

# THE SCHOOL BOARD OF OSCEOLA COUNTY, FLORIDA



See page 1 for complete fortify FL information

## CODE OF STUDENT CONDUCT 2022-2023 SCHOOL YEAR

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The School Board of Osceola County, FL recognizes that education of children is a process that involves a partnership between a child’s parents, teachers, school administrators, and other school and School Board personnel. School and school district personnel will treat all visitors on School Board property with courtesy and respect. The School Board asks that visitors treat school and school district personnel with the same courtesy and respect.

*1001.41 and 1001.43 FL Statutes, and School Board Policy 9.63 Civility and Orderly Conduct Among School District Employees, Parents, and the Public.*

### ***Dear Students and Parents:***

The mission of the Osceola School District is to inspire all learners to reach their highest potential as responsible, productive citizens. To accomplish this, the school district has developed the Code of Student Conduct to help students, parents, and school personnel understand the guidelines for maintaining a safe and orderly learning environment. The Osceola County School Board expects students to conduct themselves with the greatest respect for self and others.

The Code of Student Conduct is designed to provide expectations for student behavior in our schools, so that we can provide all students with an environment conducive to learning. Parents, please take the time to review this updated version of the Code of Student Conduct as it provides a framework for discussing with your children our district’s values and policies to ensure a safe and productive academic school year. Of special importance is cyberbullying, which takes place using electronic technology such as cell phones, computers, and tablets, as well as communication tools including social media sites, text messages, chats, and websites. Examples of cyberbullying include, but not limited to mean text messages or emails, rumors sent by email or posted on social networking sites, and embarrassing pictures, videos, websites, or fake profiles. Please be aware that consequences for students who commit acts of cyberbullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion as outlined in the Code of Student Conduct.

As we embark on a new school year, we invite you and your children to assist our district in making this year a success. Together with a strong working relationship with our students and parents, our school district will perform at its best.



# FORTIFYFL

SUSPICIOUS ACTIVITY REPORTING APP

## QUICKLY AND EASILY SUBMIT A TIP

By accessing FortifyFL, students can provide a description of the threat, share pics and videos and optionally submit their contact information.

### Anonymous or Non-Anonymous

You decide whether you want to include your name and contact information.

### Convenient

Submitting a tip is quick and easy using our mobile app or website.

### Include Photos and Video

You can also include photos or video with your tip report.

## QUICKLY SEND TO AUTHORITIES

FortifyFL automatically routes your tip report to the appropriate law enforcement agencies and school officials.



### Your School Officials

The tip report goes to your local school officials when submitted.

### Local Law Enforcement

Your local police department or sheriff office receive copies of your tips automatically.

### State-Level Officials

State-level officials also have access to your tips to make sure proper steps are taken.

FortifyFL is a suspicious activity reporting tool that allows you to instantly relay information to appropriate law enforcement agencies and school officials. FortifyFL was created and funded by the 2018 Florida Legislature as part of the Marjory Stoneman Douglas High School Public Safety Act.

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# THE SCHOOL BOARD OF OSCEOLA COUNTY, FLORIDA

## CODE OF STUDENT CONDUCT

### PREFACE

Welcome to Osceola District Schools. We are proud of the positive learning environment and general tone of good discipline that exists in the schools of Osceola County. This has been achieved largely through the cooperative effort among students, school personnel, and parents to establish an orderly and purposeful educational atmosphere.

Prior to the beginning of each school year, the school board shall make revisions, if any, in the CODE OF STUDENT CONDUCT. A committee composed of parents, teachers, administrators and students will review the Code of Student Conduct and make recommendations to the Superintendent. The Superintendent or the Superintendent's designee will present the revised Code of Student Conduct to the School Board.

This Code of Student Conduct applies to EVERY student who is under the jurisdiction of the School District. The Code of Student Conduct shall be in effect on school property and at any other property where teachers and school administrators have jurisdiction over students. For example, the Code of Student Conduct shall apply to any student who is in attendance at school or at any school sponsored activity. The Code of Student Conduct shall apply to any student whose conduct at any time or place conflicts with or obstructs the mission or operation of the School District or the safety and welfare of other students or employees. The Code of Student Conduct shall also apply to students when they are being transported on school buses.

The Code of Student Conduct shall be uniform throughout the school district. The Code of Student Conduct shall be distributed to each student, teacher, and administrator involved in student discipline. Additional copies will be made available to other persons upon request. The Code of Student Conduct is available on the district's website. Each school shall, to the extent possible, obtain a written acknowledgment of receipt of the Code of Student Conduct from the student and his/her parents/guardians.

The Code of Student Conduct provides information relating to attendance regulations and descriptions of various violations of conduct for which a student could receive disciplinary action up to and including a recommendation for expulsion from the School District. Matters such as student dress and/or discipline problems not specifically listed in the Code of Student Conduct shall be within the jurisdiction of each school. Each school is authorized to attach local school rules to the Code of Student Conduct provided school rules or discipline procedures do not conflict with the rules and procedures established by the district.

Florida law requires that a Code of Student Conduct governing student behavior be adopted for both elementary and secondary students. For your convenience, this copy of the Code of Student Conduct contains policies and procedures for both Elementary and Secondary students.

**Note: It is beyond the scope of this handbook to identify all potentially relevant state laws, rules, or regulations and School Board policies that may apply to a specific disciplinary case. Therefore, this publication of the Code of Student Conduct is not an exhaustive representation of every possible example of inappropriate behavior for which a student may receive a disciplinary consequence. However, it does represent a good faith effort to address the more frequently observed behaviors of students generally.**

## **INTRODUCTION**

The Code of Student Conduct is published to clearly communicate the behavioral expectations for students at all grade levels and to summarize the policies of The School District relative to the management of student conduct. Therefore, this handbook

- Outlines the responsibilities and rights of all school students
- Defines the District rules of conduct and the behavioral expectations for school students
- Identifies the consequences for violations of the rules of conduct
- Clarifies the procedures for processing disciplinary infractions

The Code of Student Conduct is published once a year. Therefore, this handbook may not contain recent changes in policies or procedures, which occur from time to time. When information is revised, the change will be communicated through school newsletters or other means of communication, at which time the published revision shall replace previous information.

The cooperation of parents and students is essential if good discipline in the school is to be achieved. Parents may contribute to good discipline by the following:

- Maintaining a positive attitude toward education,
- Showing an interest in their child's progress through regular communication,
- Teaching their child to be neat, clean and dressed in an appropriate manner,
- Ensuring their child's regular daily attendance,
- Reporting and explaining promptly any absence to the school,
- Teaching their child respect for authority,
- Informing the school immediately of any condition or circumstances which may effect their child's ability to learn, to attend school regularly, or to participate in school activities, and
- Cooperating with school personnel in solving disciplinary problems.

## **RULES OF EACH SCHOOL**

It is anticipated that the disciplinary rules and consequences applied for a particular kind of misconduct may vary from school to school except that no school rules or discipline procedures can conflict with the rules and procedures established by the School Board in cases where serious violations of the Code of Student Conduct occur which may result in the recommendation for expulsion of a student from a school.

The Professional And Technical High School (PATHS)/Osceola Technical College (oTECH)/Adult Learning Center Osceola (ALCO) Code of Student Conduct shall represent the behavioral expectations and standard of conduct for those students who have elected to attend. Any student who violates PATHS/oTECH/ALCO Code of Student Conduct may receive disciplinary consequences up to and including out-of-school suspension, withdrawal from the program or a recommendation for expulsion.

Rules regarding attendance, illegal possession or use of drugs, dangerous weapons, violence against persons or property, or any other behavior, which may result in a recommendation for expulsion of a student from an Osceola County School, shall be uniform throughout the School District.

In order that justice may be handled with mercy and understanding, the discretion of interpretation shall be in all instances left to the individual teacher, assistant principal or principal to modify corrective measures suggested in the Code of Student Conduct when extenuating circumstances seem to be present.

## AUTHORITY OF THE TEACHER

Section 1003.32, Florida Statutes, grants teachers and other school staff members the authority for the control and discipline of students assigned to them, as well as on campus, and in other places where they may be assigned to supervise students. Students are expected and required to follow the requests and directives of all teachers, school staff members, school volunteers, and chaperones when on School District owned property or at other places where they are under the supervision of School District personnel.

Teachers shall make every reasonable effort to control classroom disruptions or misbehavior by students. However, if a disruption or misbehavior persists, or if the disruption is severe, the teacher shall direct the student to an appropriate administrator with a description of the incident written on a referral form provided by the administration.

**Note:** Sections 1006.11 and 1003.32, Florida Statutes, grants school personnel the power to use reasonable force to protect himself or herself, the student, or others from injury. In addition, teachers may have violent, abusive, uncontrollable, disruptive, disobedient, or disrespectful students removed from the classroom for behavior management intervention and/or directed for information or assistance from appropriate school or district personnel.

**Note:** Section 1003.32 (4), Florida Statutes, authorizes a teacher to remove a student whose behavior is determined by the teacher to interfere with the teacher's ability to communicate with the class or the ability of the student's classmates to learn.

**Note:** Section 1006.11, Florida Statutes, provides that a principal, teacher, other staff member, or bus driver shall not be civilly liable for any action carried out in conformity with School Board rules regarding the control, discipline, suspension, and expulsion of students, except in the case of excessive force or cruel and unusual punishment.

**Note:** Section 1003.32 (1) (i), Florida Statutes, empowers teachers and other instructional personnel to press charges against a student if a crime has been committed against a teacher or other instructional personnel on school property, on school sponsored transportation, or during school sponsored activities.

## STUDENT RESPONSIBILITIES

School authorities will place limitations on the rights of students when regulation is necessary in order to prevent disruptions in the classroom or on school property.

