



2022-2023

Code of Student Conduct
SECONDARY GRADES 6-12

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NASSAU COUNTY SCHOOL DISTRICT

MISSION STATEMENT

Our mission is to develop each student as an inspired life-long learner and problem-solver with the strength of character to serve as a productive member of society.

Our Core Values

We believe that

- All people have intrinsic worth.
- All people are responsible for their actions.
- Effective relationships are developed and maintained through mutual respect, trust, and communication.
- The higher the expectations, the higher the performance.
- Everyone can learn and that life-long learning is essential for individuals and communities to thrive.
- The role of family is critical in the moral development of an individual.
- Strength of character is essential to making quality life choices.
- The community is strengthened when the potential of each person is developed.

<http://www.nassau.k12.fl.us>

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Special Note: In the event of any conflict or inconsistency between this document and Nassau County District School Board Administrative Rules, the School Board Rules will supersede this policy. Administrative Board Rules may be found on the Nassau County Web Site.

NASSAU COUNTY CODE OF STUDENT CONDUCT SECONDARY SCHOOLS

INTRODUCTION

Philosophical Basis

Instruction should occur in an environment that is conducive to learning. Effective instruction requires good order and discipline which may be described as the absence of distractions, frictions, and disturbances which interfere with the effective functioning of the student, class, and school. It is also the presence of a friendly, yet businesslike atmosphere in which students and school personnel work cooperatively toward mutually recognized and accepted goals.

As students progress in our public schools, it is reasonable to assume that an increase in age and maturity will result in the students assuming greater responsibility for their actions. It is recognized that differences in age and maturity require different types of disciplinary action; however, the procedures identified shall apply to all students in grades 6-12.

To assist parents, administrators, and faculty in maintaining such an environment, the Code of Student Conduct will:

- Describe roles of the home, student, and school
- Describe student rights and responsibilities
- Identify informal and formal disciplinary actions
- Standardize disciplinary actions
- Identify classifications of violations and describe procedures for disciplinary action
- Be discussed at the beginning of every school year in student classes, School Advisory Councils and Parent & Teacher Organizations in language understandable to those in attendance
- Be distributed to teachers, school personnel, students, and parents/guardians at the beginning of each school year

Roles of Home, Student and School

In order for effective instruction to occur, there must be a cooperative relationship between student, parent, and educator. This relationship may be described as follows:

PARENTS OR GUARDIANS WHO:

- assume major responsibility for their child's behavior
- maintain regular communication with the school and encourage their child to
- maintain acceptable behavior in their home, community, and school
- ensure that their child is in daily attendance and promptly report and explain an absence from school
- provide their child with the resources needed to complete class work
- assist their child in being well-groomed, neat and clean

- bring to the attention of the school authorities any problem or condition which affects their child or other children of the school community
- discuss report cards and work assignments with their child
- maintain up-to-date home, work, emergency telephone numbers, and addresses at the school, including doctor and/or hospital preference

STUDENTS WHO:

- attend all classes daily and are on time
- are prepared to come to class with appropriate working materials
- are responsible for their own work and behavior
- are responsible for delivery of written communications to their parent/guardian
- are respectful to all individuals and property
- refrain from profane or inflammatory statements
- are well-groomed, neat, and clean
- abide by the rules and regulations set forth by the school and individual classroom teachers

SCHOOLS THAT:

- encourage the use of good guidance procedures
- maintain an atmosphere conducive to good behavior
- exhibit an attitude of respect for students
- plan a flexible, challenging curriculum to meet the needs of all students
- promote effective training or discipline based upon fair and impartial treatment of all students
- develop a good working relationship among staff, students, and appropriate community agencies
- encourage the school staff, parents, and students to use the service of community agencies
- encourage parents/guardians to keep in regular communication with the school and participate in its affairs
- seek to involve students, parents/guardians, in the development of policy while conducting themselves in a safe and responsible manner

Jurisdiction of the School Board

The Code is in force during regular school hours, as well as such times and places, including, but not necessarily limited to, school-sponsored events, field trips, athletic functions, and other activities where all Nassau County school administrators have jurisdiction over students. All school regulations pertain to automobiles driven or parked on school property. With respect to student conduct while being transported on school buses, it should be understood that students are subject to denial of the privilege of riding a school bus for violation of appropriate standards, even if they are not otherwise denied educational participation.

Jurisdiction of Law Enforcement

F.S 843.02, 843.06 – Administrative Rule 2:10

School personnel are not authorized to prevent or impede officers in the lawful removal of a student from campus removal of a student shall be documented by the principal or designee, who shall thereafter use reasonable efforts to notify the student's parent or guardian of the removal, the name of the officer effecting the removal and the identity of law enforcement agency to which that officer belongs.

1.0 STUDENT RIGHTS AND RESPONSIBILITIES

It is the intent of the Student Rights and Responsibilities, as expressed in this document, that students understand that individual rights involve associated responsibilities, and that individual rights must be viewed in relationship to the health, safety, and welfare of the majority of students within each school. The principal shall assume administrative responsibility and instructional leadership under the supervision of the Superintendent, in accordance with rules and regulations of the School Board for planning, management, and operation of the school to which he is assigned. The faculty and staff shall assist in the orderly operation of the school and assure the rights of students.

2.0 ATTENDANCE

Regular school attendance is a necessary part of a student's education. Excessive absences impair a student's educational progress, can impact whether the student passes or fails a grade, and may result in court proceedings and/or the loss of driving privileges. Students are considered absent when they miss 50% or more of the school day. Absences are defined as follows:

Excused Absences

- Students must be in school unless the absence has been excused for one of the reasons listed below. Excused absences include the following:
- Personal illness.
- Illness of an immediate family member.
- Death in the family.
- Religious holidays of the student's religious faith.
- Required court appearance or subpoena by a law enforcement agency.
- Special events, including, but not limited to, important public functions, student conferences, student state/national competitions that are school-sponsored, administrative approved post-secondary educational institution visitation, as well as exceptional cases of family need.
- Doctor or dentist appointments.
- Students having or suspected of having a communicable disease or infestation that can be transmitted are to be excluded from school and are not allowed to return to school until they no longer present a health hazard (Florida Statute 1003.22). Examples of communicable diseases and infestations include, but are not limited to, fleas, head lice, ringworm, impetigo, and scabies. Students are allowed a maximum of two (2) days excused absence for an infestation of head lice.

Unexcused Absences

Unexcused absences include, but are not limited to, the following:

- Shopping trips
- Pleasure/Vacation trips
- Truancy
- Other avoidable absences.

2.1 Reporting Absences

Any student who has been absent from school shall bring a note from a parent or guardian within forty-eight (48) hours of returning to school stating the cause of the absence. Failure to bring in a note will result in an automatic unexcused absence. However, the fact that the student brings in a note does not require the school administration to excuse the absence. The principal or designee will decide whether the absence meets the criteria for an excused absence, and that decision will be final. The administration may request additional documentation, such as a doctor's note. The excuse must state specific dates of absence, and must be signed by the treating, licensed physician. After fifteen (15) days of absence, whether excused or unexcused, a student must present verification from a licensed doctor for all subsequent absences due to illness. COVID-19 related absences will be excused and not count toward the 15 days of absences for the 2022-2023 school year.

2.2 Make-Up Work

When a student is absent from school the student shall be responsible for all work and assignments missed during the student's absence. The student shall make arrangements with teachers for "make-up" work. The number of days allowed to make up the work shall be the same as the number of days the student was absent. This deadline may be extended with approval of the teacher or principal. Previously assigned projects or tests are due upon return from absence or as determined by the teacher's grading standards.

2.3 Truancy

A student may be deemed truant after (i) five (5) unexcused absences, or absences for which the reasons are unknown, within a calendar month, or (ii) ten (10) unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period.

