made on unreasonable grounds, or without proper consideration of all the circumstances, facts, documents, and issues in evidence. The appellate Decision-Maker cannot reweigh the evidence or make credibility determinations except with respect to new evidence provided as the basis for the appeal.) If one of the bases for appeal was new evidence, then the appellate Decision-Maker may either make a determination of responsibility regarding that evidence or refer it back to the investigative stage of the process. The appellate Decision-Maker will so notify the Title IX Coordinator and the parties since this would delay the filing of the final determination.
4. The written appeals decision will describe the result(s) of the appeal and the rationale. Copies will be provided to the parties, Superintendent, and Title IX Coordinator, no more than ten (10) days after receiving the parties' written statements.

C. Finality of the Appellate Determination of Responsibility

The decision of the appellate Decision-Maker shall be deemed to be final as of the date s/he communicates it to the Superintendent, Title IX Coordinator, and the parties. Thereafter, the District may implement disciplinary actions to be taken or any non-disciplinary remedies provided. The Title IX Coordinator will be responsible for non-disciplinary remedies with assistance of District site administrators. Disciplinary penalties will be implemented by administrators who would, in the normal course of business, be responsible for doing so in accordance with the Code of Student Conduct and other District Policies and Procedures.

VI. **Grievance Process Timeframe**

The grievance process timeframe from the date the Title IX Coordinator receives the Formal Complaint through the appeals process shall be up to ninety (90) days.

VII. **Record Keeping**

The District must maintain all records related to any Title IX investigation undertaken under this Policy for a period of seven (7) years.

Revised 9/21/21

## APPENDIX B

### The 2019 Florida Statutes

Title XLVIII K-20

Chapter 1003 PUBLIC K-12

EDUCATION CODE

EDUCATION

**1003.24 Parents responsible for attendance of children; attendance policy.** —Each parent of a child within the compulsory attendance age is responsible for the child's school attendance as required by law. The absence of a student from school is prima facie evidence of a violation of this section; however, criminal prosecution under this chapter may not be brought against a parent until the provisions of s. 1003.26 have been complied with. A parent of a student is not responsible for the student's nonattendance at school under any of the following conditions:

(1) **WITH PERMISSION.** —The absence was with permission of the head of the school;

(2) **WITHOUT KNOWLEDGE.** —The absence was without the parent's knowledge, consent, or connivance, in which case the student shall be dealt with as a dependent child;

(3) **FINANCIAL INABILITY.** —The parent was unable financially to provide necessary clothes for the student, which inability was reported in writing to the superintendent prior to the opening of school or immediately after the beginning of such inability, provided that the validity of any claim for exemption under this subsection shall be determined by the district school superintendent subject to appeal to the district school board; or

(4) **SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.** —Attendance was impracticable or inadvisable on account of sickness or injury, as attested to by a written statement of a licensed practicing physician, or was impracticable because of some other stated insurmountable condition as defined by and attested to in accordance with rules of the State Board of Education. If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician, or if the absence is related to the student having autism spectrum disorder, receiving services from a licensed health care practitioner or behavior analyst certified pursuant to s.393.17, in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than the number of days permitted by the district school board.

Each district school board shall establish an attendance policy that includes, but is not limited to, the required number of days each school year that a student must be in attendance and the number of absences and tardinesses after which a statement explaining such absences and tardinesses must be on file at the school. Each school in the district must determine if an absence or tardiness is excused or unexcused according to criteria established by the district school board.

**History.** —s. 119, ch. 2002-387; s. 59, ch.

2017-116.

## The 2019 Florida Statutes

Title XLVIII K-20

Chapter 1003 PUBLIC K-12

EDUCATION CODE

EDUCATION

**1003.26 Enforcement of school attendance.** —The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of

school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school

board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved

student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE. —

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent to determine the reason for the absence. If the absence is an excused absence, as defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if **early patterns of truancy** are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal shall notify the district school superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance.

