

Right to Learn

1. Students have a right to:
 - a. 13 years of education appropriate to their needs.
 - b. a positive learning climate free of disruption.
 - c. information on how grades are determined.
2. Students with Disabilities:
 - a. ESE students with disabilities who have not yet reached their 22nd birthday and who have not earned a standard diploma and who wish to continue their education may continue to receive Free Appropriate Public Education (FAPE) consistent with a properly developed IEP.
3. Students have a responsibility to:
 - a. utilize the educational experiences made available to them.
 - b. provide assistance to improve the educational experiences.

Rules of Conduct

1. Students have a right to:
 - a. a copy of clearly defined rules of student conduct.
 - b. expect the rules to be enforced without discrimination.
2. Students have a responsibility to know and observe school rules and regulations which govern their conduct.

STUDENT CONDUCT - DEFINITIONS AND PROCEDURES

- Administrative judgment, particularly at the elementary level, is needed in classifying offenses or behaviors into these incident types. In making these classifications, age and developmentally appropriate behavior **MUST** be taken into consideration.
- In all instances of disciplinary action,
 - the incident shall be investigated by the Principal or designee,
 - a conference shall be held with the student,
 - and due process procedures shall be followed.
- When a student is suspended or recommended for expulsion or alternative placement, procedures for the recommended action as described in this *Code* shall be followed.
- A complete written report of the incident and the action taken shall be maintained.
- A student with an **Individualized Education Plan** (IEP)/**Section 504 Plan** cannot be suspended for greater than ten (10) cumulative school days within one (1) school year and must have a Manifestation Determination Hearing.
- Some infractions may result in arrest and charges being filed due to being a violation of the law as well as a violation of school rules.
- Some specific infractions and consequences are detailed in this section of the *Code of Student Conduct*. It is realized that there will be instances of misconduct that may arise that will not be detailed in this document or in the school's handbook. Decisions regarding the consequences in such cases will be made based on the details of the information gathered in the investigation of the incident and the severity and seriousness of the misconduct.

Alcoholic Beverages

Any liquid which contains alcohol, either manufactured or mixed, or any intoxicating beverage; the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of intoxicating alcoholic beverages.

Distribution/Possession/Under the Influence of Alcohol

A student who distributes alcohol to another student and the student who receives the alcohol and or passes the alcohol to another shall be subject to the disciplinary penalties for distribution of alcohol.

1. Out-of-school suspension for up to ten (10) days. Parent/guardian will be notified in accordance with appropriate procedures. The appropriate law enforcement agency will be notified.
2. If possession is coupled with evidence or suspicion of use for self-harm, the student will be suspended for up to ten (10) days. A threat assessment will be initiated and completed prior to consideration of returning to a school campus.

Weapons (Other): Possession and/or Use

Any instrument or object that could be deliberately used to inflict harm, or intimidate any person including, but not limited to, knives (except common pocket knives, plastic knife, or blunt-bladed table knife), razor blades, any dirk, metallic knuckles, slingshot, Billie, tear gas gun, chemical weapon or device, electric weapons or devices including stun guns, destructive devices or other deadly weapons, or any other object being used as a weapon; possession of a weapon at a school-sponsored event, on school property, on a school bus, or at a school bus stop is punishable as a third degree felony.

1. Notification of appropriate law enforcement agency.
2. Out-of-school suspension of the student for ten (10) days and a recommendation for a Disciplinary Hearing regarding the removal of the student from the regular school program for a period of at least one (1) calendar year through expulsion.
3. Notification of parents/guardians of the out-of-school suspension and recommendation for a Disciplinary Hearing in accordance with appropriate procedures for out-of-school suspension and expulsion.

DISCIPLINE ALTERNATIVES - STUDENT CONDUCT PROCEDURES

This list of options is provided to suggest some of the possible actions which may be taken in response to student misconduct. An administrator may select options as is deemed necessary, except when specific actions are required by Board Policy, State Board Rule and/or Florida Statute.