- Students are subject to the following actions for preventing and correcting truancy:
- When a student may be exhibiting a pattern of non-attendance, the principal shall refer the student to the school's attendance team to determine if a pattern of truancy is developing.
- The school's attendance team shall meet with the student and parent or guardian to determine if a pattern of truancy is developing and to identify and implement potential remedies.
- If the school-based efforts to resolve non-attendance are unsuccessful, the student shall be referred to the Superintendent or his designee for truancy.

- The Superintendent or his designee will review the case and may refer the student to the District Truancy Prevention Task Force. The District Truancy Prevention Task Force is conducted with representation from law enforcement, school district, State Attorney's Office, Department of Juvenile Justice, Department of Children and Families, Youth Crisis Center, the parent, and the student. A decision may be made to file a petition in court for truancy.

2.4 Tardiness

Tardiness is disruptive to the learning environment and can have a negative impact on student achievement. Disciplinary action for unexcused tardiness shall be progressive and will be specifically defined in each individual school's discipline plan.

2.5 Driver's License

Florida law requires that minors who fail to satisfy attendance requirements will be ineligible for driving privileges. The School District is required to notify the Department of Highway Safety and Motor Vehicles of the following:

- Students ages 14-18 who accumulate fifteen (15) unexcused absences, not including out of school suspensions, in a ninety (90) calendar-day period.
- Students between the ages of 16-18 who have signed a declaration of intent to terminate school enrollment.
- Students ages 14-18 who are expelled.
- Students ages 14-18 who did not enter school and for whom the school has received no indication of transfer to another educational setting.

These students may not be issued a driver's license or learner driver's license. Also, the Department of Motor Vehicles shall suspend any previously issued driver's license or learner driver's license of any such minor pursuant to Florida Statute 322.091. In order to have a driver's license reinstated, the student must attend school regularly for thirty (30) days with no unexcused absences and pay the appropriate reinstatement fee.

2.6 Granting Permission to Leave School Grounds

No student shall be sent off the school grounds to perform an errand or to act as a messenger except with the approval of the principal, provided that approval shall be granted only for urgent and necessary school business and with the consent of the student's parent or guardian.

2.7 Exemption from Regular School Attendance

A student of compulsory attendance age shall be required to attend school as provided by the law unless issued an exemption certificate by the Superintendent. Students who have reached age 16 must file a "Declaration of Intent to Terminate School Enrollment" if they wish to discontinue their education. Upon filing the intent, the student must allow the school to conduct an "Exit Interview" and "Exit Survey" to determine the reasons for the decision to terminate school enrollment and the actions that could be taken.

2.8 HIGH SCHOOL ATTENDANCE (9-12)

High school students must be in attendance for at least 90% of their total possible class periods in order to participate in extracurricular activities, parking privileges, social events and after school activities, homecoming dances, prom, commencement ceremonies, etc. Once all attendance is recorded and verified, the rate of attendance will be pulled from the Student Information System.

This is not an excused/unexcused absence policy; it is an attendance policy. The type of absence does not matter with the following exceptions:

- Doctor appointments or doctor mandated stay at home that is documented on a physician's professional stationary subpoenas to court
- Bereavement time for an immediate family member
- Participation in a school-sanctioned activity
- Pre-approved college visits documented by email or regular mail correspondence
- Parent approved absence from school

It is the student's responsibility to bring verification from the doctor, parent or court for an exception; otherwise the absence will count against the policy. Verification must be supplied within three school days following the absence.

3.0 BULLYING AND HARASSMENT POLICY ADMINISTRATIVE RULE 5.49

3.1 Philosophical Basis

It is the policy of the Nassau County School district that all students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The district will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined here is prohibited.

3.2 Student Responsibilities

Conform to reasonable standards of socially acceptable behavior; respect person, property, and rights of others; obey authority; and respond appropriately to those who hold authority.

3.3 Student Rights

- To have a safe, secure learning environment free from harassment and bullying.
- To report bullying by anyone (student or adult) without fear of retaliation.

3.4 Definition

Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, 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; and may involve but is not limited to unwanted teasing or taunting, social exclusion, threat, intimidation, stalking, physical violence, theft, sexual, religious, or racial harassment, public humiliation, or destruction of property.

3.5 Procedures

- Interview the complainant, alleged bully, victim, separately and corroborating witnesses;
- Collect the facts;
- Evaluate the facts;
- Recommend remedial steps necessary to stop the behavior, if unwarranted;
- Appropriate consequences administered;
- Notification to parents of victim and bully incident.

4.0 COUNSELING

4.1 Philosophical Basis

Personal concerns of students can seriously limit their educational development. Schools have the responsibility to provide a counseling program and to make relevant and objective information available to students.

4.2 Student Responsibilities

- To use these services for his/her own educational and personal development
- To schedule appointments in advance unless the problem or concern is one of an emergency nature

4.3 Student Rights

- To be accurately informed as to the nature of the guidance services available in their school
- To have an opportunity to participate in individual and group counseling

5.0 CURRICULUM

5.1 Philosophical Basis:

The degree of curriculum involvement is a function of age, grade, maturity, and sophistication on one hand and the level and complexities of courses on the other. Student opinion regarding curriculum offerings is extremely important and therefore deserves careful analysis and consideration.

5.2 Student Responsibilities

- To request participation in academic programs and extracurricular activities that are commensurate with ability
- To seek assistance in course selection from informed persons in the school.
- To cooperate with the instructor and contribute to an atmosphere free from bias and prejudice

- To cooperate fully and exert every effort to achieve mastery of the basic skills.
- To take care of textbooks issued to them and to pay for lost or damaged textbooks.

5.3 Student Rights

- To have equal educational opportunity with regard to academic programs and extracurricular activities.
- To receive district curriculum course descriptions that will facilitate informed choices.
- To receive instruction in courses of study under competent instructors in an atmosphere free from bias and prejudice.
- To participate in appropriate academic programs in elementary, middle, and high schools.
- To be issued a text for the subjects which he/she is studying.

Florida Statutes 1006.42. Each parent, guardian, or other person having charge of a pupil to whom, or for whom, materials have been issued...shall be held liable for any loss or destruction of, or unnecessary damage to, such materials...and shall be required to pay for such loss, destruction, or unnecessary damage.

6.0 FREE SPEECH/EXPRESSION

6.1 Philosophical Basis

Citizens in our democracy are guaranteed self-expression under the 1st and 4th Amendments of the United States Constitution; therefore, in a democratic society, one of the basic purposes of education is to prepare students for responsible self-expression.

6.2 Student Responsibilities

- To respect the rights of other individuals to express disagreement in a manner which does not infringe upon the rights of others and does not interfere with the orderly educational process.
- To act in a manner which preserves the dignity of patriotic observances.
- To respect the religious beliefs of others.
- To plan for, seek approval of, and conduct activities which are consistent with the educational objectives of the school.

6.3 Student Rights

- To form and express viewpoints through speaking and writing in a manner which is not obscene, slanderous, or libelous.
- To not be subjected to disciplinary action because of use of a language other than English if student has limited English proficiency. To affirm his/her identity with the American ideals (i.e., pledging allegiance to the flag).
- To refrain from any activity which violates the precepts of his/her religion.

- To petition and survey student opinion in accordance with the procedures that are established by the principal and consistent with Florida Statutes and local regulations

6.4 Student Responsibilities

Distribution of Written Material (Administrative Rule 8.24)

Public school students have a constitutional right to distribute written material in school facilities, subject to reasonable parameters outlined by school authorities. These parameters 1) time, place, and manner of distribution, and 2) certain restrictions concerning the content of the material.

6.5 Student Dress Code

Admin. Rule 5.85. SCHOOL DRESS AND PERSONAL APPEARANCE. The wearing of appropriate clothing is an essential part of education, shows respect for self and others, and helps to create an orderly learning environment; therefore, the wearing of garments suitable for school shall be required as referenced in 5.32.

The primary responsibility for a student's attire resides with the student and their parent(s) or guardian(s). The Nassau County School District expects students to dress in a way that is appropriate for the school day or any school sponsored event. Student dress code requirements reflect fair, equitable, and consistent practices for all students, while contributing to a safe and positive school climate.