School authorities will place limitations on the rights of students as necessary to permit the District to meet its primary responsibility of providing each student the opportunity to receive a quality education in a safe and non-threatening environment.

A breach in the Code of Student Conduct as it relates to individual student conduct means--Students are responsible for the things they do as well as the things they fail to do. Students will be expected to take responsibility for their actions or non-actions as well as the consequences they may receive as a result of their individual choices whether intended or not.

## Responsible Students Make the Difference

### Students have a responsibility to

- Attend school regularly, on time, and report to all classes and scheduled activities,
- Treat others courteously and with respect,
- Treat school property and the property of others with respect,
- Respect the privacy of others,
- Have in their possession only those items allowed by law and/or School Board Rules or policies,
- Listen courteously to the opinions and points of view of others,
- Come to class with all necessary materials and be prepared to learn,
- Maximize their learning opportunities,
- Not interfere, impede, limit, or restrict the educational opportunity of any other student(s),
- Comply with all instructions and staff directions,
- Truthfully answer all questions posed by school staff,
- Deliver to their parents or guardians all notes, notices, and papers provided by the school for home delivery,
- Timely notify parents or guardians of all assigned consequences for inappropriate behavior, and
- Report hazardous or dangerous situations to an adult in authority so as to not act negligently or recklessly by placing other people at risk for injury or placing property in danger for damage.

### STUDENT RIGHTS

The School District recognizes that students have all of the rights provided by law including: the right to equal educational opportunities without regard to race, national origin, sex, disability, marital status or sexual orientation. District staff as well as students shall each be responsible to

- Create a safe and orderly environment in which to learn,
- Be treated with dignity and respect,
- Express opinions and personal points of view in a responsible and constructive manner,
- Peaceably assemble,
- Be secure in their personal privacy,
- Limit access to their student records,
- Be informed of the rules of conduct, and
- Receive reasonable and fair treatment

**Note:** These rights are not absolute and may be limited when necessary, in order to prevent the disruption of the learning environment or the orderly operation of the school.

### FREEDOM OF SPEECH

Students have a right to freedom of expression of their views within the limitations reasonably expected of group controls, school purposes, and school activities.

Students have the right to expression, through written and oral means, their own opinions on controversial issues without jeopardizing relations with their teachers or the school.

Students have the right not to participate in reciting the pledge of allegiance to the flag including standing and placing right hand over their heart upon written request by their parent.

Students have a responsibility to make every effort to become informed and knowledgeable about controversial issues and to express their opinions in a manner that is suitable for the forum in which the discussion is taking place.



Students have the responsibility to refrain from the distribution of any material(s) which, by its content, would interfere with discipline, cause disorder, or invade the rights of others.

Students have the right to, and will not be disciplined for, speaking responsibly in their native language.

### **RIGHT TO ASSEMBLE**

Students have a right to peaceably assemble without disrupting the regular day-to-day operation, schedule, or activity of the school or institution.

Students have the responsibility to assemble in accordance with the prescribed rules and regulations of the school or institution.

### **HUMAN DIGNITY**

The School District, recognizing that it is multi-racial and multi-ethnic, believes that it is a part of our responsibility to provide a harmonious environment in which respect for the diverse make-up of the school community is promoted.

In accordance with this aim, the School District will not tolerate behavior by students or staff which insults, degrades, or stereotypes any race, gender, disability, physical condition, ethnic group, religion, sexual orientation, or individual who is pregnant.

The District believes firmly in supporting the social/emotional/mental health of our students. There are procedures in place for district staff to link parents and families to outside agencies for social/emotional/mental health support. Each school has staff members who can assist parents with this process upon their request.

### **PARTICIPATION IN SCHOOL ACTIVITIES**

Students have the right to participate in school programs and activities in accordance with eligibility requirements. Students also have the responsibility to contribute to these activities in a positive manner.

Students who have been recommended for expulsion or have been Administratively Assigned to an Alternative or “Second Chance” School in lieu of an expulsion will not be considered “students in good standing.” Therefore, they will not be permitted to participate in extracurricular activities or to be on any other School District owned property for the period of time they are Administratively Assigned.

#### **Policy for Senior (12<sup>th</sup> grade) Students with Disabilities Served in Self-Contained Classrooms to Participate in Senior Activities**

Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended 29 U.S.C. §794 and its implementing regulation, 34 C.F.R. Part 104, prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and Title II of the American with Disabilities Act of 1990 (Title II), 42 U.S.C. §§12131 et seq., and its implementing regulation, 28 C.F.R. Part 35, prohibit discrimination on the basis of disability by public entities.

Any Exceptional Student Education (ESE) student enrolled in a self-contained classroom identified as a senior (12<sup>th</sup> grade), will be provided the same opportunities as a non-disabled senior (12<sup>th</sup> grade) student, to participate in all senior activities. Senior activities may include, but are not limited to, senior portraits, senior prom, Grad Night, senior class meetings, senior picnics, and senior field days. Information regarding senior activities will be provided to ESE students in self-contained classrooms and their parents or guardian through a written calendar within four weeks of the beginning of each school year. This will afford senior (12<sup>th</sup> grade) students with disabilities an equal opportunity to participate in such activities.

ESE students enrolled in self-contained classroom identified as a senior (12<sup>th</sup> grade) will be provided the opportunity to participate in a graduation ceremony one time during their high school enrollment, the same opportunity afforded to non-disabled senior (12<sup>th</sup> grade) students.

## STUDENT APPEARANCE & DRESS CODE POLICY

Students are required to wear appropriate clothing according to the situation and the grade level involved. Inappropriate clothing and appearance are disruptive to the school program and principals will enforce adherence to this policy by those under their jurisdiction. Each school may provide for more specific dress code requirements within the scope of this district-wide dress code and shall provide each student with a copy of their school's dress code. **School administrators have final authority to decide if clothing complies with District rules.**

When it is determined that a student's clothing does not comply with the dress code, a parent/guardian may be asked to bring an appropriate change of clothes to school. The student may, with parental permission, be sent home in order to change clothes. In addition, the student may also receive a disciplinary consequence for violating the school's dress code policy.

### Violations of this Policy

Violations of this policy shall be treated as disruptive behavior in violation of the Code of Student Conduct. However, policy violations shall not carry over on the student's discipline record to subsequent years. This policy shall apply to students at all times when they attend school or any school sponsored event. The Principal may exercise discretion and permit exceptions to this policy for extracurricular activities.

This policy shall be applicable in its entirety, except where a specific section may be directed toward a select group of students. All persons subject to this policy shall comply with all sections of it.

- Wearing apparel, which tends to identify association with secret societies as prohibited by Florida Statutes, shall not be worn.
- Cleanliness of the physical person consistent with the maintenance of good health and to avoid offensiveness to others is mandatory.
- Some programs may require uniforms. Continued enrollment in these programs shall be contingent on the student adhering to all uniform requirements and standards.

### Dress Code Policy Requirements for students in kindergarten through grade twelve

1. **Appropriate Sizes:** Students shall wear clothing of appropriate size as determined by the principal or designee exercising his or her judgment. The size of shirts and pants shall be appropriate to the student's body size and shall not be unduly oversized or undersized.
2. **Shirts:** Shirts shall consist of a long or short-sleeved navy blue or white collared shirt, such as a polo, oxford, or dress shirt. A small logo is acceptable. Each school may also include one or two additional specified colors. Colored trim, stripes, or decorations will not be allowed. School-sponsored shirts from the current school may be worn on Friday or other select days as approved by the Principal.
3. **Bottoms:** Bottoms shall consist of navy blue, black, or khaki (tan) pair of long pants, skirt, walking shorts, slacks, skorts, jumper, or similar clothing and must be denim, corduroy, or twill fabric. Colored trim, stripes, or decorations will not be allowed. A small logo is acceptable. Pants, shorts, and skirts shall be worn so that the waistband is worn at the waist and not below the waist. Shorts, skirts, dresses, and skorts shall extend to mid-thigh. Bottoms shall not be excessively distressed or altered in a manner which shows skin or undergarments. Athletic shorts, including, spandex-style "bicycle" shorts, cut-off jeans, or pants, cut-off sweatpants, short shorts, running shorts, jogger athletic pants. Sweatpants, yoga and see-through boxer-type shorts are not permitted. Undergarments must not be visible.
4. **Shoes/Footwear:** All students shall wear shoes/footwear. Elementary and Middle School shoes/footwear shall be closed toe and heel athletic shoes and other footwear appropriate to a student's class schedule involving physical activities including but not

limited to Physical Education, Dance, etc., so as to protect the entire foot. High School students may wear sandals provided they don't interfere with the safety and welfare of the student and are appropriate to the student's class schedule. Platforms and shoes with wheels, steel-toed footwear, stiletto type footwear or excessive heel height may not be worn.

5. **Outer Garments:** The Dress Code Policy shall not prohibit students from wearing coats, jackets, buttoned-up or zippered sweaters, or other appropriate outer garments when necessary due to weather conditions or for other legitimate reasons and shall be the appropriate size for the student, shall not be overly baggy, nor violate any other provision of this Policy. Inside the classroom, outer garments shall be removed, completely unzipped, or left open to allow for the school uniform to be visible. Long overcoats are not permitted on school grounds or at any school-sponsored event. School-sponsored sweatshirts from current school may be worn over the approved school uniform. When outer garments with a hood are worn, the hoods must be removed from the head, while on school property or school sponsored event. No outer garments without zippers or buttons may be worn on school property unless the outer garment is a school sponsored item.

### **Personal Electronic Devices**

When personal electronic devices are permitted by the Principal, students may only use one earbud.