- **Alternative Programs:** A student may be assigned to or offered the opportunity to participate in alternative programs available if, in the opinion of school officials, such assignment would benefit the student. A student with a disability should be referred to the IEP team to determine appropriate services and placement.
- **Behavioral Contract:** A behavioral contract between a student and appropriate school personnel may define expected behaviors, conditions, and consequences.
- **Positive Behavioral Intervention Plans:** A **Positive** Behavioral Intervention Plan (**PBIP**) is a written, specific, and purposeful plan which describes behavioral interventions and other strategies that will be implemented to reduce and/or prevent targeted misbehaviors and reinforce appropriate replacement behaviors. An individual **PBIP** will be developed for a student with a disability if the student's behavioral difficulties significantly interfere with the ability to benefit from his/her education and education of others. Prior to initiation of a **PBIP**, a Functional Behavior Assessment (FBA) must be completed and assessment information used to develop the **PBIP**. The **Positive** Behavior Intervention Plan (**PBIP**) must be noted on the current IEP. If a student with a disability has an individual **Positive** Behavior Intervention Plan (**PBIP**), then the **PBIP** supersedes the *Student Code of Conduct* and the student will be disciplined in accordance with the procedures delineated in his/her **Positive** Behavior Intervention Plan. By the 10th day of out-of-school suspension, a student with an IEP or **Section 504 Plan** must have a Manifestation Determination Hearing. Manifestation Hearing members will consist of **Local Education Agency** (LEA) representative, ESE teacher, General Education teacher, Administrator, parent, and student. Students with an IEP/**Section 504 Plan** may not be suspended greater than 10 days without educational services based on the IEP.
- **Conferences:** Conferences between/among any combination of student, teachers, parent/guardian, and administrator may be held to discuss student conduct and/or problems. Such conferences consider alternatives available and seek to determine a plan of action which will be most beneficial to the student.

3. **Saturday Detention** may consist of time spent on Saturday on academic study and/or work assignments related to the upkeep and maintenance of school facilities. The amount of time assigned to one (1) day of Saturday detention shall not exceed four (4) hours. Parents shall be responsible for the student's transportation.

C. Procedures:

1. The Principal or designee may assign a student to detention on the basis of a discipline referral after hearing the student's defense and/or explanation of his/her conduct and giving the student an explanation of the reasons for and the conditions of the restriction.
2. A student who fails to appear for the assigned detention may be assigned an additional amount of detention time or may be assigned a higher level of discipline.

- **In-School Suspension**

A. Definition: In-school suspension is a discipline program established as an alternative to out-of-school suspension.

B. Conditions:

1. Any school center that has an in-school suspension program established in accordance with the district's guidelines may place students in in-school suspension.
2. The parent/guardian must be notified of the placement of a student in in-school suspension.
3. All criteria for student eligibility and the instructional program are subject to the requirements of the district's guidelines.
4. Schools shall not use continuous or multiple in-school suspensions to exclude a student with a disability from educational services. Services must be adhered to as outlined in the student's Individualized Education Plan or Section 504 Accommodation Plan.

C. Procedures:

1. The Principal or designee may assign a student to an in-school suspension program on the basis of a discipline referral after hearing the student's defense and/or explanation of his/her conduct and giving the student an explanation of the reasons for and conditions of the in-school suspension.
2. A student who fails to appear for in-school suspension may be assigned an additional amount of in-school suspension or be assigned a higher level of discipline which may include out-of-school suspension.

- **Out-of-School Suspension**

A. Definition: Out-of-school suspension is the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the Principal or the Principal's designees, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student's parent with specific homework assignments for the student to complete. Homework assignments given will be due on the day the student returns to school.

B. Conditions:

1. No student shall be given an out-of-school suspension for absences, truancy, or cutting classes.
2. A good faith effort shall be made by the Principal or his/her designated representative to employ parental assistance or other alternative measures prior to out-of-school suspension, except in the case of emergency or disruptive conditions which require immediate removal of the student from the school environment. Parents will be strongly encouraged to schedule a conference with school personnel before their suspended child returns to school.
3. Schools shall not use continuous or multiple out-of-school suspensions to exclude a student with a disability from educational services since the major purpose of disciplinary action is to bring about positive student behavior within the school setting--not exclusion from that setting.
4. A student with a disability who has an Individualized Education Plan (IEP) or a Section 504 Plan shall not receive out-of-school suspension (OSS) for more than ten (10) cumulative days within a school year without provision of educational services. By the 10th day of OSS, Manifestation Determination must be conducted by the IEP team.