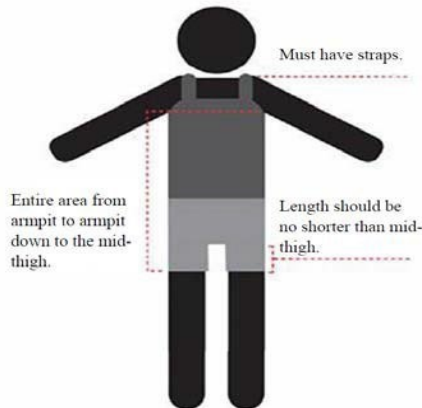
In accordance with statutory requirement F.S. 1006.07 (students are prohibited from wearing clothing that exposes underwear or that exposes body parts in an indecent or vulgar manner) enforcement will focus on positive guidance without embarrassment to the student and should not disrupt the educational process.

Administrators and teachers of the Nassau County School District enforce dress and grooming guidelines that promote the successful operation of schools. On-site administrators determine apparel that is appropriate, disruptive, or in violation of safety rules outlined in the General Code of Appearance.

Each student has the responsibility to dress appropriately for the school environment. Any apparel, jewelry (such as body piercings, ornaments) and hairstyles shall not disrupt the classroom environment. These guidelines for dress and grooming apply to all students in secondary public schools of Nassau County.

- Shoes must be worn at all times.
- Hats, head coverings and hoodies should not be worn in buildings (campuses have the right to enforce greater restrictions).
- Tops with thin or no straps, or tops that show midriff or expose the body are prohibited.
- See-through or mesh garments shall not be worn without appropriate undergarments.
- Shorts, skirts, and dresses may be worn, provided they are an appropriate length (approximately fingertip in length).

- Clothing and accessories shall not be worn if they display violence, lewd and obscene messages, sexually suggestive phrases, or advertisements, or symbols of alcohol, tobacco, or drugs
- Undergarments should not be visible. The waistband of shorts, slacks, skirts, and similar garments shall not be worn below the hips. Underwear, midriff and backs should not be exposed. Belts, suspenders, and straps should be worn in place and fastened.
- Any articles of clothing or jewelry that may cause injury to oneself or to others are prohibited.



All students must adhere to these **minimal guidelines** for acceptable apparel and appearance. Repeated dress code corrections may be treated as defiance and subject to disciplinary action. In order to maximize instructional time, students will be given an opportunity to immediately correct dress code violations.

7.0 GRADES

7.1 Philosophical Basis

Grades at best are but an indication of the student's knowledge at any particular point in time. An academic grade should reflect the student's academic performance and the teacher's most objective assessment of the student's academic achievement.

7.2 Student Responsibilities

- To become informed of the grading criteria
- To maintain standards of academic performance commensurate with ability, and to make every effort to improve performance upon receipt of notification of unsatisfactory progress.

7.3 Student Rights

- To receive a teacher's grading criteria at the beginning of each year or semester course.
- To receive reasonable notification of failure or potential failure during the grading period when it is apparent unsatisfactory work is being performed.

8.0 GRIEVANCE PROCEDURES

8.1 Philosophical Basis

A grievance is a situation occurring in the course of the school's implementation of the County Code of Conduct which causes a student to consider himself aggrieved. Schools are responsible for providing mechanisms for the expression and resolution of grievances.

8.2 Student Responsibilities

- To discuss his/her grievances informally with the persons involved prior to invoking formal grievance procedures.
- To state the grievance clearly and concisely, to follow the established procedures, and to accept the decision that is the outgrowth of this process.

8.3 Student Rights

- To have a standard procedure for the resolution of grievances.
- To participate in the formulation of the grievance procedures with the school administration through his/her student government.

9.0 PRIVACY AND PROPERTY RIGHTS

9.1 Philosophical Basis

Federal and State laws provide persons with reasonable expectation of privacy in addition to freedom from unreasonable search and seizure of property. Such guarantees are not unlimited and must be balanced by the school's responsibility to protect the health, safety, and welfare of all students (4th Amendment of the United States Constitution). Any student operating a motor vehicle on school grounds is subject to random drug and alcohol testing as prescribed in Nassau County School Board Policy 2.48.

9.2 Student Responsibilities

- To not carry or conceal any such material that is prohibited by law or would detract from the educational process.
- To respect the property rights of the public at large as well as those of individuals, and to refrain from destruction of, or damage to, such property.
- To accept the consequences for the content stored within their lockers, cars, and book bags.

9.3 Student Rights

- To maintain privacy of personal possessions unless appropriate school personnel have reasonable cause to believe a student possesses any object or material which is prohibited by law or School Board Policy.
- To attend school in an educational environment in which personal property is respected.

- To have prior notification of any general search of lockers except in emergency situations F.S. 1006.09.

NOTE: School officials may conduct a warrantless search of a student’s person, locker, vehicle, or any storage area on school property if such officials have reason to believe that illegal, prohibited, or harmful items may be concealed.

9.4 Rules regarding corporal punishment, locker search, suspension, felony charges, and hearings should be communicated to parents, guardians, or families of LEP students in the context of these situations either through an interpreter or in writing in a language that they understand.

10.0 NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

As of the 2004/05 school year, the Nassau County School Board now requires that for any student to participate in a survey, written parental consent is required. Surveys associated with puberty and abstinence classes are given throughout the year and at the completion of classes. Substance abuse and lifestyle surveys by the State of Florida are conducted in the spring. Similar surveys through courses such as Life Management are conducted periodically. Exact dates will be given prior to each survey.

PPRA affords parents certain rights regarding the taking of surveys by students. Any survey that contains one or more of the protected areas and is funded whole or in part by the Department of Education requires prior written consent from the parents. The eight protected areas identified by PPRA are:

- Political affiliations or beliefs of the student or the student’s parent;
- Mental or psychological problems of the student or student’s family;
- Sexual behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of others with whom respondents have close family relationships;
- Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- Religious practices, affiliations, or beliefs of the student or parents; or
- Income, other than as required by law to determine program eligibility.

11.0 STUDENT ACTIVITIES

11.1 Philosophical Basis

Organized clubs and activities are characteristic of student life from elementary school through college and are characteristic of adult life as well. All members of the school community share the responsibility for organizing and supporting clubs and activities which meet student needs and serve a definite and worthwhile purpose.

11.2 Student Responsibilities

To follow these rules in forming and operating clubs and activities.

- Secure a sponsor for the club who is employed by the NCS D
- Obtain Principal approval to establish the club as well as for any activities and events
- Adhere to Administrative Rule 6.53

11.3 Student Rights

To form and operate clubs and activities within his/her respective schools under the direction of a faculty advisor.

11.4 Parking

Any student participating in extracurricular activities or parking on campus is subject to drug and alcohol testing as prescribed in Nassau County School Board Administrative Rule 2.48

11.5 Good Cause Authority

Florida Statute mandates each District, Charter and Private School Authority establish and publish eligibility standards for extracurricular activities and “good cause authority” in reference to policy governing transfer students in its Code of Student Conduct. Please reference s. 1006.195 and s.1006.15(3)(h).