### **Unacceptable Attire**

Students are not allowed to wear clothing, jewelry (including body piercing jewelry and "grills"), buttons, haircuts, tattoos, makeup, or other attire or markings, which are offensive, suggestive, disruptive, or indecent such as

1. Clothing associated with gangs.
2. Clothing encouraging the use of drugs, alcohol, or violence.
3. Clothing associated with discrimination on the basis of age, color, disability, national origin, sexual orientations, marital status, race, religion, or sex.
4. Clothing exposing the torso or upper thighs such as see-through garments, mini-skirts or mini-dresses, halters, backless dresses, tube tops or tank tops without over shirts, spaghetti strap garments without over shirts, bare midriff outfits, or shirts or blouses tied at the midriff.
5. Clothing not properly fastened or with tears.
6. Clothing or outer garments traditionally designed as undergarments such as boxer shorts, bloomers, tights, hosiery, or sleepwear.
7. Clothing or footwear that is construed by the principal or designee as hazardous or dangerous to health of the student or others.
8. Hats, headgear, or any head covering, except when approved by the principal.

### **School Board Adoption of Dress Code Policy**

Subject to the terms and conditions set forth below the School Board has adopted this Policy providing for a uniform dress code pertaining to all students in grades kindergarten through twelve as follows:

### **Findings**

Section 1001.43, Florida Statutes, stipulates additional powers that authorize the School Board to adopt policies to ensure the safety and welfare of the student body and school personnel. The School Board may require uniforms to be worn by the student body or impose other dress-related requirements if the School Board finds that these requirements are necessary for the safety and welfare of the student body.

## **Purpose and Intent**

In adopting this Policy it is the School Board's purpose and intent to enable all of the public elementary, middle and high schools in Osceola County to experience a safer learning environment on all of our school campuses.

## **Scope**

This Policy shall apply to all students enrolled in any public school under the jurisdiction of the School Board of Osceola County, Florida.

## **Charter/Magnet Schools**

In the event that a Charter or Magnet school has a more stringent student dress code policy, such policy shall take precedence over the Dress Code Policy described herein.

## **Technical Programs**

For safety and employment training purposes, students enrolled at the technical college will wear the uniform for the program. If there is no uniform, this rule shall apply.

## **School Uniform Dress Code**

At each school to which this standardized dress code applies, the principal shall confer with the school's SAC to develop and publish a school dress code that will contain the following basic uniform requirements as to the styles and colors of clothing.

## **Alternative Education Programs**

Students enrolled in an Alternative Education Program shall be required to dress in accordance with the Dress Code Policy in effect at the Alternative Education Program, and in absence of such a policy, then those students shall comply with this Policy.

## **Exceptions**

Exceptions to the uniform dress code shall be permitted when

- a. A student wears a uniform of a nationally recognized youth organization, such as the Scouts, on regular meeting days.
- b. A student wears a button, armband, or other accouterment to exercise the right of free speech guaranteed by the United States and Florida Constitutions, unless the button, armband, or other accouterment signifies or is related to gangs, gang membership, or gang activity, or would otherwise violate the dress code policy.
- c. A student wears a costume or special clothing necessary for a school play or other school-sponsored activity as permitted by the principal.
- d. The wearing of clothing in compliance with the uniform dress code violated a student's sincerely held religious belief, then such students and the student's parent shall submit a signed affidavit setting forth the religious issue and the requested exemption to the Dress Code Policy.
- e. A student's parent requests a reasonable accommodation to address the student's disability and/or medical condition. Such request shall be reduced to writing and submitted to the principal for approval.

## **Violation of the Policy of Unacceptable Appearance (Not Necessarily Clothing)**

It will be a violation of this Policy for a student to attend school or any school-sponsored event or function held during the school day with any visible body piercing, except for earrings on the ears or a small nose stud-type piercing which are not oversized and do not interfere with the safety and welfare of the student, all other body piercing jewelry/items must be removed and not concealed. Examples of unacceptable body piercings include, but are not limited to spikes, gauges, nasal septum piercings and

any oversized unacceptable body piercing hardware. It will also be a violation of this Policy for any student to have his or her hair cut or worn in such a manner, or in an extreme fashion such that the principal, within reasonable exercise of his or her discretion, determines it is so distracting or disruptive that it interferes with the orderly educational process.

Further, it will be a violation of this Policy for a student to wear makeup that is not within the acceptable standards for the school or community such that the principal, within the reasonable exercise of his or her discretion, determines it is so distracting or disruptive that it interferes with the orderly educational process.

### **Breach of Conduct**

Violations of the Dress Code Policy shall be addressed in accordance with the Code of Student Conduct.

Students whose breaches of the Code of Student Conduct involve only violations of the Dress Code Policy cannot be considered for continued incorrigibility.

**Note:** The decision as to whether or not clothing or the appearance of a student is a violation of this Policy shall be made by the Principal or designee, and such decision shall be determinative and final as to the matter being decided. The exercise of this discretion shall be subject to legal standards for the reasonable exercise of discretion by the school administrators, but to the greatest extent permitted by law deference shall be afforded to school officials in their exercise of discretion in the implementation of this Policy. This provision regarding discretion of school officials shall apply to each subsection and portion of the entire Policy.

## **STUDENT RECORDS**

### **Directory Information**

The School District reserves the right to release “Directory Information” to the general public without obtaining prior permission from students or parents. However, a student or his/her parents may notify the principal of the desire **NOT** to have Directory Information released. This notification must be submitted, in writing, to the principal within ten (10) calendar days prior to the beginning of the school year, or submitted ten (10) calendar days from the date of enrollment of a student after the start of the school year.

Directory Information includes the student’s name, address, listed telephone number, date and place of birth, participation in school sponsored activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, and awards received, and the most recent previous educational agency or institution attended by the student.

The School District will publish routinely directory information in conjunction with press releases regarding school activities, honor roll announcements, athletic events, and other such activities.

Directory Information may also be released to law enforcement agencies and other governmental agencies (U.S. Department of Justice, branches of the armed forces, etc.). However, Directory Information shall not be released for commercial use. This includes mailing lists for solicitation, etc.

The parent/guardian may refuse to permit the release of any or all of the above Directory Information with respect to their child, by notifying the Principal in writing, within ten (10) calendar days after receiving Public Notice, which any or all of the information designated should not be released. **Such requests must be submitted annually.** Lists of students will not be released except by School Board action.

In cases of child abuse, school officials are authorized and mandated by Florida Statutes to report same to the Department of Children and Families and to provide them with the necessary information to pursue such complaints.

## **Who Has Access to Student Records**

Those persons having access to student records are the School Board, the Superintendent and his/her staff, the professional staff of the school, the parents/guardians of the student, a court of competent jurisdiction through court order or subpoena, those persons the parent/guardian may authorize in writing, and those individuals and/or organizations identified in Section 1002.22, Florida Statutes. The school shall presume that both parents of any student has the right to inspect and review the education records of a minor student unless the school has been provided with evidence that there is a court order governing this matter, which provides to the contrary.

## **Privacy of Student Records**

The School District maintains educational records on each student for the purpose of planning instructional programs, for the guidance of students, for the preparation of State and Federal reports and for research. Student records are for the educational benefit of the students, and information recorded or maintained is in keeping with the best interest of the student.

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age (“eligible students”) certain rights with respect to student’s education records. Student records are maintained under the direction of the Principal in each school and access to them will be provided during the normal business hours of the school. Specific examples of parent/guardian and student rights are listed below:

- The right to inspect and review the student’s educational records within 45 days of the day the School District receives a request for access.

A Parent or eligible student should submit their written request to the Principal of the school which identifies the record(s) they wish to inspect. The Principal or designee will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- The right to request the amendment of the student’s education records that the parent or eligible student believes is inaccurate or misleading. The procedures for changing, deleting, or expunging student education records shall be conducted as provided in School Board Rules 2.25, 5.7, 5.711. A Parent or eligible student should submit their written requests to the Principal of the school, which identifies the record they believe, are inaccurate or misleading. The request should clearly identify the part of the record they want changed, and specify why the record is inaccurate or misleading.

The Principal shall schedule an appointment, including the date and time, for a hearing on the matter. The hearing shall be scheduled within five (5) school days after the request is received. Parents and school personnel shall have an opportunity to present information and to be heard.

The Principal shall serve as the Hearing Officer. It shall be the Hearing Officer’s responsibility to review the information in question and to make a decision regarding the request. Such decision shall be in keeping with the rules of the School Board of Osceola County, Florida.

The Principal shall prepare a written report on his decision and forward a copy to the Superintendent. The written report must include a summary of the evidence and the reason for the decision.

An agreement, which shall be reduced to writing, shall be signed and dated by the adult student or the parent/guardian of the pupil and designated school officials if records are to be corrected, deleted, or expunged. The agreement shall only indicate that the record has been corrected, deleted or expunged.

The parent or eligible student may appeal the decision of the Hearing Officer to the Superintendent by written request within ten (10) school days. The Superintendent shall appoint a three-member review committee to review the case and make recommendations to the Superintendent for final disposition.

If the decision is adverse to the eligible student or parent/guardian, the eligible student or parent/guardian shall be informed of the right to place in the student's record a statement commenting on the information in said records and/or set forth any reasons for disagreeing with the disposition. The eligible student or parent/guardian may do this at any stage in lieu of a hearing.

- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is the disclosure of student information to school officials with legitimate educational interests. A school official is a person employed by the School District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel), a person serving on the School Board, a person or company with whom the School District contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist), or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the School Board discloses educational records without consent to officials of another school district in which a student seeks or intends to enroll.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-8250.

### **Subpoenas for Student Records**

School officials must comply with subpoenas from a court of competent jurisdiction for the production of student records. The production of these records must be accomplished in a lawful and timely manner.