(c) If an initial meeting does not resolve the problem, the child study team shall implement the following:

1. Frequent attempts at communication between the teacher and the family.
2. Evaluation for alternative education programs.
3. Attendance contracts.

The child study team may, but is not required to, implement other interventions, including referral to other agencies for family services or recommendation for filing a truancy petition pursuant to s. 984.151.

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. The district school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the district school board. If the district school board's final determination is that the strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate, the district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two

home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s.1002.41(1)(d). The first portfolio

review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(d).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll

the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e).

(g) If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12, and the district school superintendent or his or her designee may file a truancy petition pursuant to the procedures in s.984.151.

## (2) GIVE WRITTEN NOTICE. —

(a) Under the direction of the district school superintendent, a designated school representative shall give written notice that requires enrollment or attendance within 3 days after the date of notice, in person or by return-receipt mail, to the parent when no valid reason is found for a student's nonenrollment in school. If

the notice and requirement are ignored, the designated school representative shall report the case to the district school superintendent, who may refer the case to the child study team in paragraph (1)(b) at the school the student would be assigned according to district school board attendance area policies or to the case staffing committee, established pursuant to s. 984.12. The child study team shall diligently facilitate intervention services and shall report the case back to the district school superintendent only when all reasonable efforts to resolve the nonenrollment behavior are exhausted. If the parent still refuses to cooperate or enroll the child in school, the district school superintendent shall take such steps as are necessary to bring criminal prosecution against the parent.

(b) Subsequent to the activities required under subsection (1), the district school superintendent or his or her designee shall give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The district school superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.

(3) RETURN STUDENT TO PARENT.—A designated school representative may visit the home or place of residence of a student and any other place in which he or she is likely to find any student who is required to attend school when the student is not enrolled or is absent from school during school hours without an excuse, and, when the student is found, shall return the student to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.

(4) REPORT TO APPROPRIATE AUTHORITY. —A designated school representative shall report to the appropriate authority designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) RIGHT TO INSPECT. —A designated school representative shall have the right of access to, and inspection of, establishments where minors may be employed or detained only for the purpose of ascertaining whether students of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the appropriate authority.

**History.** —s. 121, ch. 2002-387; s. 5, ch. 2006-301; s. 3, ch. 2018-134.

### **Authority of teacher (FS 1003.32)**

#### **Regarding a teacher's right to have a student removed from his/her class**

A teacher may remove from class a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. Each district school board, each district school superintendent, and each school principal shall support the authority of teachers to remove disobedient, violent, abusive, uncontrollable, or disruptive students from the classroom.

If a teacher removes a student from class under subsection (4), the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention and academic intervention program as provided by s. 1003.53; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. **The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under subsection (6) determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.**

Each school shall:

1. Establish a placement review committee to determine placement of a student when a teacher withholds consent to the return of a student to the teacher's class. A school principal must notify each teacher in that school about the availability, the procedures, and the criteria for the placement review committee as outlined in this section.
2. The principal must report on a quarterly basis to the district school superintendent and district school board each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident, and the superintendent must annually report these data to the department. The Commissioner of Education shall annually review each school district's compliance with this section, and success in achieving orderly classrooms, and shall use all appropriate enforcement actions up to and including the withholding of disbursements from the Educational Enhancement Trust Fund until full compliance is verified.
3. Placement review committee membership must include at least the following:
  - a. Two teachers, one selected by the school's faculty and one selected by the teacher who has removed the student.
  - b. One member from the school's staff who is selected by the principal.

The teacher who withheld consent to readmitting the student may not serve on the committee. The teacher and the placement review committee must render decisions within 5 days after the removal of the student from the classroom. If the placement review committee's decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher's class, the teacher may appeal the committee's decision to the district school superintendent.

Any teacher who removes 25 percent of his or her total class enrollment shall be required to complete professional development to improve classroom management skills.