The following includes a list of examples, such as, but not limited to, which may be considered for inclusion as eligibility standards to participate in extracurricular interscholastic or intra-scholastic activities:

- School attendance policy that may prevent a student from participating
- Alcohol/drug related behavior
- 2.0 GPA Required for Academic Eligibility. A middle/junior high student must have 2.0 GPA, or the equivalent of a 2.0 GPA based on a 4.0 scale, at the conclusion of each semester. A high school student must have a cumulative 2.0 grade point average on a 4.0 unweighted scale, or its equivalent, at the conclusion of each semester to be academically eligible during the next semester (s. 1006.15(3)(a)1, Florida Statutes). Final grades previously earned by the student from another school shall not be converted using the scale in Bylaw 9.4.2. A district may require more stringent academic requirements (i.e., no F’s)
- School/classroom discipline issues
- Social Media issues
- Bullying
- Sportsmanship
- Dress Code Policy
- Four Year Limit of Eligibility
- Age Limit – 19 years 9 months (seniors) or 19 years on or after September 1 (all others)
- Physical Evaluation (EL2) and Consent and Release from Liability Certificate (EL3)
- Any other district policy which would remove or prevent a student from participating in extracurricular activities. One of the exceptions for a student who transfers schools and wishes to continue participating in the same sport at the new school is “authorized for good cause” published in district, charter, or private school policy. The following includes a list of examples, such as, but not limited to, which may be considered for “good cause authority”:

- Move to a new residence – the student moves to a new home address due to a move by the student and a person or person(s) with whom he/she has been previously living that makes it necessary for the student to attend a different school.
- Moving to a new residence following the marriage of the student. The student immediately establishes a new residence that makes it necessary to attend a different school.
- Reassignment by District School Board or Charter School Board
- Transfer of school within the first twenty days – i.e., acceptance into a previously applied for magnet program, charter or private school
- Special Assignment by the Superintendent, School Choice Office, etc.
- Undue Hardship

1006.195 District School Board, Charter School Authority and Responsibility to Establish Student Eligibility Regarding Participation in Interscholastic and Interscholastic Extracurricular Activities.

Notwithstanding any provision to the contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student eligibility to participate in interscholastic and interscholastic extracurricular activities: (1)(a) A district school board must establish, through its code of student conduct, student eligibility standards and related student disciplinary actions regarding student participation in interscholastic and intra-scholastic extracurricular activities. The code of student conduct must provide that:

1. A student not currently suspended from interscholastic or interscholastic extracurricular activities, or suspended or expelled from school, pursuant to a district school board's suspension or expulsion powers provided in law, including ss. 1006.07, 1006.08, and 1006.09, is eligible to participate in interscholastic and interscholastic extracurricular activities.
2. A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets the criteria in s. 1006.15(3)(h).
3. A student's eligibility to participate in any interscholastic or interscholastic extracurricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to s. 1006.20(2)(b).

(b) Students who participate in interscholastic and interscholastic extracurricular activities for, but are not enrolled in, a public school pursuant to s. 1006.15(3)(c) -(e) and (8), are subject to the district school board's code of student conduct for the limited purpose of establishing and maintaining the student's eligibility to participate at the school.

(c) The provisions of this subsection apply to interscholastic and interscholastic extracurricular activities conducted by charter schools and private schools, as applicable, except that the charter school governing board, or equivalent private school authority, is responsible for the authority and responsibility otherwise provided to district school boards.

(2)(a) The Florida High School Athletic Association (FHSAA) continues to retain jurisdiction over the following provisions in s. 1006.20, which may not be implemented in a manner contrary to this section: membership in the FHSAA; recruiting prohibitions and violations; student medical evaluations; investigations; and sanctions for coaches; school eligibility and forfeiture of contests; student concussions or head injuries; the sports medical advisory committee; and the general operational provisions of the FHSAA.

1006.15 Student standards for participation in interscholastic and interscholastic extracurricular student activities; regulation. — 1006.15(3)(h)

(h)1. A school district or charter school may not delay eligibility or otherwise prevent a student participating in controlled open enrollment, or a choice program, from being immediately eligible to participate in interscholastic and interscholastic extracurricular activities.

2. A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets one of the following criteria:

- Dependent children of active-duty military personnel whose move resulted from military orders.
- Children who have been relocated due to a foster care placement in a different school zone.
- Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
- Authorized for good cause in district or charter school policy.

12.0 RULES FOR STUDENT ACTIVITIES AND CLUBS - Administrative Rule 5.86

Clubs and activities must follow these guidelines: must be open to all qualified students; cannot interfere with school activities; follow Nassau County School Board policies and have an approved faculty sponsor. Each club must have a charter and constitution written by both students and teachers. These documents are approved by the administration and must be kept on file so that every student, parent(s)/guardian(s), and school employee may read them.

13.0 STUDENT GOVERNMENT

13.1 Philosophical Basis

Effective student governments are the forums for the training and involvement of students in the democratic processes. Members of the school community share the responsibility for shaping governments into positive instruments for student involvement.

13.2 Student Responsibilities

- To elect student government officers and representatives who are responsive to the needs of the school and who will work constructively toward the resolution of such needs.
- To conduct election campaigns in a positive, mature manner, with all due respect provided their opponents.
- To attend regularly scheduled meetings if he/she is an elected student representative and exhibit appropriate conduct at all times.

13.3 Student Rights

- To form and operate a student government within the respective schools under the direction of a faculty advisor
- To seek office in student government or any organization regardless of race, sex, color, creed, or political beliefs

- To attend, as student government officers and representatives, official student government meetings upon approval of such meetings by the school principal

14.0 STUDENT PUBLICATIONS

14.1 Philosophical Basis

Education is the process of inquiry and learning, acquiring, and imparting knowledge, and exchanging ideas. One of the important roles of the school is to provide effective avenues through which students may express themselves on a wide range of subjects. Official student publications, such as school newspapers, should include viewpoints representative of the entire student body.

14.2 Student Responsibilities

- To use only those bulletin boards or wall areas designated for use by students and student organizations, and to accept responsibility for the effect that the posting, publication, or distribution of this literature might have on the normal activities of the school.
- To refrain from publishing libelous and obscene materials, to seek full information on the topics about which he/she writes and observes the normal rules for responsible journalism under the guidance of the faculty advisor. Principals may suppress or recall literature which he/she considers primarily commercial in nature, or material which could endanger the orderly operation of the school.

14.3 Student Rights

- To possess, post, and distribute any forms of literature that are not inherently disruptive to the school program including, but not limited to, newspapers, magazines, leaflets, and pamphlets.
- To be free of censorship on his/her publications except within the framework of guidelines previously agreed upon by students and administrators.

15.0 STUDENT RECORDS

15.1 Philosophical Basis

A well-developed student record file contains information needed for making appropriate educational decisions for the student. Student records are to be treated confidentially and should contain information that is relevant, accurate, and appropriate. Admin. Rule 2.44, 5.79

15.2 Student Responsibilities

- To inform the school of any information that may be useful in making appropriate educational decisions.
- To authorize the release of pertinent information to those individuals or agencies who are working actively and constructively for the benefit of the students
- To have parents/guardians, or eligible students follow prescribed procedures for requesting access to records or transcripts.

15.3 Student Rights

- To inspect, review, and challenge the information contained in records directly related to the student
- To be protected by legal provisions which prohibit the release of personally identifiable information to other than legally authorized persons without the consent of the parent/guardian, students or eligible students (18 years of age or attending a post-secondary institution)
- To have the right of access records or transcripts (parents/guardians, or eligible students).

15.4 F.S. 1002.22. No public educational institution shall maintain any report or record relative to a pupil or student which includes a copy of the pupil's or student's fingerprints.

16.0 PREVENTIVE/INFORMAL DISCIPLINARY ACTIONS

A major consideration in the application of the Code is that the most appropriate disciplinary action taken by school personnel is the least extreme measure that can resolve the discipline problem. Teachers and administrators strive to use a variety of informal disciplinary and/or guidance steps, prior to, during, and after formal disciplinary actions. These methods may include:

- monitoring student behavior through short-term progress reports and other strategies
- conferences and/or contracts between administrators, parents/guardians, teachers, and students
- referrals to Child Study Team, Core Team, or Student Services (i.e., group or individual counseling with a guidance counselor, psychological evaluation, direction to appropriate agencies for specific problems)
- student curriculum adjustment

17.0 FORMAL DISCIPLINARY ACTION AND PROCEDURES

(Safeguards to protect the rights of students and parents/guardians)

17.1 When formal disciplinary action is required, the parent/guardian should be informed by phone, written notice sent home with the student, or placed in the U.S. Mail. Registered letters will be used for all suspension or expulsion recommendations. (Sent by regular mail if parents/guardians were contacted by phone.)