If a student (18 years old or older) or the parents/guardians of a minor student object to the release of subpoenaed records, an injunction to the contrary must be obtained from a court of competent jurisdiction. After school receipt of proper identification, the subpoenaed records will be produced as demanded if an injunction is not granted.

## **ATTENDANCE**

Parents are responsible for the regular attendance of their children who are within the compulsory attendance age (6 - 16) as provided in Section 1003.21, Florida Statutes. A student who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond that age if the student files a formal declaration with the School Board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. Students have the responsibility to take advantage of their educational opportunities by attending all their classes on a daily basis and arriving to their school on time.

Whenever a student of compulsory school attendance age is absent without the permission of the person in charge of the school, the parent/guardian of the student must report the absence to the school in the

manner prescribed by the school policy. Notes or telephone calls from parent(s)/guardian(s) are required either before or after an absence. It is the responsibility of the student to make up work missed because of absences. Students receiving out-of-school suspension must be assigned schoolwork that will cover content and skills taught during the duration of the suspension. Students are given one day for each absence to complete makeup work unless unusual circumstances indicate an extension. The principal or designee must approve any extension.

If a student begins to exhibit a pattern of non-attendance, the school administration shall pursue the case in accordance with Section 1003.26, Florida Statutes. If interventions are unsuccessful, it shall be the responsibility of the school district to file a petition of truancy with the court as provided in Section 1003.27, Florida Statutes.

Students who are married and students who are pregnant shall not be prohibited from attending school. These students and students who are parents shall receive the same educational instruction, or its equivalent, as other students, but may voluntarily be assigned to a class or program suited to their special needs. Consistent with Section 1003.54, Florida Statutes, pregnant or parenting teens shall be entitled to participate in a teenage parent program. Pregnant students may attend alternative education programs or adult education programs, provided that the curriculum allows the student to continue to work toward a high school diploma.

## **ATTENDANCE REGULATIONS**

### **Excused Absences**

Absences shall be excused for the following reasons only

- Illness or injury of the student
- Illness, injury or death in the immediate family of the student
- Educational Opportunities which are age appropriate for the student as deemed by the principal or his/her designee
- Religious Holidays

Immediate family shall be defined as listed in the United States Internal Revenue Service Guidelines.

If there is a reasonable doubt concerning the illness claimed, the principal shall be authorized to require a statement from a competent medical provider. Failure to comply with this requirement shall result in the absence being “unexcused”.

The principal of a school shall have the sole discretion as to how absences shall be reported to the school. The parent or legal guardian shall report absences through a telephone call, a handwritten note, or both as determined by the principal.

In cases of excused absences, the student shall be allowed to make up the work and the teachers of the student shall give reasonable assistance. Make-up work shall be completed during a period of time equal to at least twice the time for which the absence is excused, unless more time is allowed by the teacher.

Students have the responsibility to request make up work and assignments from their teachers when they return to school after an absence and to complete the work within a reasonable length of time when the absence has been classified as excused.

### **Pre-arranged Excused Absences**

“Pre-arranged Excused” may be approved by the principal for absences which are excused but are being planned for in advance. Excused absences are outlined in the Code of Student Conduct below. The principal shall have the final authority to grant “pre-arranged excused” absences.

Situations warranting a “Pre-arranged excused” absence shall be for any absence which would be considered “excused”. Supporting documentation will be required.

Students who have a “Pre-arranged excused absence” will not be eligible for Perfect Attendance.

Approved pre-arranged excused absences may not exceed three (3) days. Students not returning from



pre-arranged excused absences within five (5) days may be withdrawn for non-attendance.

Arrangements for make-up work shall be made in advance with the instructor of each class. The student is responsible for the completion of all work. Teachers of each class shall, to the best possible fashion for subject area, consider the assignments, grading materials and recording grades. Each teacher shall set a timeline for receiving the student's work for credit; it will not exceed twice the number of days of attendance. Non-excused pre-arranged absences will be considered "accounted for unexcused" and may not be eligible for make-up work credit.

### **Absences for Religious Reasons**

Students will be excused for religious holidays on those days when the religious tenets forbid secular activities on that day. Religious absences are pre-arranged absences. The parents must have declared that their student is observing the holidays of that specific religion and make their request in writing at least five days prior to the holiday.

Students will be afforded an opportunity to make up missed work without adverse school effects when absent because of a religious holiday. Within five school days prior to an expected absence for religious reasons, parent(s)/guardian(s) must notify the principal in writing and request that the student be excused from attendance. A written excuse will not be required upon return to school and no adverse or prejudicial effects will result for any student availing herself/himself of this provision. Students will be permitted to make up missed work according to school procedures.

If questions arise regarding this rule, principals may grant the parent(s)/guardian(s) a conference or contact the religious organization for clarification, or a notarized statement from the parent or guardian of a minor student will be accepted. Parent(s)/guardian(s) may appeal the principal's decision to the Superintendent should a conflict arise.

### **Unexcused Absences**

All absences other than "excused" or "permitted" shall be deemed "unexcused", and a failing grade shall be recorded for the period of the "unexcused" absence, except that students who are suspended from school during grade period exams or semester exams shall be allowed to make up these exams. Make up work may be required for unexcused absences even though no credit is allowed.

### **Partial Absences**

Students who are tardy/arriving late to school more than two (2) consecutive hours and/or depart early more than two (2) hours will be marked as a Partial Absence. Three (3) unexcused Partial Absences will count as one (1) day unexcused and will be considered for Truancy purposes.

### **General Attendance in Grades K-12**

If a student has had at least five (5) unexcused absences the student's primary teacher shall report to the principal or designee that the student may be exhibiting a pattern of non-attendance. Unless there is clear evidence that the absences are not a pattern of non-attendance, the case may be referred to the Problem Solving Team to determine if early patterns of truancy are developing. If it is found that a pattern of non-attendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies.

If the initial meeting with the parent does not resolve the problem, specific interventions will be implemented. Designated school personnel shall be diligent in facilitating intervention services and shall report the case to the Superintendent or his designee only after all reasonable efforts to resolve the problem have been exhausted.

If the parent or guardian of a child subject to compulsory attendance will not comply with attempts to enforce school attendance, then the Superintendent or his/her designee shall refer the case pursuant to Florida Statutes and may file a truancy petition pursuant to procedures outlined in Section 984, Florida Statutes.

### **Attendance for Credit in Grades K-5**

Students, to include LEP students, who miss more than fifteen (15) days per semester will not be promoted except as follows:

- If medical evidence is presented to the principal from a competent medical authority to excuse absences in excess of fifteen (15) days.
- Extenuating circumstances as determined by the principal based on recommendations of teachers, counselors, or Student Services workers.

School activities shall not be counted as absences. Assigned work shall be turned in on the day indicated by the teacher.

### **Attendance for Credit in Grades 6-8**

Students, to include LEP students, who miss more than ten (10) days per semester (2 days per semester during the summer school) will not be promoted except as follows:

- If medical evidence is presented to the principal from a competent medical authority to excuse absences in excess of ten (10) days.
- Extenuating circumstances as determined by the principal based on recommendations of teachers, counselors, or Student Services workers.

School activities shall not be counted as absences. Assigned work shall be turned in on the day indicated by the teacher.

Eighth grade students enrolled in high school courses for credit shall be subject to the same attendance requirements as high school students for those courses only.

### **Attendance for Credit in Grades 9-12**

In order to receive full credit, a student must be enrolled in any school a minimum of forty-five (45) school days.

Students who enroll in school or class late shall be allowed to make up the class work.

Students, to include LEP students, who have accumulated more than two (2) days of absences per semester during an extended school year, will not receive credit.

School activities shall not be counted as absences. Assigned work shall be turned in on the date indicated by the teacher.

### **Field Trips**

School-sponsored field trips are a part of the educational program and are not to be considered as absences, but written permission of the parent is required to participate.

### **Leaving School Grounds**

No pupil may leave the school grounds during school hours without the approval of the principal or his designated representative. Parents are required to sign pupils out at the attendance office. School employees who take pupils off the school grounds must have the permission of the principal or teacher in charge.

### **Hospital Homebound Program**

Parent(s)/guardian(s) may request that the principal consider eligibility for a hospital/homebound program for a student with an illness predicted by certified medical personnel to exceed fifteen (15) consecutive school days.

<p><b>Note:</b> Students have the right to appeal a decision pertaining to an absence (excused or unexcused) and shall not be penalized in any way for excused absences except in cases where absences are used as a basis for awarding or withholding course credit at the high school level.</p>
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Pupils residing within Osceola County are assigned a school serving the residential address where the parent/guardian spends seven nights a week, however, a parent from any school district in the state whose child is not subject to a current expulsion or suspension may apply to attend and transport his or her child to any public school that has not reached capacity in the district, subject to the maximum class size.

Pupils requiring exceptional student education services will be staffed into the appropriate school in accordance with exceptional student educational procedures.

The school principal has the immediate responsibility for enforcing this requirement. The superintendent or his designee has the countywide responsibility for enforcement and adjudication in all requests for variances.