2022 NEW LEGISLATION

House Bill 1557: Parents' Bill of Rights

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

ENROLLED

CS/CSHB 1557, Engrossed 1

2022 Legislature

1  
2       An act relating to parental rights in education;  
3       amending s. 1001.42, F.S.; requiring district school  
4       boards to adopt procedures that comport with certain  
5       provisions of law for notifying a student's parent of  
6       specified information; requiring such procedures to  
7       reinforce the fundamental right of parents to make  
8       decisions regarding the upbringing and control of  
9       their children in a specified manner; prohibiting the  
10       procedures from prohibiting a parent from accessing  
11       certain records; providing construction; prohibiting a  
12       school district from adopting procedures or student  
13       support forms that prohibit school district personnel  
14       from notifying a parent about specified information or  
15       that encourage or have the effect of encouraging a  
16       student to withhold from a parent such information;  
17       prohibiting school district personnel from  
18       discouraging or prohibiting parental notification and  
19       involvement in critical decisions affecting a  
20       student's mental, emotional, or physical well-being;  
21       providing construction; prohibiting classroom  
22       discussion about sexual orientation or gender identity  
23       in certain grade levels or in a specified manner;  
24       requiring certain training developed or provided by a  
25       school district to adhere to standards established by

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1557-04-er

ENROLLED

CS/CSHB 1557, Engrossed 1

2022 Legislature

26 | the Department of Education; requiring school  
 27 | districts to notify parents of healthcare services and  
 28 | provide parents the opportunity to consent or decline  
 29 | such services; providing that a specified parental  
 30 | consent does not wave certain parental rights;  
 31 | requiring school districts to provide parents with  
 32 | certain questionnaires or health screening forms and  
 33 | obtain parental permission before administering such  
 34 | questionnaires and forms; requiring school districts  
 35 | to adopt certain procedures for resolving specified  
 36 | parental concerns; requiring resolution within a  
 37 | specified timeframe; requiring the Commissioner of  
 38 | Education to appoint a special magistrate for  
 39 | unresolved concerns; providing requirements for the  
 40 | special magistrate; requiring the State Board of  
 41 | Education to approve or reject the special  
 42 | magistrate's recommendation within specified  
 43 | timeframe; requiring school districts to bear the  
 44 | costs of the special magistrate; requiring the State  
 45 | Board of Education to adopt rules; providing  
 46 | requirements for such rules; authorizing a parent to  
 47 | bring an action against a school district to obtain a  
 48 | declaratory judgment that a school district procedure  
 49 | or practice violates certain provisions of law;  
 50 | providing for the additional award of injunctive

ENROLLED

CS/CSHB 1557, Engrossed 1

2022 Legislature

51 relief, damages, and reasonable attorney fees and  
 52 court costs to certain parents; requiring school  
 53 district to adopt policies to notify parents of  
 54 certain rights; providing construction; requiring the  
 55 department to review and update, as necessary,  
 56 specified materials by a certain date; providing an  
 57 effective date.

58

59 Be It Enacted by the Legislature of the State of Florida:

60

61 Section 1. Paragraph (c) is added to subsection (8) of  
 62 section 1001.42, Florida Statutes, to read:

63 1001.42 Powers and duties of district school board.—The  
 64 district school board, acting as a board, shall exercise all  
 65 powers and perform all duties listed below:

66 (8) STUDENT WELFARE.—

67 (c)1. In accordance with the rights of parents enumerated  
 68 in ss. 1002.20 and 1014.04, adopt procedures for notifying a  
 69 student's parent if there is a change in the student's services  
 70 or monitoring related to the student's mental, emotional, or  
 71 physical health or well-being and the school's ability to  
 72 provide a safe and supportive learning environment for the  
 73 student. The procedures must reinforce the fundamental right of  
 74 parents to make decisions regarding the upbringing and control  
 75 of their children by requiring school district personnel to

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CS/CSHB 1557, Engrossed 1

2022 Legislature

76 encourage a student to discuss issues relating to his or her  
 77 well-being with his or her parent or to facilitate discussion of  
 78 the issue with the parent. The procedures may not prohibit  
 79 parents from accessing any of their student's education and  
 80 health records created, maintained, or used by the school  
 81 district, as required by s. 1002.22 (2).