17.2 It is the responsibility of the student to notify his or her parent/guardian of all written communications from the school. Failure to do so may result in further disciplinary action.

18.0 DETENTION

A school may elect to provide before or after school detention and specify those types of conduct for which it may be assigned. It should be emphasized that due to problems of transportation and supervision, detention may not be offered in all schools. (Prior notice must be given to parent(s)/guardian(s).)

19.0 SCHOOL WORK DETAIL

The student may be required to participate in properly supervised activities relating to the upkeep and maintenance of school facilities.

20.0 DISCIPLINARY PROBATION

20.1 Any student involved in a violation of the Code of Conduct may be placed on probation. The student on disciplinary probation may be denied participation in extracurricular activities and may be assigned to report frequently to a specified staff member who will assist in monitoring the student's adjustment to the school situation during the probationary period.

20.2 It is the responsibility of the parent/guardian to provide transportation if the student is required to stay after school hours.

22.0 IN-SCHOOL DETENTION

A school may elect to remove a student from regular classes and assign him/her to an alternative education or in-school suspension program. Each school specifies those types of conduct for which alternative education or in-school suspension programs may be used. Due to limitations of facilities and supervision, alternative education or in-school suspension programs may not be offered in all schools.

23.0 DENIAL OF BUS PRIVILEGES

23.1 **School bus suspension is the denial of the privilege of riding a school bus, based on misconduct occurring while the student is being transported at public expense. S.B.E.R. 6A-3.017(3)(c) requires the School Board to take action on a suspension which exceeds ten (10) days. This suspension includes consequences for inappropriate school bus stop behavior.**

23.2 **BUS POLICY:** Violations of Nassau County School Board transportation policies, including disruptive behavior on a school bus by a student is grounds for suspension of bus riding privileges and may be grounds for in-school, out-of-school suspensions, expulsion, or other action by the school and may also result in criminal penalties. Violations of the transportation policy and Code of Conduct at a school bus stop may be grounds for suspension of bus riding privileges.

24.0 DENIAL OF EDUCATIONAL PARTICIPATION

24.1 In order to maintain effective learning conditions, the Code also recognizes that it may be necessary to deny a student educational participation for varying periods of time for reasons of persistent disobedience and/or gross misconduct. If a student is denied educational participation, every effort will be exerted to determine and resolve the causes of the problem so that the student might return to school at the end of his/her suspension. There are TWO possible types of denial of educational participation:

24.2 Out-of-School Suspension: A school principal may remand a student to parent's custody from school, with specific homework assignments to be completed, for up to ten school days for persistent disobedience and/or gross misconduct. Principals take this action when they have exhausted informal and other formal disciplinary strategies, or when they have at least considered those alternatives and rejected them as inappropriate in a given situation. Pursuant to F.S. 1006.09, no student who is required by law to attend school shall be suspended for unexcused absences, tardiness or truancy. Therefore, suspension is not an appropriate disciplinary action for Code Violation Class II (Truancy) as it relates to students who fall within the mandatory state attendance requirements.

24.3 Prior to suspension, the student shall be advised why he/she is being suspended, be provided an opportunity to refute the charges, and be given an opportunity to submit to the administrator a list of names of other individuals who might have witnessed the incident. The students shall have the right to call witnesses.

24.4 Written notice shall be sent to the parent(s)/guardian(s) regarding the reason disciplinary action was taken. Generally, a notice and conference should precede the student's suspension from school. However, if the immediate suspension of the student is justified because the student's presence endangers others or school property, or would disrupt the orderly academic process, the necessary notice and conference, if requested, will follow as soon as practicable.

24.5 Expulsion: A school principal may request the Superintendent to recommend the expulsion of a student. Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the School Board, and for a period of time **not to exceed the remainder of the term or school year and 1 additional year of attendance**. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

24.6 Prior to expulsion, the student shall be advised why he/she has been recommended for expulsion, be provided with an opportunity to refute the charges, and be given the opportunity to submit to the administrator a list of names of other individuals who might have witnessed the incident.

24.7 Expulsions will be conducted as outlined in [NCSD Administrative Rule 5.39](#).

25.0 ALTERNATIVE EDUCATION PLACEMENT

25.1 Procedures for Placement in an Alternative School

The Superintendent shall appoint a District Discipline Committee to review all recommendations for placement in an alternative school and/or expulsion. If the school principal or designee shall recommend alternative placement, the principal or designee shall appear before the Committee and explain the facts and the rationale for the recommendation. After due deliberation, this Committee shall act upon the recommendation and so advise the student and principal. The District Discipline Committee may accept, reject, or modify the principal's recommendation.

Students must register at the Alternative School following placement by the District Discipline Committee. Students who do not attend the Alternative School may not attend any Nassau County School District school until they have attended the Alternative School for the prescribed period.

Procedures for Appeal of Alternative School Placement

The student, parent or guardian may request an appeal of the Discipline Committee's decision to place the student in an alternative school to the District Discipline Appeal Committee. However, the student must enroll at the alternative school while the appeal is pending. The Appeal Committee may request, receive, and will consider such additional information from the parties as necessary to properly review the initial decision. After due deliberation, the Appeal Committee shall make a recommendation to the Superintendent, who may affirm, reject or modify the original decision.

The Superintendent may request, receive, and review such additional information from the parties as necessary to properly review the Appeal Committee's decision. After due deliberation, the Superintendent shall act upon the Committee's recommendation and so advise the student and principal. The Superintendent may affirm, reject or modify the Appeal Committee's recommendation. The decision of the Superintendent is final, conclusive and binding.

For all meetings under this section, with the exception of the initial meeting of the District Discipline Committee, the student shall attend with the student's parent(s) or guardian or other responsible adult. The student may also invite others to attend on the student's behalf, including legal counsel or other representation. The student shall have an opportunity to explain his or her actions and provide any additional information, as the student may believe necessary. These are not legal proceedings, and the rules of evidence and judicial procedure do not apply. No transcript of testimony will be required or provided. The Superintendent's decision is final.

27.0 STUDENTS WITH DISABILITIES (Excluding Gifted)

27.1 The Nassau County School Board is committed to providing all students with disabilities a free, appropriate public education. This in no way lessens the School Board's intention to maintain a safe, orderly learning environment for the entire school population. Formal disciplinary actions described in the Nassau County Code of Student Conduct may be used with students with disabilities. Students with disabilities may be suspended to ensure the overall safety, welfare, and/or order of the school environment.

27.2 Suspension after 10 consecutive or 10 cumulative school days represents a pattern, constitutes a change in placement. The following procedure must be followed before further suspensions occur:

- The school will convene an Individual Education Plan (IEP) team meeting to develop an assessment plan to conduct a functional behavior assessment (FBA) and develop a behavior intervention plan (BIP). The IEP team must obtain parental consent for the FBA if it is more than just a review of existing data.
- When a BIP is in place, the IEP team shall meet to review the plan and its implementation and modify the plan and the implementation as necessary to address the behavior.
- Placement procedures for ESE students into the Alternative Education program. (See Appendix C).

27.3 **Note:** Discipline actions after 10 cumulative days or 10 consecutive days of suspension requires the IEP team and other qualified personnel to conduct a review of the relationship between the disability and the behavior that initiated disciplinary action, not later than 10 business days after the decision to take action. This review (manifestation of disability) may be conducted at the same time as the IEP meeting listed in the procedure above. If the behavior is determined to be a manifestation of disability, the IEP team needs to modify the BIP to prevent the likelihood of a future occurrence of the behavior. If the behavior is not a manifestation of disability, the IEP team decides the proper setting, placement, and educational services needed to provide an environment conducive to progress in the general curriculum.

28.0 CLASSIFICATION OF VIOLATIONS

28.1 The Code of Student Conduct defines violations as those acts frequently causing disruption of the orderly educational process.