### **School Choice Program**

- A. Pursuant to Section 1002.31 – Controlled open enrollment; public school parental choice, Florida Statutes, students who reside within the attendance zone for a school shall have first choice for any school choice programs offered within their home-zoned school. The process for determination of home-zoned schools for students shall occur between January and February each school year. First choice for home-zoned students shall occur within the School District’s established calendar window for the receipt of applications from parents to school choice programs and prior to any approvals of applications for School District choice programs.
- B. All in-county and out-of-county requests for enrollment in school choice programs must comply with the School District’s application process for school choice programs. In-county requests shall receive first preference.
- C. Acceptance into a school other than the assigned attendance zone boundary shall be determined by the capacity of each school.
  1. The Deputy Superintendent for Human Services, in consultation with the Chief Facilities Officer or designee and the Executive Director of Educational Choices and Innovation Department or designee, shall determine the number of “choice for program” student stations/seats and “choice for capacity” student stations/seats available at each school based upon the following definitions of capacity.
  2. **Limited Capacity**  
Schools which are at ninety percent (90%) or higher enrollment for all available student stations/seats (including student stations/seats in relocatable (classrooms) shall be defined and considered as having “limited capacity” for student enrollment, and fewer “choice for capacity” seats shall be allocated to schools as defined.
  3. **Reserved Capacity**  
Schools which are at eighty-five (85%) or higher enrollment for all available student stations/seats (including student stations/seats in relocatable classrooms) shall be defined and considered as having “reserved capacity” for student enrollment.  
  
“Reserved capacity” shall be used to forecast capacity for available student stations/seats in future years. Future capacity shall be considered in order to ensure that students may complete the maximum grade level at the school of choice in which they enroll per state law.
  4. **Grade Level Capacity**  
Grade level capacity shall also be used for all schools regardless of enrollment status when allocating “choice for capacity” student stations/seats.

All inquiries should be directed to the Educational Choices and Innovation Department at [www.osceolaschools.net/choice](http://www.osceolaschools.net/choice) or 407-870-4847.

## **Request to Transfer a Student to Another Classroom Teacher**

A parent may make a written request to the principal to have his/her student transferred to another classroom teacher. The principal shall review the request and notify the parent of the outcome no later than two (2) weeks from the date of receiving the written request for transfer.

## **VIOLATIONS OF THE CODE OF STUDENT CONDUCT**

The Principal or designee shall exercise his/her professional judgment in determining what consequence(s) to impose for a violation of the Code of Student Conduct. In making this determination, the definitions provided in the DEFINITION OF TERMS section are to be used as a guide for appropriately classifying student misconduct.

**Note:** The Principal or designee shall make a good faith effort to notify parents/guardians, by sending a copy of the referral home or by making telephone contact, each time a referral is received for processing a disciplinary action.

## **MATRIX OF INFRACTIONS & CONSEQUENCES**

**Students are expected to come to school prepared to learn and to participate in all learning activities. Any conduct, which interferes with the orderly operation of a school and/or interferes with any student's ability to learn is considered inappropriate and may subject the student to disciplinary action.**

The Code of Student Conduct specifically identifies prohibited student conduct and lists the range of consequences, which may be imposed for each infraction. When assigning consequences for misconduct, the Principal or designee shall give consideration to factors such as the nature of the infraction, the student's past disciplinary record, the student's attitude, the student's age and grade level, and the severity of the problem as it exists in that particular school. The degree and severity of the problem may justify classifying the offense at a higher level than is indicated by the example.

*The Matrix of Infractions and Consequences* is included in this publication of The Code of Student Conduct as a "quick reference" for students, parents and guardians in order that they may refer to general examples of student misconduct. For specific information on School Board rules relative to student control/misconduct, please refer to Chapter Five of the School Board Rules of Osceola County.

To identify appropriate sanctions in the *Matrix of Infractions and Consequences*, locate the cells found at the intersection of the infraction (ROWS) and the column numbers. The column numbers correspond with the consequences listed in the box to the right of the matrix.

**Mandatory Consequences are indicated by (M)**

**Optional Consequences are indicated by (O)**

**Potential Consequences are indicated by (P)**

*The School Environmental Safety Incident Report (SESIR) is reported to the Florida Department of Education (DOE) utilizing the levels I, II, III and IV.*

## DEFINITIONS OF TERMS

Definitions of terms and/or student conduct which are considered to be violations of the Code of Student Conduct are described in this section of the handbook. The use of words, such as battery and arson, are not meant to be considered equivalent to or to carry the same standards and consequences as the same words, which are defined in the criminal context in the Florida Statutes. The School Board retains the flexibility and right to attach definitions found in Board Rule to such words without attaching any criminal standards set by the courts or legislature. When a student has committed an infraction, the misbehavior is to be classified according to the definition which best describes it. The sanctions to be imposed are then to be determined by referring to Chapter 2.25 of the School Board Rules of Osceola County, Florida.

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

The notation \*\* next to the three letter code is not considered a SESIR incident, but the Department is required to track this data for the Office for Civil Rights, U. S. Department of Education and per section 1006.147, Florida Statutes.

**Aggravated Battery BAT\*** - A battery where the attacker intentionally or knowingly causes more serious injury, such as: great bodily harm, permanent disability, or permanent disfigurement; uses a deadly weapon; or, where the attacker knew or should have known the victim was pregnant. **L1**

**Battery (Minor) MBT (Student to Student Only)** - The act of a student threatening of or attempting to strike another student where physical contact is made by the one student, but where no injury is sustained. *(If this action is a repeated violation a referral for harassment may need to be considered, see page 21.)*

**Alcohol ALC\*** - Possession, sale, purchase, or use of alcoholic beverages. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation. Alcohol incidents cannot be Drug-related. **L4**

**Arson ARL** - The act of igniting or accidentally igniting a fire that did not cause damage but does not include the act of lighting a match alone.

**Arson ARS\*** - The act of intentionally damaging or causing damage, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents. Fires that are not intentional, that are caused by accident, or do not cause damage are not required to be reported to SESIR. **L1**

**Assault (Simple) SAS-** The act of threatening of or attempting to strike another person where physical contact is made by one individual, but where no injury is sustained. *(If this action is a repeated violation a referral for harassment may need to be considered, see page 21.)*

**Bullying BUL\*** - The act of systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; or unreasonably interferes with the individual's school performance or participation. Bullying includes instances of cyberbullying. **L4**

**Unsubstantiated Bullying UBL\*\*** - After a complete investigation and follow up of a reported bullying incident, the investigator determines that there is not enough evidence to substantiate that the incident meets the criteria of a prohibited act under the definition of bullying as listed in the Jeffrey Johnston Stand Up for all Students Act (Section 1006.147, F.S.).

**Burglary BRK\***- The act of unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein. **L2**

**Cellular/Communication Device CPP** - The act of utilizing any personal communication/electronic device such as, but not limited to alarm devices, pagers/beepers, cellular phones/camera phones, or other one-way/two-way communication devices without proper authorization on school grounds or in any building owned or operated by the School Board during school hours, or used causing

disruption/interference with the orderly educational process, or disrupts or interferes with the safety-to-life issue for students being transported on a district school bus, such as, but not limited to playing loud music, passing devices amongst students and other distracting behaviors. Misuse of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act.

The following lists general conduct

- The device may only be used by a student before (providing the conversation is terminated before the commencement of school) and after regular school hours.
- Lunch time is considered as school hours.
- The principal may require the device to be registered with the school prior to allowing students to use them in the manner described above.
- The school district shall not be responsible for lost or stolen communication devices.
- The inappropriate, harmful or malicious use of cellular telephone, electronic communication devices (ECDs), and other electronic devices on school property and/or school sponsored events is prohibited. Such violation is considered a serious breach of acceptable conduct and school administrators are required to take appropriate disciplinary and/or legal action. Such examples may include, but are not limited to recordings, video/audio, photos, social media activity, etc.

Section 1006.07(02), Florida Statutes, sets forth the minimum requirements for the code of student conduct. School Boards retain the power to regulate student conduct with regards to use of wireless devices. School Board Rule 8.60 entitled, “Network Acceptable Use” in conjunction with the Code of Student Conduct applies to the School District of Osceola Guest Network.

**Cheating CHT** – The act of inappropriately and deliberately distributing or using information, notes, materials, or work of another person in the completion of an academic exam, test, or assignment.

**Dishonesty DIS** – The act of not telling the truth.

**Class Disruption CLT** - The act of behaving inappropriately which disrupts the learning environment, which inhibits the instructor’s ability to teach, or interferes with other students’ opportunity to learn.

**Classroom/School Rules CLR** – The act of failing to follow classroom or school rules in the school setting. Behavior that violates this rule would be considered minor and would not rise to the level of defiance of authority or insubordination and would not necessarily require a referral to an administrator unless the behavior becomes chronic.

**Data Network Acceptable Use Policy DNP** – The act of inappropriately using a computer or other communication device including, but not limited to, breaking into restricted accounts or networks, modifying or destroying files without permission, illegally copying software, entering or distributing or printing unauthorized files, visiting inappropriate websites, (i.e. pornography), or downloading inappropriate materials. School Board Rule 8.60 entitled, “Network Acceptable Use” in conjunction with the Code of Student Conduct applies to the School District of Osceola Guest Network.

**Defiance of Authority/Willful Disobedience DEF** - The act of flagrantly or hostility challenging the authority of a school staff member, bus driver, or any other adult in authority.

**Disruption on Campus-Major DOC\*** - The act of disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others. This type of violation significantly disrupts all or portions of the campus activities, school sponsored events and school bus transportation. Examples: Bomb threat in which emergency services respond, inciting a riot, initiating false fire alarm, (Do not use this code for students defying authority, disobeying or showing disrespect to others, using inappropriate language or gestures, minor fights or classroom disruptions.). **L3**

**Disruption on School Bus BUS** - The act of engaging in conduct or behavior, which interferes with the orderly, safe, and timely transportation of students.

**Disruptive Behavior DRP** – The act of behaving inappropriately, which interferes or obstructs the mission or operation of the School District or the safety and welfare of other students or employees at school or at any school sponsored activity.