After the manifestation determination the IEP team will review the student's current IEP to initiate behavioral interventions, a Functional Behavior Assessment, a Positive Behavior Intervention Plan, and/or appropriate educational placement.

5. Students suspended must be under adult supervision during school hours for the duration of their suspension. Suspended students are subject to the "Truancy Pick-Up Program" Law enforcement-officers will pick up any student not in school during regular school hours who is not under adult supervision and transport him or her to an off-campus site. Parents will be contacted to pick up their child immediately. Parents will follow the imposed sanctions. The school site will be notified.
6. Students who are suspended out-of-school pending a disciplinary hearing will remain on out-of-school suspension until the disciplinary hearing process has been finalized.

C. Procedures:

1. The Principal or designee must attempt to inform the student's parents by telephone of a student's suspension and the reasons for the suspension prior to the suspension of the student.
2. After the parent has been notified or an attempt made at such notification, and after hearing the student's defense or explanation of his/her conduct and explaining the reasons for the suspension and the conditions, the Principal or his/her designated representative may suspend a student from the school program or the school bus.
3. Each out-of-school suspension shall be reported in writing by mail or delivered in person by a staff member within 24 hours with the reasons for the suspension, the dates involved, and any conditions to the student's parent or guardian.
4. The letter of notification to parents/guardians will include the requirements for adult supervision during the suspension.

• **Alternative Placement/Expulsion With Continuing Educational Services**

A. Definition: Alternative Placement or Expulsion with Continuing Educational Services is the removal of the right of the student to attend the regular school program at a district public school for a period of time with educational services provided at an alternative site in lieu of expulsion without continuing educational services. The alternative placement should not exceed the remainder of the current school year and one (1) additional year of attendance.

B. Conditions:

1. The Principal or his/her designated representative may recommend to the Superintendent that a Disciplinary Hearing be conducted regarding the removal of a student from the regular school program when a student has committed a serious breach of conduct.
2. Alternative Placement of a **student with an identified disability**, who has an active IEP or Section 504 Plan, constitutes a change in educational placement. The following procedures shall be followed:
 - a. If a Principal determines that a student with a disability has engaged in a behavior that warrants alternative placement or expulsion (a disciplinary hearing), he/she shall contact the Director of Exceptional Education and request an Individualized Education Plan (IEP)/Section 504 Accommodation Plan meeting be conducted. The meeting shall be held to make a manifestation determination and if determined by the IEP Team a Functional Behavior Assessment (FBA) and/or Positive Behavioral Intervention Plan (PBIP) may be developed.
 - b. If the team determines that the student's misconduct is a manifestation of the student's disability, a review of the student's IEP/Section 504 Accommodation Plan shall be conducted and an appropriate alternative implemented. A guardian/student may request a recommendation to the Disciplinary Hearing Committee for a due process hearing regardless of the manifestation decision.
 - c. If the misconduct is **not** a manifestation of the student's disability, then the student will be recommended to the Disciplinary Hearing Committee for a due process hearing. Exceptional students may be recommended for removal from the regular school with the continued provision of services in accordance with the student's IEP. A student identified disabled under Section 504 shall be afforded disciplinary action to the same extent that such disciplinary action is taken against non-disabled students.

considered trespassing. Seniors who are alternatively placed or expelled during the second semester/term of their senior year will not be allowed to participate in graduation activities.

- **Expulsion Without Continuing Educational Services**

A. Definition: Expulsion is the removal of the right and obligation of a student to attend a public school for a period of time and under conditions set by the School Board not to exceed the remainder of the school year and one (1) additional year of attendance.

B. Conditions:

1. The Principal or his/her designated representative may recommend to the Superintendent that a Disciplinary Hearing be conducted regarding the removal of a student from the regular school program when a student has committed a serious breach of conduct.
2. Expulsion/alternative placement of a **student with a disability and Individualized Education Plan** constitutes a change in educational placement, not an exclusion from educational services. A free appropriate public education (FAPE) must be available to all disabled children with an Individualized Education Plan (IEP) residing in the state between the ages of 3 and 21, including children with disabilities who have been suspended or expelled. Services do not have to replicate all of the services and instruction a student would have received had he/she stayed in school. Procedures will follow those outlined in "Alternate Placement/ Expulsion with Continuing Educational Services" regarding students with an identified disability.