28.2 THIS LIST IS NOT ALL INCLUSIVE, AND A STUDENT COMMITTING AN ACT OF MISCONDUCT NOT LISTED WILL, NEVERTHELESS, BE SUBJECT TO THE DISCRETIONARY AUTHORITY OF THE PRINCIPAL.

28.3 A major consideration in the application of the Code of Student Conduct is the identification of the most appropriate disciplinary action necessary to bring about positive student behavior. To that end, specific grounds for disciplinary action have been divided into four subgroups and a variety of administrative actions have been suggested or mandated. The violations in various subgroups represent a continuum of misbehaviors based on the seriousness of the act and the frequency of occurrences. Violations classified in Class I are relatively minor and involve acts which only minimally disrupt the orderly conduct of the educational process in the classroom. By contrast, Class IV misconduct involves criminal acts and is so serious that they represent a direct and immediate threat to the welfare of other individuals.

28.4 It is important to note that the administrator and teacher, consistent with the power delegated to him/her, have the authority to take additional or more severe administrative action under this Code if, in his/her opinion, the nature of the misconduct warrants it.

28.5 Each classroom teacher should deal with general classroom disruption by taking in-class disciplinary action, by making a personal call to the parents or guardians when feasible, and by scheduling conferences with parent(s)/guardian(s) and other school staff. Only when the action taken by the teacher is ineffective, or the disruption is sufficiently severe, should the student be referred to the principal or his/her designee.

28.6 The charts on the following pages list these violations and the recommended or mandated disciplinary action.

In addition to the Statutes noted in this document, other F.S. referring to discipline and control of students include:

F.S. 1001.41	General Powers of School Board
F.S. 1006.07	Powers & Duties of the School Board
F.S. 1006.08	Duties and Responsibilities of the Superintendent
F.S. 1003.31	Pupils subject to control of school
F.S. 1006.09(9)	Search of student locker or storage area
F.S. 1006.09	Authority of Principal
F.S. 1006.09(8)	Reports of suspected substance or alcohol abuse; exemption from liability
S.B.E.R. 6A1.0404	Zero Tolerance for School Related Violent Crimes

29.0 VIOLATIONS CLASS I

29.1 Definition: Relatively minor misbehavior or general classroom disruption which interferes with the orderly educational process in the classroom or other areas.

29.2 Examples of Violations:

- Disturbances on school premises
- Tardiness
- Cheating
- Lying
- Verbally Abusive*
- Non-defiant failure to come to class prepared, to complete assignments, or carry out directions

- Name-calling
- Dress code violation
- Public display of affection
- Hall pass violation
- Skipping Class
- Other

**Not related to racial or ethnic abusive language.*

29.3 Procedures:

Timely intervention by staff member who is supervising the student or who observes the misbehavior. Repeated misbehavior indicates the need for a parent/teacher conference with counselor and/or administrator.

29.4 Optional Disciplinary Response (one or more may be provided for each offense):

- Verbal reprimand
- Special Assignment related to offense
- Behavioral contract
- Counseling (teacher)
- Temporary removal from classroom
- Time-Out area
- Strict supervised study
- Contact/Detention
- Work Detail
- Saturday School
- In-School Suspension
- Others
 - Services or acts of value; tolerance, patience, respect

*(The above examples are **NOT** inclusive)*

30.0 VIOLATIONS CLASS II

30.1 Definition

Misbehavior whose frequency and seriousness tends to disrupt the learning climate of school. These infractions usually result from a continuation of Class I misbehaviors and require administrative personnel intervention because execution of Class I disciplinary procedures and options failed to correct the situation

“Bullying” means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is unwanted and repeated written, verbal or physical behavior, including any threatening, insulting or dehumanizing gesture by a student or adult, 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; and may involve but is not limited to unwanted teasing or taunting, social exclusion, threat, intimidation, stalking, physical violence, theft, sexual, religious, or racial harassment, public humiliation, or destruction of property.

30.2 Examples of Violations:

- Repeated Class I infraction
- Insubordination
- Trespassing on a Nassau County Campus
- Disruption on the school bus
- Gambling
- Simple Assault (a threat or attempt to harm another student without touching him/her)
- Stealing/copyright violations
- Using forged notes or excuses
- Profane and obscene language or gestures, or display/possession of obscene materials or electronic access
- thereof
- Use of electronic devices to include electronic pagers, cellular phones or similar devices during school hours
- Verbal abuse with racial/ethnic reference
- Harassment
- Bullying
- Detention violation

- Disrespectful behavior/verbal/ nonverbal toward a teacher and/or other school staff
- Possession of over-the counter drugs
- Failure to register for parking permit

30.3 Procedures:

- The student referred to an administrator for appropriate disciplinary action.
- A proper and accurate record of the offense and the disciplinary action is maintained by the school.
- Parents/guardians are informed.
- Consider referral to Student Services (i.e., school psychologist, Exceptional Education).

30.4 Disciplinary Options/Responses:

- Modified Day
- Teacher/Schedule Change
- Peer Mediation Program – not for Bullying
- Counseling /Referral to outside agencies
- Detention
- In-school suspension
- Out-of-school suspension
- Bus suspension
- Referral to law enforcement
- Other
- Positive behavioral interventions
 - Services or acts of tolerance, patience, and respect
 - Teen Court

*(The above examples are **NOT** inclusive.)*

31.0 VIOLATIONS CLASS III

31.1 Definition:

Acts directed against persons or property and/or whose consequences may endanger the health or safety of others in the school. Acts include school buses and bus stops.

31.2 Examples of Violations:

- Repeated Class II infractions
- Fighting (physical conflict)
- Threatening and intimidating others
- Extortion
- Use or possession of cigarettes, tobacco products, E-cigarettes, vaping devices or paraphernalia
- Stealing/Copyright violations
- Vandalism/defacing school property, to include computer hardware and software
- Selling, possession, or use of drug paraphernalia
- Possession or use of any counterfeit substance or items that could be used as a dangerous weapon
- Possession of pepper gas or mace
- Distribution of obscene materials
- Sexual harassment
- Possession, distribution, or ignition of fireworks
- Activating Fire Alarm
- Bully and /or Harassment of a school board employee
- Distribution of over-the- counter drugs (e.g., Tylenol)
- Bullying / Harassment

31.3 Procedures:

- The administrator initiates disciplinary action.
- A conference is held that results in disciplinary action.
- Proper and accurate records of offenses and disciplinary actions are maintained by the administrator.

- Require restitution of property and damages.
- Consider referral to outside agencies.
- Notify Law Enforcement when appropriate.
- Notify the Principal where the student attends school.

31.4 Disciplinary Option/Responses:

- Temporary removal from class
- In-school counseling
- School Work Detail
- In-school suspension
- Out-of-school suspension
- Bus suspension
- Referral to law enforcement
- Others include:
 - restitutions
 - administrative assignment to alternative program;
 - completion of a Drug Education Program (school district or state approved)
 - Teen Court
 - Positive behavioral interventions

*(The above examples are **NOT** inclusive.)*

32.0 VIOLATIONS CLASS IV

32.1 The following incidents will be reported and may result in criminal prosecution. All victims have the right to seek charges against the offender. Parents will be notified if the victim is a minor.

XX denotes zero tolerance violations. Students found to have committed the **XX** offenses shall receive the most severe consequences provided for by School Board policy. Zero Tolerance Policy is located in Nassau County School Board Administrative Rule 2.42.

This code shall be enforced 24 hours a day, seven days a week on all school campuses/properties and at all school sponsored activities on and off school campuses, including transportation.

The Nassau County School Board may assign more severe consequences than normal when the offender appears motivated by hostility toward the victim's real or perceived race, religion, color, sexual

orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.

32.2 Definition:

These acts which result in violence to another person or property, or which pose a direct threat to the safety of others in the school may result in the immediate removal of the student from school. All violations include acts which occur while the student is on school property, at school sponsored activities, on school buses, or at school bus stops. The Nassau County School Board will honor expulsion/suspension placements from other school

Districts unless the Superintendent recommends expulsion to be waived or the Board places the student in an appropriate educational program.