**Dress Code DCV** - The act of failing to comply with the established dress code policy.

**Drug Use/Possession DRU\*** - The act of using or possessing any drug, narcotic, controlled substance, or any substance used for chemical intoxication. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation. **L3**

**Drug Sale/Distribution DRD\***– The act of manufacturing, cultivating, selling, or distributing any drug, narcotic, controlled substance or substance represented to be a drug, narcotic, or controlled substance. **L2**

**Drug Paraphernalia DPA** - The act of possessing, using, selling, storing, or distributing any equipment, device, or equipment used for the purpose of preparing or taking drugs, including, but not limited to, items listed in Section 893.145, Florida Statutes, and items which may be determined to be drug paraphernalia under the criteria set out in Section 893.146, Florida Statutes.

**Excessive Absences to School or Class EAS** – The act of repeatedly failing to attend class and having no acceptable excuse for these absences.

**Excessive Tardies to School or Class ETS** – The act of repeatedly failing to attend class on time and having no acceptable excuse for these tardies.

**Failure to Follow Directions FFD** – The act of failing to follow the directions of a teacher, administrator, staff, or volunteer in the school setting. Behavior that violates this rule would be considered minor and would not rise to the level of defiance of authority or insubordination and would not necessarily require a referral to an administrator unless the behavior becomes chronic.

**Failure to Serve Teacher Detention FST** – The act of not attending a teacher detention.

**Failure to Serve In-School Detention FSI** – The act of not attending In-School Suspension.

**Failure to Serve Saturday Detention FSS** – The act of not attending Saturday School.

**Failure to Serve Administrative Detention FSA** – The act of not attending an administratively assigned detention.

**False Accusations Against Classmate(s) FAC** - The act of intentionally publicizing (oral or written) of untrue, injurious allegations against another classmate or knowingly bringing false charges against a classmate. If accusations against a classmate are found to be false, the student lodging the false accusation may receive the same punishment as would have been received by the wrongly accused individual. The Principal may adjust the consequence as he/she considers the circumstances of misdirected staff time and damage to the wrongly accused individual and his/her family.

**False Accusations Against Staff Member(s) FAT** - The act of intentionally publicizing (oral or written) of untrue, injurious allegations against a staff member or school volunteer, or knowingly bringing false charges against a staff member or school volunteer.

**Fighting FIL** - The act of participating in an altercation involving physical violence.

**Fighting FIT\*** - The act of two or more persons mutually participating in use of force or physical violence that requires either physical intervention or results in injury requiring first aid or medical attention. Lower-level fights, including pushing, shoving, or altercations that stop on verbal command are not required to be reported to SESIR. **L3**

**Forgery FOR** - The act of making a false or misleading written communication to a school staff member with either the intent to deceive or under circumstances which would reasonably be calculated to deceive the staff member, or producing, possessing, or distributing any false document, item, or record represented to be an authentic school document, item, or record.

**Gambling GAM** - The act of participating in games or activities of chance for the exchange of money or items of value.

**Gang-Related Activity/Apparel/Appearance GRA** - The act of engaging in any verbal, written, or physical act which is associated with becoming a member of a gang, being a member of a gang, or participating in gang identified rituals or behaviors. Wearing or displaying any clothing, jewelry, accessories, makeup, tattoo, or any other appearance or apparel which may be considered gang-related in any manner which is associated with being a member of or participating in a gang or gang-related activity.

**Harassment HRB** - The act of inflicting physical hurt and/or offensive, abusive, intimidating or other insulting behavior on the part of one or more students towards a student(s).

**Harassment HAR\*** - The act of threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose. *L4*

**Unsubstantiated Harassment UHR\*\*** - After a complete investigation and follow up of a reported harassment incident, the investigator determines that there is not enough evidence to substantiate that the incident meets the criteria of a prohibited act under the definition of harassment as listed in the Jeffrey Johnston Stand Up for all Students Act (Section 1006.147, F.S.).

**Harassment (Sexual SXH\*)** - See Sexual Harassment, page 23.

**Hazing [grades 6 – 12 only] HAZ\*** - The act or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization. Hazing includes, but is not limited to pressuring, coercing, or forcing a student to participate in illegal or dangerous behavior, or any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements. *L3*

**Homicide HOM\*** - The act of unjustified killing of one human being by another. *L1*

**Horseplay HRP** - The act of engaging in rowdy, rough behavior that interferes with the safe or purposeful order of the school.

**Illegal Organization ILO** - The act of establishing or participating in a secret society or prohibited organization on School Board owned property, at a school function or at an extracurricular activity.

**Inappropriate Printed Materials IPM** - The act of using written language, electronic messages, or pictures considered to be offensive, socially unacceptable, or not suitable for an educational setting.

**Inappropriate Obscene Act IOA** - The act of using oral language, objects, gestures, or engaging in any physical act considered to be offensive, socially unacceptable, or not suitable for an educational setting.

**Insolent Attitude INS** - The act of communicating (oral or written) and/or body language, including but not limited to, facial expressions or gestures which are intended to communicate disrespect, insult, contempt, impertinence, or rudeness toward person(s) in authority.

**Insubordination INU** - The act of deliberately refusing or failing to follow a direction or an order from a school staff member, bus driver, or any other adult in authority.

**Kidnapping KID\*** - The act of force, or by threat, confining, abducting, or imprisoning another person against his or her will and without lawful authority. *L1*



**Lack of School Identification LAI** – The failure of a student to be in possession of school identification (i.e. Student ID).

**Lack of Supplies LAC** – The failure of a student to be in possession of any school supplies necessary to participate and/or complete classroom activities or assignments. Supplies include, but are not limited to, pencils, paper, books, notebooks, pens, rulers, protractors, gym clothing, musical instruments, or any other item reasonably needed to participate in classroom activities or assignments.

**Larceny/Theft less than \$750 SLT** - The act of unauthorized taking, carrying, riding away, or concealing the property of another person, including motor vehicles, without threat, violence or bodily harm.

**Larceny/Theft \$750 or more STL\*** - The act of unauthorized taking, carrying, riding away, or concealing the property of another person, including motor vehicles, without threat, violence or bodily harm. Incidents that fall below the \$750 threshold are not reportable in SESIR, but instead should be reported as locally-defined incidents according to district policies. **L3**

**Leaving School Grounds LEA** – The act of leaving school grounds without proper administrative authorization.

**Lunch LUN** - The act of failing to follow school or classroom rules in the lunch room. Behavior that violated this rule would be considered minor and would not rise to the level of defiance of authority or insubordination and would not necessarily require a referral to an administrator unless the behavior becomes chronic.

**Lying/Misrepresentation LMR** - The act of intentionally providing false or misleading information to, or withholding valid information from, a school staff member.

**Malicious Destruction of School or Personal Property of Staff MDP** - The act of intentionally damaging/destroying of school property or personal property belonging to a staff member, including but not limited to, destruction or damage to home, automobile, and electronic devices.

**Off Campus Felony OCF** – The formal charge by state attorney officials of a student for the alleged commission of a felony or a delinquent act which would be classified as a felony if committed by an adult at a time and place where students are not subject to control of the school. (*A recommendation for expulsion may be considered only if student is convicted.*)

**Other Offense OTH** - The act of any serious, harmful incident resulting in the need for additional staff and administrators' intervention not previously classified.

**Other Major Incidents OMC\*** Any serious, harmful incident resulting in the need for law enforcement consultation not previously classified. This includes any drug or weapon found unattended and not linked to any individual; such incidents must be coded with the appropriate Related element (such as Drug-related or Weapon-related) and incident involvement must be reported as unknown. **L3**

**Over-the-Counter Medication Use/Possession OMU** – The act of using or possessing any substance which is an over-the-counter medication.

**Over-the-Counter Medication Sale/Distribution OMD** – The act of selling or distributing any substance which is an over-the-counter medication.

**Over-the-Counter or Prescription Medication Unauthorized Use/Possession UPM** – The act of using or possessing any over-the-counter or prescription medication prescribed for the individual student without signing in such medication at the school health room in accordance with School Board Rules, Policies, and Procedures.

**Parking PAR** - The act of failing to follow established rules and regulations concerning the privilege of driving and parking vehicles on a school campus.

**Physical Attack PHA\*** – The act of an actual and intentional striking of another person against his/her will, or the intentional causing of bodily harm to an individual. **L2**

**Possession/Use of Dangerous Chemical Irritants PDC**- The act of possessing or using devices such as mace and pepper spray.

**Possession of Dangerous or Disruptive Item PDI** - The act of possessing any item considered disruptive on a school campus including, but not limited to lighter/matches, poppers, belts, pencils, pens, compasses, combs, hair brushes, sharp objects, and laser pens.

**Possession of Handcuffs POH** – The act of possessing, carrying, and/or transporting handcuffs.

**Possession of Stolen Property PSP** - The act possessing stolen property shall receive appropriate disciplinary consequences. Students should refrain from receiving, taking, or “holding onto for a friend” any item(s) or materials for which they are not the legitimate owner.

**Profanity/Abusive Language PRO** - The act of using any profane, vulgar, or unnecessary crude utterance or gesture, whether directed toward a classmate, or merely done overtly.

**Profanity/Abusive Language to Staff PRS** - The act of using any profane, vulgar, or unnecessary crude utterance or gesture, directed toward a staff member, teacher, administrator, and volunteer.

**Public Display of Affection PDA** – The act of failing to refrain from public displays of affection in school. The practice of embracing and kissing in school is considered in poor taste and disruptive to the educational environment.