C. Procedures:

1. The Principal or a designated representative shall conduct an investigation into the charges and shall obtain a written and signed statement from any witness immediately after the incident.
2. The Principal or a designated representative shall hear and consider the student's defense and/or explanation of his/her conduct before making a final decision, and if removal is appropriate, shall explain to the student the reasons for recommending removal from school.
3. A written notice of the recommendation for a Disciplinary Hearing, including a detailed report of alternative measures taken prior to the recommendation, shall be sent by mail to the parent/guardian as well as an attempt to notify the parent/guardian via telephone. A written copy of the notification will be sent to the Superintendent and the appropriate Grade Level Director. The requested length of removal of the student from the regular school program shall be included in the written notice and shall not exceed the remainder of the current school year and one (1) additional year.
4. A Disciplinary Hearing Committee consisting of a minimum of four (4) of the following: the Director of Elementary Education, the Director of Middle School Education, the Director of High School Education (in the absence of the Director, a district grade level representative may be present for the previous three), the Director of Work Force Education, the Assistant Superintendent of Curriculum and Instruction, the Director of Alternative Education, a representative of Student Services, and a representative of the District's Exceptional Student Education staff will review each recommendation in a due process hearing, and the student has the right to:
 - a. appear with counsel.
 - b. confront and cross examine.
 - c. be heard by an impartial tribunal.
 - d. receive a CD of the proceedings.
 - e. appeal.
5. The Disciplinary Hearing Committee will hear all pertinent information relating to the recommendation for the student's removal from school. The committee may then make a recommendation to the Superintendent for the expulsion of the student. Any member of the committee who has participated in the investigation shall abstain from voting on the recommendation, but may otherwise participate in the hearing.
6. If the Disciplinary Hearing Committee's recommendation is for a student's expulsion, the Superintendent will notify the parent/guardian by mail of the specified date and place of the School Board meeting and the scheduled time of the expulsion hearing to act on the Superintendent's recommendation.
7. A student who has been expelled/alternatively placed is not allowed on any School Board property without prior permission from the school's administration. Violation will be considered trespassing.

shall be immediately enrolled in a daytime or evening alternative educational program. A student with a disability or a Section 504 Plan who has been suspended from school for a total of ten (10) school days must be afforded a manifestation determination hearing prior to the culmination of the ten (10) day period. The IEP committee, including the student and his/her parents, will determine which services are needed to provide a free, appropriate public education (FAPE) in order to progress in the general curriculum and achieve his or her IEP goals and objectives.

2. **Charged:** Any student who is formally charged with a felony act may be suspended from school indefinitely or have his or her suspension to continue until the determination of guilt or innocence or until the charges are dismissed if, in the opinion of the school administrator, the student's attendance would adversely impact the school. Such suspension shall not affect the delivery of educational services to the student, and the student shall be immediately enrolled in a daytime or evening alternative educational program. A student with a disability or a Section 504 Plan who has been suspended from school for a total of ten (10) school days must be afforded a Manifestation Determination Hearing prior to the culmination of the ten (10) day period. The IEP committee, including the student and his or her parent/guardian, will determine which services are needed to provide a free, appropriate public education in order to progress in the general curriculum and achieve his or her IEP goals and objectives.
3. **Conviction of a Felony:** Any student who has been charged and found guilty of a felony will be afforded a hearing with parent/guardian present to determine whether the student's continued attendance will adversely impact the school; the hearing may result in continuance or expulsion.
4. **Adjudicated Delinquent:** Any student who has been adjudicated delinquent for committing a felony act will be afforded a hearing with parent/guardian present to determine whether the student's continued attendance will adversely impact the school; the hearing may result in continuance or expulsion.
5. **Adjudication Withheld:** Any student who has had adjudication withheld for committing a felony act will be afforded a hearing with parent/guardian present to determine whether the student's continued attendance will adversely impact the school; the hearing may result in continuance or expulsion. A hearing must be held prior to a recommendation for expulsion.