Formally charged with a felony or delinquent act that would be a felony if committed by an adult.

“Hazing” means any act or situation that recklessly or intentionally endangers the mental or physical health or safety of a student at a high school with grades 9-12 for purpose, including, but not limited to, initiation or admission into or affiliation with operating under the sanction of a high school with grades 9 through 12.

32.3 Examples of Violations:

- Altering or disrupting district network services
- Repeated Class I infractions
- Knowingly making false accusation against a school board employee
- Selling counterfeit substances
- **XX** Capital Crimes
- **XX** Assault/Battery
- **XX** Possession of Weapon
- **XX** Robbery
- **XX** Sexual Battery
- **XX** Sex Offenses
- Theft
- Property Damage
- Disruption of School Life

- Drug & Alcohol
- Bullying and Harassment
- Hazing
 - **XX** Other Serious Incidents
 - Victimization of Students

Incident which occurred on property other than public school property, but which is shown to have had adverse impact on the educational program.

32.4 Procedures:

- Documented Administrator verified offense, confers with staff involved and meets with student.
- Parents are notified.
- The student is immediately removed from school environment.
- Administrator contacts law enforcement agency and principal of school where student attends.
- Consider referral to an outside agency.

A complete and accurate report is submitted to the Superintendent for possible Board action Suspension and/or assigned to education-services.

32.5 Disciplinary Options/Responses:

- Loss of network privileges for school career; restitution
- Ten (10) days out-of-school suspension
- School bus suspension
- Referral to law enforcement and/or appropriate agency
- Administrative assignment to Alternative Education
- Recommended expulsion from the school bus
- Recommended expulsion
- Teen Court
- Superintendent considers recommendation for expulsion if adjudicated guilty.

*(The above examples are **NOT** inclusive.)*

33.0 NASSAU COUNTY SCHOOL BOARD ZERO TOLERANCE POLICY ON SCHOOL VIOLENCE & REPORTING OF CRIMES AND/OR DISRUPTIVE BEHAVIOR

ADMINISTRATIVE RULE 2.42

33.1 It is important that all students and parents/guardians understand that certain criminal and/or disruptive behavior must be reported to appropriate law enforcement authorities. A referral to the criminal justice or juvenile delinquency system must be made on all weapon charges as defined in the Gun Free School Act of 1994 and shall receive the most severe consequences provided for by School Board policy.

33.2 S.1006.13 F.S. This policy of zero tolerance requires any student found to have committed one of the following offenses to be expelled, with or without continuing education services, from the regular school for a period of not less than one full year, and to be referred for criminal prosecution:

- Bringing a firearm or weapon, as defined in 790, to school, to any school function, or on any school sponsored transportation. Possession, use or sale of firearm, knife, a weapon, or any other item which can be used as a weapon on school property or in attendance at a school function. (Excluding common pocketknives with locking blades less than 2 ½” in length. These items may be construed as a Class IV offense.)
- Possession, use or intention of use of an instrument or object (as defined by F.S.790.001) that can inflict harm on another person or to intimidate any person.
- **Examples: Using** a firearm, knife, mace, or replica of an authentic weapon such as a gun
- **Non-Examples: Using** items not covered under law or district policy such as painting instruments, pens, or pencils
- Making a threat or false report, as defined by SS.790.162 and 790.163, respectively, involving school or school personnel’s property, school transportation or a school sponsored activity.
- Crime and substance abuse: delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the school district shall be reported to law enforcement.
- Victimization of students: steps necessary to protect the victim of any violent crime from any further victimization shall be implemented.
- Homicides (murder, manslaughter)
- Sexual Battery (forcible sex offense)
- First Degree arson
- Kidnapping or Abduction
- A group of students ganging up on another student and assaulting him/her on school property.
- Any person who commits a battery involving serious injury to school personnel or students on school property including school bus.
- Any person offering or attempting bodily harm with the use of a weapon or any instrument capable of inflicting serious injury (aggravated assault) on school property.
- Possession, use or sale of firearm, knife, a weapon, or any other item which can be used as a weapon on school property or in attendance at a school function. (Excluding common pocketknives with locking blades less than 2 ½” in length. These items may be construed as a Class IV offense.)
- Armed Robbery
- Verified incidents or reasonable suspicion to believe that students or non-students are taking or attempting to take money or property from other students or staff by force on school property.

- Any person involved in the theft of school property, stealing or attempting to steal money or property from students or school personnel.
- Any person who willfully damages or attempts to damage the property of students on school property, school personnel, or school property.
- Any person involved in the willful or malicious burning or destruction of school, contents of the building, or personal property of another on school property.
- Any person who threatens the placement of a bomb, dynamite, or other deadly explosion on school premises.
- Any person who knowingly advises, counsels, or instructs any student or school employee to disrupt any school function or classroom; knowingly interferes with the attendance of any student or employee in a school or classroom; conspires to riot, or engages in any disruption or disturbance which interferes with the educational process.
- A fight or accident which results in apparent injury to one or more persons on school property.
- Any person who fights by appointment or challenges another to a duel with a dangerous weapon on school property.
- Any person involved in overt sexual acts including, but not limited to consensual intercourse.
- Any person involved with attempted sexual battery, sexual battery (attempted rape, or rape)
- Any person involved in the unlawful entry or attempted forcible entry of the school or personal property of students and school personnel on school property.
- Any person involved in illegally removing a student from school.

34.0 WEAPONS VIOLATIONS

Procedures

- It is mandated that any student who is determined to have brought a weapon (as defined by F.S. 790.001) to school, any school function, or on any school-sponsored transportation, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full calendar year and referred for criminal prosecution. The Superintendent may consider the one-year expulsion on a case-by-case basis and request the School Board to modify the requirement if in the best interest of the student and school system.
- Students should not be disciplined or referred to law enforcement for simulating a firearm or weapon while playing or wearing clothing or accessories which depict a firearm or weapon or an opinion regarding Second Amendment rights.
- The school board has the authority to discipline students for simulating a firearm or weapon when it substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. Consequences for such offenses must be comparable to the severity of the offense and consistent with school board policies for similar infractions. Disciplinary action resulting from inappropriate student clothing or accessories must be consistent with s. 1006.07(2)(d), F.S., unless the wearing of the clothing or accessory causes a substantial disruption to student learning. In such cases, the infraction may be addressed in a manner that is consistent with school board policies for similar infractions.

Mandatory suspension and/or expulsion are recommended to the Superintendent for possession of an artificial firearm.

35.0 USE OF METAL DETECTORS

35.1 School officials or law enforcement officers may conduct metal detector checks of groups of individuals if the checks are done in a minimally intrusive, nondiscriminatory manner. Metal detector checks of groups of individuals may not be used to single out a particular individual or category of individuals.

35.2 If a school official or a law enforcement officer has reasonable suspicion to believe that a particular student is in possession of an illegal or unauthorized metal-containing object or weapon, he/she may conduct a metal detector check of the student's person and personal effects.

35.3 A student's failure to permit a metal detector check as provided in this rule will be considered grounds for disciplinary action including possible suspension.

36.0 DRUG AND ALCOHOL VIOLATIONS

The use and unlawful possession of illicit drugs or alcohol by a student is prohibited. Teachers are required to report to the principal or principal's designee such suspected use, possession, sale, or distribution. A student who is in possession of, or involved in the use, sale, or distribution of a controlled substance as defined in Chapter 893, F.S., or alcohol on school grounds or during school sponsored activities off school grounds must be reported to law enforcement authorities and shall be subject to Level IV disciplinary actions. In determining the appropriate disciplinary action, the principal shall consider the offender's previous disciplinary history and any other information deemed relevant. Delivery, receipt, or sale of alcohol or drugs, or intent to deliver, receive or sell alcohol or drugs, is considered a more serious offense than use and possession of drugs or alcohol and may result in a more serious penalty. The guidelines presented below do not preclude the authority of the principal to recommend expulsion or any other Level IV actions deemed appropriate for the circumstances.