**Robbery ROB\*** - The taking or attempted taking of anything of value that is owned by another person or organization, under the confrontational circumstances of force, or threat of force or violence, and/or by putting the victim in fear. A key difference in robbery and larceny/theft is that robbery involves a threat or assault. **L2**

**Sexual Assault SXA\*** - The act of threatened rape, fondling, indecent liberties, or child molestation. Both males and females can be victims of sexual assault. **L2**

**Unsubstantiated Sexual Assault USA\*\*** - After a complete investigation and follow up of a reported incident of Sexual Assault involving school personnel, the investigator determines that there is not enough evidence to substantiate that an incident of Sexual Assault occurred.

**Sexual Battery SXB\*** - The act of forced or attempted oral, anal, or vaginal penetration by using a sexual organ or an object simulating a sexual organ, or the anal or vaginal penetration of another by any body part or object. Both males and females can be victims of sexual battery. **L1**

**Unsubstantiated Sexual Battery USB\*\*** - After a complete investigation and follow up of a reported incident of Sexual Battery involving school personnel, the investigator determines that there is not enough evidence to substantiate that an incident of Sexual Battery occurred.

**Sexual Harassment SXH\*** - The act of unwanted verbal or physical behavior with sexual connotations by an adult or student that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation or unreasonably interfere with the individual’s school performance or participation as defined in Rule 6A-19.008, FAC. **L3**

**Sexual Offenses SXO\*** - The act of other sexual contact, including intercourse, without force or threat of force. Includes subjecting an individual to lewd sexual gestures, comments, sexual activity, or exposing private body parts in lewd manner. **L3**

**Skipping Class SKC** - The act of not reporting to class without receiving proper prior approval.

**Skipping School SKS** - The act of not reporting to school without receiving proper prior approval and/or following the established procedures for checking out of school.

**Tardy to Class TAC** - The act of repeatedly arriving late to a class.

**Tardy to School TAS** - The act of repeatedly arriving late to school.

**Threat/Intimidation TRE\*** - An incident where there was no physical contact between the offender and victim, but the victim felt that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats and verbal threats of physical harm which are made in person, electronically or through any other means. **L3**

**Threat or Threatening Behavior to Staff TTS** - The act of declaring the student's intent by word or act to do violence toward a staff member, teacher, administrator and volunteer or to his/her property.

**Throwing Objects Non-Injury to Persons or Property THR** – The act of throwing any object intentionally or unintentionally that does not cause injury to persons or property. Objects may include, but are not limited to pen caps, clips, paper wads, or spitballs.

**Tobacco 21 yrs. or under TBC\*** - The possession, use, distribution, or sale of tobacco or nicotine products on school grounds, at school-sponsored events, or on school transportation by any person under the age of 21. Tobacco incidents cannot be Drug-related. **L4**

**Trespassing TRS\*** - The act of entering or remaining on school grounds, school transportation, or at a school-sponsored event without authorization or invitation and with no lawful purpose for entry. **L3**

**Unauthorized Area UNA** - The act of being present in buildings, rooms, hallways, or other areas of a school campus restricted to student access during all or a portion of a day.

**Unauthorized Assembly UAA** - The act of being present at unapproved student gatherings, meetings, demonstrations, or protests which interfere with the orderly process of the school environment, or which interrupts a school function or an extracurricular activity.

**Unauthorized Buying/Selling of Merchandise UBS** - The act of buying or selling any merchandise while at school or on any property owned by the School Board of Osceola County, Florida without the permission of the Principal.

**Vandalism less than \$1000 VAL** - The act of intentional destruction, damage, or defacement of public or private property without consent of the owner or the person having custody or control of it.

**Vandalism \$1000 or more VAN\*** - The act of intentional destruction, damage, or defacement of public or private/personal property without consent of the owner or the person having custody or control of it. Incidents that fall below \$1,000 threshold are not reportable in SESIR, but instead should be reported as locally-defined incidents according to district policies. **L3**

**Weapons Possession WPO\*** - Possession of a firearm or any instrument or object as defined by Section 790.001, F.S., that can inflict serious harm on another person or that can place a person in reasonable fear of serious harm. Incidents involving toys and simulated firearms or weapons are subject to the limitations defined in Section 1006.07(2)(g), F.S. **L2**

## **RULES OF CONDUCT**

One of the most important lessons education should teach is self-discipline. While it does not appear as a subject, it underlies the whole educational structure. It is the training that develops self-control, character, orderliness, and efficiency. It is the key to good conduct and proper consideration of other people.

With an understanding of the purposes of discipline in a school, students may form a correct attitude toward it, do their part in making their school an effective place of learning, and develop the habit of self-restraint, which will make them a better person. Therefore, students will be expected to rise to the level of the following expectations.

Students must

- Obey each individual school rule,
- Respect the position in which all persons in authority serve,
- Complete all assigned work,

- Account for all textbooks, library books, and other school-owned materials issued to them,
- Conduct themselves in a manner which will not interfere with the orderly and safe transportation of students riding on buses or other authorized vehicles, and
- Remain on school grounds or in class unless given appropriate authority or permission to leave.

Students must **not**

- Cheat,
- Smoke or use tobacco products anywhere on school grounds, buses, or other authorized vehicles,
- Engage in physical contact of a sexual nature,
- Commit an act of indecent exposure,
- Present or carry false identification,
- Fight or engage in horse play,
- Use profane, obscene, indecent, immoral language or gestures,
- Use abusive language such as slander, public accusation, and racial or religious slurs,
- Possess or distribute any material prohibited by law, such as drugs, drug paraphernalia, alcohol, weapons, pornographic material, etc. (such items may not be stored in school lockers or in vehicles parked on school property),
- Dress in a manner consistent with gang-related apparel/appearance or in a manner which promotes drugs, drug paraphernalia, alcohol, tobacco, pornography, or violence,
- Commit any act of assault and/or battery on students or school personnel,
- Commit any act which disrupts the orderly conduct or function of the school, and
- Make false accusations towards their classmates. If accusations against classmates are found to be false, the student lodging the false accusation may receive the same punishment as would have been received by the wrongly accused individual. The consequence may be adjusted by the Principal as he/she considers the circumstances of misdirected staff time and damage to the wrongly accused student and his/her family.

## **TRANSPORTATION**

Section 1006.10 (1-7), Florida Statutes gives school bus drivers the authority to monitor and control the behavior of students any time they are being transported to and from school or school functions at public expense.

**Standards of Conduct for Riding a School Bus:** Student conduct, which distracts the driver, endangers the health and safety of others, or demonstrates a willful disregard for transportation rules shall be reported to the Principal, Principal's Designee, and/or Transportation Designee. A School Bus is considered School Board property; therefore, classroom conduct is to be observed and the Code of Student Conduct to be followed. Parents are not to board a bus unless granted permission.

The following rules of conduct apply to all students when they are being transported on a school bus.

1. Students must be at the bus stop on time (ten minutes prior to scheduled pick-up). The bus driver cannot wait for those who are tardy.
2. Students are to stand at least five (5) feet off the roadway at all times while waiting for the bus.
3. A student's parents have the responsibility for the control, direction and conduct of the student all times other than when the bus is present at the bus stop.
4. Students must ride their assigned buses and cannot board or depart the bus at any stop other than their regular stop, unless authorized by the Principal and the Transportation Department.
5. Students are to enter the bus in an orderly manner and sit in assigned seat, utilizing the student restraint system.
6. Students must obey the driver, monitors, and chaperones at all times and follow the standards of conduct while riding the school bus.

7. Students are to remain seated, facing forward at all times when the bus is moving. All portions of the student's body are to remain inside the bus.
8. No eating, drinking, or chewing gum is allowed on the bus.
9. No glass or breakable containers are allowed on the bus.
10. No reptiles, insects, animals, or marine life (dead or alive) are allowed to be transported on the bus.
11. Absolute silence is required of students at railroad crossings and/or anytime the dome lights are on.
12. Bulky or objectionable objects, including musical instruments, that cannot be held in the student's lap is not permitted on the bus. No objects may block the aisles or emergency exits.
13. No items are to be thrown or propelled out of the bus windows. (Behavior that violates this rule/expectation is classified as a felony. The student and the parent/guardian shall be held responsible for any damages that result from such an act.)
14. No littering, throwing, or propelling objects is allowed.
15. Defacing or vandalizing a school bus is forbidden. Restitution will be required for any damages sustained to the bus.
16. No profanity, obscene language, offensive gestures, or offensive materials of any nature are permitted.
17. Smoking, use of any tobacco products, devices associated with tobacco/nicotine, and/or other mood altering substances is strictly prohibited.
18. No posters or signs are to be displayed from the bus.
19. After disembarking, those students who must cross the road shall cross approximately ten (10) feet in front of the stopped bus or as directed by the bus driver.
20. Students are subject to be videotaped at any time in order to monitor student behavior and to ensure security and safety.

**Note:** The consequences for a violation of rules for conduct while being transported on a school bus may include, but are not limited to, suspension of transportation to and from school and school functions at public expense, out-of-school suspension and/or recommendation for

### **STUDENT PARKING AND SCHOOL LOCKER SEARCH**

The parking of a student's vehicle on campus is a privilege that is granted by the School Board. All Board parking areas and lockers are the property of the School District. School authorities have the right to inspect any student parked vehicles and/or lockers in order to protect the health, safety, and welfare of students. This includes the use of drug and gunpowder sniffing K-9 dogs. Each student who parks a vehicle on a school campus or uses a school locker is presumed to know what is contained in his/her vehicle or locker and will be held accountable for any contraband, weapons, drugs, etc., which may be found in them.

Each student must sign the Board's Student Parking and/or Student Locker Application and Consent to Search and Waiver of Liability form acknowledging and agreeing to the conditions as prerequisite to, and in consideration for, the issuance of a student parking, and/or a student locker that the locker is school property and may be opened by school authorities at any time without the consent and without the student's knowledge or presence.