D. Extra-Curricular Activities:

Procedures:

1. **Arrested:** Any student who is arrested for a felony act may be suspended from participation in extra-curricular activities if, in the opinion of the school administrator, the student's continued participation in extra-curricular activities would adversely impact the school.
2. Any student who has been **charged**, (per accompanying documentation from the state attorney's office), will not be eligible nor permitted to publicly represent the school or the school district in any extra-curricular activity until a court rendering.
3. Any student who has been **convicted of a felony, adjudicated delinquent or had adjudication withheld** will not be eligible nor permitted to publicly represent the school or the school district in any extra-curricular activity for the balance of the school year.
4. A report of an alleged violation of this standard of conduct shall be submitted to the Principal or designee for investigation. If the Principal or designee determines that a violation has occurred, the student and his parent or legal guardians shall be notified in writing of the suspension from school sponsored extracurricular activities.

SECURED SECLUSION/RESTRAINT

Through legislative reviews and continual safety, Florida state legislation has approved the need for all restraint and secured seclusion procedures to be performed:

Section 393.067, Section 393.13, Section 1004.55, Section 1003.573, Section 1012.582

Definitions:

The Office of Civil Rights (OCR) now requires that the department report all instances of restraint and seclusion for all students (not just those with disabilities). In order to meet this requirement, three (3) elements were added to the automated student database using the definitions issued by OCR. To remain consistent, the same definitions will be used for the web

reporting of restraint/ seclusion incident reporting of students with disabilities. The definitions included in the database are as follows:

Mechanical Restraint: The use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or devices utilized by a student that have been prescribed by an appropriate medical or related service professional and are used for the specific and approved purposes for which such devices were designed, such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports.
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.
- Restraints for medical immobilization.
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Physical Restraint: A personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

Seclusion: The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

These definitions may also be found on the [Florida Department of Education website at http://www.fldoe.org/eias/dataweb/database_1011/st81_1.pdf](http://www.fldoe.org/eias/dataweb/database_1011/st81_1.pdf).

Procedures:

Teacher and Administration Responsibility

1. Teacher will have the form ***Parental Notification of the Use of Secured Seclusion and/or Restraint*** (Attachment 1) signed by a parent for any student who has exhibited aggressive behaviors toward themselves or others. This student will have a Behavior Intervention Plan (BIP) in place.

Forms can also be found on: http://www.santarosa.k12.fl.us/ese2/P2_Resources1/Resources1_Home.html

2. Once a student has initiated harm to himself or others and all non-violent intervention and de-escalation techniques have been exhausted, a person certified in Non-Violent Crisis **Prevention** Intervention (CPI) will initiate secured seclusion and/or restraint.
3. When secured seclusion/restraint is initiated, there will be at least one other adult to assist with the seclusion/restraint and/or documentation of duration of incident, personnel involved in the incident, anecdotal records of the incident, etc. When possible, school administration should be called immediately upon the use of secured seclusion/restraint.
4. Once the secured seclusion/restraint incident has ended, the supervising teacher will notify the school administration immediately (unless this has been done in Step 3) and will brief administration on the situation using the form ***Preventive Strategies Utilized before Secured Seclusion and Restraint*** (Attachment 2).

Forms can also be found on:

http://www.santarosa.k12.fl.us/ese2/P2_Resources1/Resources1_Home.html

5. By the end of the day of the incident, administration will complete the ***Parent Written Notice for the Use of Secured Seclusion and/or Restraint*** form. Administration will then make at least two (2) attempts to notify parent, through email and/or phone, regarding the use of seclusion/restraint. Administration will also ensure that the form is sent home with the student at the end of the day. Parent signature must be obtained and the signed form returned to the school. **Forms can also be found on:** http://www.santarosa.k12.fl.us/ese2/P2_Resources1/Resources1_Home.html
6. If the signed ***Written Notice*** form (Attachment 3) is not returned, the administrator will send a 2nd copy through certified mail and/or by a school social worker for signature. All attempts will be documented on the form.
7. Within 24 hours, supervising teacher will complete the electronic version of the form ***Santa Rosa County District Incident Report for Secured Seclusion and/or Restraint*** (Attachment 4) and send it via email to the supervising school administrator. NOTE: Best practice for documenting the Restraint and Secured Seclusion for Santa Rosa County incident