36.1 First Time Offenders

- Up to ten (10) days suspension and 45 – 180 days in alternative school setting; or
- in lieu of the above, in consultation with law enforcement and the Superintendent, and after consideration of the student's disciplinary history and circumstances of the case, the principal may, assign 3 – 5 days out-of-school suspension, and one or more of the following:
 - A. completion of a district-approved drug and alcohol intervention program or drug and alcohol education program, or
 - B. referral to Teen Court.

36.2 Second and Subsequent Offenses

- Up to ten (10) days suspension and 90 – 180 days in alternative school setting or recommendation for expulsion.

36.3 Use of Alcohol and Drugs

A student who is under the influence of alcohol or drugs on school property, on a school bus or school-approved transportation, or at any school-related function or activity shall be deemed to have used and possessed alcohol or drugs. Evidence of such use of alcohol or drugs includes but is not limited to a student's admission of use of alcohol or drugs on or off campus, witness statements; a positive Portable Breath Test result indicating use of alcohol; red and/or glassy eyes; drooping eyelids; odor of alcohol or drugs; difficulty communicating, walking, or standing; difficulty with other motor skills; or other impaired faculties.

36.4 Loss of Privileges

In addition to Level IV actions, students in violation of this drug and alcohol policy may have other privileges revoked. These privileges include, but are not limited to, participation in extracurricular activities, athletics, school trips, prom, and graduation exercise. And/or revocation of, but not limited to, driving privileges.

36.5 Portable Breath Test

When there is reasonable suspicion that a student may be under the influence of alcohol, the school's administration may request law enforcement to administer a portable breathalyzer (PBT) at school and school related activities.

37.0 SUSPENSION ON THE BASIS OF FELONY CHARGES (Off-Campus)

37.1 When a student is formally charged with a felony by a proper prosecuting attorney for an incident which allegedly occurred on property other than public 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 shall, in accordance with F.S. 1006.09, conduct an administrative hearing for the purpose of determining whether or not the student should be suspended pending court determination of his or her guilt or innocence, or the dismissal of the charge, is made by a court of competent jurisdiction. The following procedures shall be followed by the principal:

- Notify the parent or guardian of the student, in writing, of the specific charges.
- Stipulate a date for the hearing within 2 to 5 days.
- Pending the hearing, the student will 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, the student's representative or counsel, and any witnesses requested by the student or the principal.

- The student may speak in his or her own defense.
- The principal shall provide the student and parent with a decision, in writing, as to whether or not suspension will be continued pending assignment to the Alternative Education Placement.

38.0 SUSPENSION ON THE BASIS OF FELONY CHARGES (On-Campus)

Felonies which occur on School Board property include but are not limited to **the school bus, the school bus stops, and all school-sponsored activities** will follow the same procedures as off-campus felony charges.

39.0 SEXUAL HARASSMENT - Administrative Rule 5.46

39.1 Definition:

Title IX 20 U.S.C. 1681 of the Education Amends of 1972 prohibits sex discrimination in educational institutions receiving federal funding. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature. Sexual harassment in the school setting could be any sexual-based annoyance such as: sexual jokes, graffiti, suggestive remarks, cartoons, physical interference with movements, such as blocking or following; and/or sexually derogatory comments in schools. Quid pro quo sexual harassment in the school setting means "you do something for me, and I'll do something for you" in a sexual content, (i.e., a student withholding or promising a benefit in exchange for sexual favors). Sexual harassment can take many forms of which the following are some, but not all examples:

- verbal or written harassment or abuse;
- pressure for sexual activity;
- repeated remarks to a person with sexual or demeaning implications
- unwelcome or inappropriate touching;
- suggesting or demanding sexual involvement accompanied by implied or explicit threats.

39.2 Procedure:

- Interview the complainant, alleged harasser, and corroborating witnesses;
- Collect the facts;
- Evaluate the facts;
- Recommend remedial steps necessary to stop the behavior, if warranted;
- Appropriate consequences administered.
- Upon investigation by the Administrative Staff, if it is determined that the report was both false and malicious, the matter would constitute a Class III or Class IV offense.

40.0 FIRM/INTERNET ACCEPTABLE USE AGREEMENT

The district maintains a web site that may be found at www.nassau.k12.fl.us. In addition, your child's school may manage a web site of their own on the Internet that presents and shares information specific to the school. Please **carefully consider** the Special Permissions section of the Internet/FIRM Acceptable Use Agreement that relates to posting student projects and student information. You have the option to allow your child's information to be posted or not to be posted and parental permission is required **before** any student information is included on school web site.

41.0 PROCEDURES FOR ESE PLACEMENT OF STUDENTS IN AN ALTERNATIVE EDUCATIONAL PLACEMENT

DRUGS, WEAPONS, AND SERIOUS BODILY INJURY are offenses that require an automatic referral to an alternative educational placement (45 school days pending manifestation hearing).

- The school must complete the following:
- Hold an administrative hearing according to the Nassau County School Board policy and
- Convene the IEP team (invite parent, give parent a copy of Procedural Safeguards, and obtain permission for Functional Behavior Assessment, if parent attends), conduct a Manifestation of Disability Meeting and
- If it is determined that the student's misconduct is not caused by, or a direct relationship, to the student's disability, the student is subject to the same disciplinary measures for misconduct as a non-disabled student (90-180 days) and
- Prior to the student's return to the general education environment, a Behavior Intervention Plan (BIP) must be developed by the IEP team. The IEP team shall include the alternative education placement teacher, the student, parent, staffing specialist/behaviorist, school psychologist and LEA (Local Education Agencies).

42.0 PROCEDURES USED FOR ESE STUDENTS WHO ARE REFERRED TO AN ALTERNATIVE EDUCATIONAL PLACEMENT FOR REPEATED DISRUPTIVE BEHAVIORS

IDEA 2004 states that the IEP team shall "consider the use of positive interventions and supports and other strategies" to address behavior which interferes with the student's learning or the learning of others.

- The school must complete the following steps:
- Convene and IEP Team Meeting, and
- Provide the option of an interim alternative educational placement, and
- Obtain permission for a Functional Behavior Assessment, and
- Hold an informal administrative hearing and complete the referral packet for an alternative educational placement and
- Placement of a minimum of 45 school days.

Prior to the student's return to the general education environment, a Behavioral Intervention Plan must be developed by the IEP team. The IEP team shall include the alternative education placement teacher, the student, parent, staffing specialist/behaviorist, school psychologist and LEA.

43.0 FLAG DISPLAY, PLEDGE, AND MOMENT OF SILENCE

1. The pledge of allegiance to the flag shall be recited at the beginning of each school day in elementary, middle, and secondary schools.
2. The Student Handbook that is distributed to all students shall contain written notification that the student has the right not to participate in reciting the pledge of allegiance. A student may be excused from instruction and/or reciting the pledge of allegiance, including standing and placing the right hand over his/her heart, when his/her parent(s), as defined by Florida Statutes, files a written request with the school principal.
3. The United States flag and the official flag of Florida shall be displayed daily on a suitable flag staff on the grounds of each school and School Board facility when the weather permits. Flags shall be displayed according to established guidelines.
4. Each classroom and auditorium shall display the United States flag.
5. All flags shall meet the requirements of Florida Statutes.
6. In accordance with HB (House Bill) 529, each Nassau County School shall require teachers in first period classrooms in all grades to provide one minute for a moment of silence during which students may not interfere with other students' participation. A teacher may not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence.

Statutory Authority: 1001.41, 1001.42, F.S.

Law(s) Implemented: 256.015, 1000.06, 1000.21, 1001.43, 1002.20, 1003.42, 1003.44, F.S.

44.0 ADMINISTRATIVE RULES

See Administrative rules at <http://www.nassau.k12.fl.us>

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