82 2. A school district may not adopt procedures or student  
 83 support forms that prohibit school district personnel from  
 84 notifying a parent about his or her student's mental, emotional,  
 85 or physical health or well-being, or a change in related  
 86 services or monitoring, or that encourage or have the effect of  
 87 encouraging a student to withhold from a parent such  
 88 information. School district personnel may not discourage or  
 89 prohibit parental notification of and involvement in critical  
 90 decisions affecting a student's mental, emotional, or physical  
 91 health or well-being. This subparagraph does not prohibit a  
 92 school district from adopting procedures that permit school  
 93 personnel to withhold such information from a parent if a  
 94 reasonably prudent person would believe that disclosure would  
 95 result in abuse, abandonment, or neglect, as those terms are  
 96 defined in s. 39.01.

97 3. Classroom instruction by school personnel or third  
 98 parties on sexual orientation or gender identity may not occur  
 99 in kindergarten through grade 3 or in a manner that is not age-  
 100 appropriate or developmentally appropriate for students in

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2022 Legislature

101 accordance with state standards.

102 4. Student support services training developed or provided  
 103 by a school district to school district personnel must adhere to  
 104 student services guidelines, standards, and frameworks  
 105 established by the Department of Education.

106 5. At the beginning of the school year, each school  
 107 district shall notify parents of each healthcare service offered  
 108 at their student's school and the option to withhold consent or  
 109 decline any specific service. Parental consent to a health care  
 110 service does not waive the parent's right to access his or her  
 111 student's educational or health records or to be notified about  
 112 a change in his or her student's services or monitoring as  
 113 provided by this paragraph.

114 6. Before administering a student well-being questionnaire  
 115 or health screening form to a student in kindergarten through  
 116 grade 3, the school district must provide the questionnaire or  
 117 health screening form to the parent and obtain the permission of  
 118 the parent.

119 7. Each school district shall adopt procedures for a  
 120 parent to notify the principal, or his or her designee,  
 121 regarding concerns under this paragraph at his or her student's  
 122 school and the process for resolving those concerns within 7  
 123 calendar days after notification by the parent.

124 a. At a minimum, the procedures must require that within  
 125 30 days after notification by the parent that the concern

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CS/CS/HB 1557, Engrossed 1

2022 Legislature

126 remains unresolved, the school district must either resolve the  
 127 concern or provide a statement of the reasons for not resolving  
 128 the concern.

129 b. If a concern is not resolved by the school district, a  
 130 parent may:

131 (I) Request the Commissioner of Education to appoint a  
 132 special magistrate who is a member of The Florida Bar in good  
 133 standing and who has at least 5 years' experience in  
 134 administrative law. The special magistrate shall determine facts  
 135 relating to the dispute over the school district procedure or  
 136 practice, consider information provided by the school district,  
 137 and render a recommended decision for resolution to the State  
 138 Board of Education within 30 days after receipt of the request  
 139 by the parent. The State Board of Education must approve or  
 140 reject the recommended decision at its next regularly scheduled  
 141 meeting that is more than 7 calendar days and no more than 30  
 142 days after the date the recommended decision is transmitted. The  
 143 costs of the special magistrate shall be borne by the school  
 144 district. The State Board of Education shall adopt rules,  
 145 including forms, necessary to implement this subparagraph.

146 (II) Bring an action against the school district to obtain  
 147 a declaratory judgment that the school district procedure or  
 148 practice violates this paragraph and seek injunctive relief. A  
 149 court may award damages and shall award reasonable attorney fees  
 150 and court costs to a parent who receives declaratory or

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CS/CSHB 1557, Engrossed 1

2022 Legislature

151 injunctive relief.

152 c. Each school district shall adopt policies to notify  
153 parents of the procedures required under this subparagraph.

154 d. Nothing contained in this subparagraph shall be  
155 construed to abridge or alter rights of action or remedies in  
156 equity already existing under the common law or general law.

157 Section 2. By June 30, 2023, the Department of Education  
158 shall review and update, as necessary, school counseling  
159 frameworks and standards; educator practices and professional  
160 conduct principles; and any other student services personnel  
161 guidelines, standards, or frameworks in accordance with the  
162 requirements of this act.

163 Section 3. This act shall take effect July 1, 2022.

House Bill 529: Moments of Silence in Public Schools  
(<https://www.flsenate.gov/Session/Bill/2021/529>)

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

ENROLLED

HB 529

2021 Legislature

1  
2       An act relating to moments of silence in public  
3       schools; amending s. 1003.45, F.S.; providing  
4       legislative findings; requiring that public school  
5       principals require certain teachers to set aside time  
6       for a moment of silence at the beginning of each  
7       school day; specifying the duration of the required  
8       moment of silence; prohibiting teachers from making  
9       suggestions as to the nature of any reflection that a  
10       student may engage in during the moment of silence;  
11       deleting a provision authorizing district school  
12       boards to provide a brief period of silent prayer or  
13       meditation; requiring certain teachers to encourage  
14       parents or guardians to discuss the moment of silence  
15       with their children and to make suggestions as to the  
16       best use of this time; providing an effective date.

17  
18       Be It Enacted by the Legislature of the State of Florida:

19  
20       Section 1. Section 1003.45, Florida Statutes, is amended  
21       to read:

22       1003.45 Permitting study of the Bible and religion;  
23       requiring a moment of silence ~~permitting brief meditation~~  
24       period.—

25       (1) The district school board may install in the public

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0529-01-er

ENROLLED

HB 529

2021 Legislature

26 schools in the district a secular program of education  
 27 including, but not limited to, an objective study of the Bible  
 28 and of religion.

29 (2) The Legislature finds that in today's hectic society  
 30 too few persons are able to experience even a moment of quiet  
 31 reflection before plunging headlong into the activities of daily  
 32 life. Young persons are particularly affected by the absence of  
 33 an opportunity for a moment of quiet reflection. The Legislature  
 34 finds that our youth, and society as a whole, would be well  
 35 served if students in the public schools were afforded a moment  
 36 of silence at the beginning of each school day.

37 (3) The principal of each public school shall require  
 38 teachers in first-period classrooms in all grades to set aside  
 39 at least 1 minute, but ~~district school board may provide that a~~  
 40 ~~brief period, not more than to exceed~~ 2 minutes, daily, for a  
 41 moment ~~the purpose of~~ silence, during which students may not  
 42 interfere with other students' participation. A teacher may not  
 43 make suggestions as to the nature of any reflection that a  
 44 student may engage in during the moment of silence ~~silent prayer~~  
 45 ~~or meditation be set aside at the start of each school day or~~  
 46 ~~each school week in the public schools in the district.~~

47 (4) Each first-period classroom teacher shall encourage  
 48 parents or guardians to discuss the moment of silence with their  
 49 children and to make suggestions as to the best use of this  
 50 time.

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

ENROLLED

HB 529

2021 Legislature

51

Section 2. This act shall take effect July 1, 2021.

Page 3 of 3

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hb0529-01-er



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**To:** Parents and Guardians  
**From:** Department of Student Services  
**Date:** July 1, 2021  
**Ref:** Moment of Silence in Public Schools

---

In accordance with Chapter 1003.45, Florida Statutes, the District will observe a moment of silence each school day this year. This moment of silence will occur during first period or at the beginning of the day.

In accordance with the Statute, the District will not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence. Families are encouraged to discuss the moment of silence with their child(ren) and to make suggestions as to the best use of this time.

Please contact your child's school with any questions about the moment of silence. We thank you for being our partner in education.

## **APPENDIX C**

Following are forms to be signed by students and parents.



THE SCHOOL DISTRICT OF MARTIN COUNTY, FLORIDA  
PARENT AND STUDENT ACKNOWLEDGEMENT

Form #356  
Rev. 4/22/22

School: \_\_\_\_\_ Student ID Number: \_\_\_\_\_

Student Name (Print): \_\_\_\_\_

Parent/Guardian Name (Print) \_\_\_\_\_

**CODE OF STUDENT CONDUCT:**

The Code of Student Conduct has been written so students and family members know what behavior is expected and prohibited at school or at school activities. It is helpful if parents are aware of District expectations, District Policies and Florida Statutes so they can help support them from home. **Failure to return this acknowledgement form will not relieve a student or the parent(s) from the responsibility for knowledge of the contents of the Martin County School District Code of Student Conduct.**

Parent/Student:

- Please retain a copy of this document for your files. The original will be on file at the student's school. Note: All corrections/updates to the Code during the school year will be made online only.
- The Code is located on the Student Services webpage at [www.martinschools.org](http://www.martinschools.org). In an effort to conserve resources, copies of the Code are provided by request only. Please check the statements below that apply to you.
- If you wish to have any portion of the Code of Student Conduct explained to you, please contact your child's school.

- I have reviewed the Code of Student Conduct and all current district policies and Florida Statutes therein.
- I cannot access the Code of Student Conduct online.
- I wish to have a printed copy of the Code of Conduct.

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

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

Please indicate your **permission preferences** below.

The following selections are effective immediately and will continue in effect until and unless a new election form is completed, signed and processed by the student's school.

Note: **The absence of circling or checking does NOT imply permission.**

**Please continue on reverse side of this form and return to your child's school**

SBM051722

**ELECTRONIC PROGRESS REPORT, REPORT CARD, AND STATE ASSESSMENT REPORTS:** Permission is granted to only receive progress reports, report cards, and state assessment reports electronically through the Focus Parent Portal to parents. Parents not giving permission will receive paper reports that will be made available after the electronic version is posted.

Check one:  Permission Granted  Permission Denied

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

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

**PHOTO/MEDIA RELEASE:** Your child may be interviewed, photographed, audio or video-recorded by the news media or district staff for print, radio, television, Internet content or any other medium. Permission is granted for the school or district to use my child's photograph, video image, writing, voice recording, name, grade level, school name, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received, date and place of birth, and most recent previous school attended, web sites, etc. and/or similar school or district sponsored publications or in school or district approved news media interviews, releases, articles, and photographs. I also provide permission for the release by the school or district to the media and governmental entities of my child's name, grade, school name and honors my child has received for public announcement of recognition of my student's accomplishments and the school yearbook.

Check one:  Permission Granted  Permission Denied

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

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

**YEARBOOK PICTURES:** Permission is granted for the school or district to use my child's photograph in the school's year book.

Check one:  Permission Granted  Permission Denied

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

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

**HIGH SCHOOL STUDENT ONLY:** Opt-out for the release of information to military: Federal law requires that school districts provide military recruiters access to the names, addresses and phone numbers of high school students. Parents have a right to OPT-OUT from sending this information. If you do not want your child's information released to the military without prior written parental consent, circle below. Although we will accept the opt-out any time during the year, sending it the first 20 days of the school year will ensure that no information is sent this school year.

Check one:  Release Authorized  Release Not Authorized

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

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

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# EDUCATE ALL STUDENTS FOR SUCCESS



[www.martinschools.org](http://www.martinschools.org)



[www.facebook.com/MartinCountySchoolDistrict](https://www.facebook.com/MartinCountySchoolDistrict)



[@MCSDFlorida](https://twitter.com/MCSDFlorida)  
[#lamMCSD](https://twitter.com/hashtag/lamMCSD)