Individual student parked vehicles and/or locker searches will be conducted if school personnel have a reasonable suspicion of a violation of the law or the Code of Student Conduct. Routine locker clean-ups are not considered searches.

### **WARRANTLESS SEARCHES**

School officials may conduct a warrantless search of a student's person, book bag, locker, electronic device, motor vehicle, or any other storage area on School Board property, if such official(s) have a reasonable suspicion that illegal, prohibited, stolen, obscene, inappropriate or harmful items or substances exist.

School Board Employees retain the power to temporarily detain and question a student. A member of the administrative staff or his/her designee may search the personal property of the temporarily detained student, seize items determined to be stolen or illegal property and given said items to law enforcement authorities when appropriate, under circumstances which reasonably indicate that a student has committed, is committing, or is about to commit a violation of Florida Statutes or School Board Rules. School Board Rule 5.31 entitled, "Student Detention, Search, and Seizure" in conjunction with the Code of Student Conduct applies in these instances.

### **REASONABLE FORCE**

Section 1006.11 & 1003.32, Florida Statutes authorizes teachers and other school personnel to use reasonable force to protect him or her or others from injury. The Department of Education has defined reasonable force as, "appropriate professional conduct including physical force as necessary to maintain a safe and orderly environment." The Department of Education has also clarified that school personnel do have the right and the authority to protect:

- Conditions harmful to learning
- Conditions harmful to student's physical and mental health
- Conditions harmful to safety
- Conditions of harm and/or safety of self, school personnel, and others

Furthermore, Section 1006.11, Florida Statutes provides that a principal, teacher, other staff member, or bus driver shall not be civilly or criminally liable for any action carried out in conformity with School Board rules regarding the control, discipline, suspension, and expulsion of students, except in the case of excessive force or cruel and unusual punishment. In addition, Section 1003.32 (1) (i), Florida Statutes and State Board Rule 6A-1.0404 empowers teachers and other school personnel to press charges against a student if a crime has been committed against a teacher or other instructional personnel on school property, on school sponsored transportation, or during school sponsored activities.

### **DUE PROCESS**

In any situation where a violation of the Code of Student Conduct is alleged, the Principal or the Principal's designee shall observe fundamental procedures of due process. The student shall be made aware of the charges against him/her, be given the opportunity to explain his/her point of view, present witnesses, and not be subject to excessive punishment.

In cases where there is a concern regarding due process, parents or students may refer the situation to the School Principal or the Department of Student Services.

Students accused of a violation of the Code of Student Conduct, which, in the opinion of the Principal or the Principal's designee, warrants a suspension or expulsion from school, shall be afforded the fundamental right of procedural due process. The degree of formality associated with a suspension conference or an expulsion hearing depends on the nature of the violation and the severity of the sanctions that may be imposed as a result.

<p><b>Note:</b> A student or parent may appeal to the Principal for reconsideration of a school disciplinary action, up to and including out-of-school suspension. The Principal's decision regarding an appeal is final.</p>
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**Civil Citations** are given by Law Enforcement Officers/School Resource Officers (SROs). It is an appropriate intervention service alternative to an arrest and/or criminal prosecution.

**Diversion Programs** are offered in lieu of prosecution by the office of the State's Attorney for the first-time misdemeanor offenders and some felony offenses.

## **SUSPENSION**

Suspension is a disciplinary sanction that orders the temporary removal of a student from a class or all classes for a prescribed period of time, not to exceed ten (10) school days at any one time. The student shall be remanded to the custody of the student's parent and/or guardian with specific homework assignments for the student to complete. The Principal or Principal's designee shall make a good faith effort to employ parental assistance or alternative consequences for misconduct prior to suspending a student, except in emergencies, or disruptive conditions, or incidents involving a serious breach of misconduct.

Only the Principal or the Principal's designee may suspend a student. Before suspension may be imposed, the student is entitled to know what provisions of the Code of Student Conduct were allegedly violated, and what specific conduct constituted the violation. In addition, the student is entitled to know who the student's accusers are, and what they said unless such information would jeopardize the safety of the students. It is not necessary, however, that the accusers be physically present at the due process conference when the student is advised of the particulars of the violation.

If the student denies the charge or charges, the student is entitled to state his/her point of view and to have witnesses called to give information in support of his/her defense. If the student intends to call witnesses, the student is entitled to a reasonable time in which to contact witnesses to arrange for their presence. A written explanation of the incident by the student is recommended and encouraged.

The Principal will suspend a student immediately if the student has committed an act, which imposes an immediate danger to students or staff members, or if the violation is one of physical assault or one, which has an immediate disruptive effect upon the orderly conduct of the school. If the student is suspended, the principal shall immediately notify the Superintendent and the suspended student's parents or guardians in writing within 24 hours of the action taken and the reasons for the suspension.

In addition, the Principal or his/her designee shall make a good faith effort to notify the parent or guardian by telephone prior to initiating the suspension.

When a student is suspended for possession, distribution, or sale of a controlled substance; a weapon; or is under the influence of a controlled substance (except as prescribed by a licensed physician) parents/guardians, law enforcement officials and the superintendent shall be notified immediately.

### **Suspension Exceptional Student Education (ESE)**

Except for the gifted, no Exceptional Education Student may be suspended for more than nine (9) days for one offense or ten (10) cumulative days throughout the school year. The student shall be afforded a manifestation determination if the student has been removed for more than 10 consecutive school days (this limit shall not be exceeded) or if the student has been subjected to a series of removals exceeding 10 days (again this limit may not be exceeded) where the removals constitute a pattern of behavior that is substantially similar to the student's behavior in previous incidents that resulted in removals. Any recommendation for the suspension of a student with a disability shall be made in accordance with rules adopted by the State Board of Education and Federal Regulations outlined in the Individuals with Disabilities Education Act (IDEA).

Students with moderate/severe intellectual disabilities or Autism Spectrum Disorder may be suspended. However, an IEP meeting must be held to review the behavior which caused the school to recommend such suspension and implement intervention strategies.

### **Suspension Section 504**

The same provisions shall also apply to students determined eligible for disability-related services under Section 504 in accordance with the American with Disabilities Act Amendments Act of 2008 (ADAAA). Specific information may be obtained from the District Section 504 Facilitator at 407-870-4897.

## SUSPENSION FOR OFF-CAMPUS FELONY

Section 1006.09 (2), Florida Statutes and State Board Rule 6A-1.0956, permits the principal to initiate suspension proceedings against any student who is formally charged by a proper prosecuting attorney with a felony, or with a delinquent act which would be a felony if committed by an adult, for an incident which allegedly occurred on property other than that owned by the School District

Upon receipt of notice that a student has been formally charged with a felony or with a delinquent act which would be a felony if committed by an adult, the Principal or Principal's designee shall conduct an Administrative Hearing for the purpose of determining whether or not the student should be suspended pending court determination of whether the student did or did not commit such an act, or the charges are dismissed by the prosecuting attorney, and the student may be administratively assigned to an alternative school setting pending the outcome of the charge(s). The Principal or Principal's designee shall do the following:

1. An Administrative Hearing will be held in order to discuss any extenuating circumstances that may lead to a different course of action regarding the student's educational setting.

The Administrative Hearing will be conducted by the Principal or Principal's designee and may be attended by the student, the parents or guardians, the student's representative or counsel, and any witnesses requested by the student or the Principal. The student may speak on his/her own defense, may present evidence indicating his/her eligibility for waiver of disciplinary action, and may be questioned on his/her testimony.

2. In cases involving charges relating to controlled substances, consideration may be given under the provision of Section 1006.09 (2) (a) and (b), Florida Statutes if (a) the student divulges information leading to the arrest and conviction of the person who supplied such controlled substance to him/her, or if the student voluntarily discloses his/her unlawful possession of such controlled substance prior to his/her arrest. Any information divulged which leads to such arrest and conviction is not admissible as evidence in a subsequent criminal trial against the pupil divulging such information AND/OR (b) the student commits himself/herself, or is referred by the court in lieu of sentence, to a state licensed drug abuse program and successfully completes the program.
3. In conducting the hearing, the Principal shall not be bound by rules of evidence or any other courtroom procedure and no transcript of testimony shall be required.
4. Following the Administrative Hearing, the Principal or Principal's designee will provide the student and the parents/guardians with a decision, in writing, as to whether the Administrative Assignment to the District's Alternative School will go forward.
5. Following the Administrative Hearing, if the Principal or Designee elects to exercise his/her right to administratively assign the student to the District's Alternative School pending the outcome of the felony charge, educational services at the student's current school will be temporarily suspended.
6. During the period of temporary suspension and Administrative Assignment to the District's Alternative School, the necessary paperwork will be completed and the student will be withdrawn from his/her current school. Parents/guardians should contact the District's Judicial Liaison at 407-870-4897 for further information on enrollment procedures at the District's Alternative School.

If the temporary suspension exceeds ten (10) school days, the student **must** be enrolled at the District's Alternative School so that educational services are not interrupted indefinitely.

7. The decision of the Principal or Principal's designee in this matter shall be final under the provisions of Sections 1006.09, Florida Statutes and State Board Rule 6A-1.0956.



**Note:** If a court of competent jurisdiction determines that a student committed an off campus felony, or a delinquent act, which would be a felony if committed by an adult, the Principal may recommend to the Superintendent of Schools the expulsion of that student. However, if it is determined that the student did not commit such an act, the suspension shall be immediately terminated and that student may be allowed to return to the school of regular attendance.

## EXPULSION

Expulsion is the removal of the right and obligation of a student to attend public school for a period of time. An expulsion may be imposed for a period up to, but not to exceed, the current school year, the following school year, and the intervening summer school. (Section 1003.01 (6), Florida Statutes)

Section 1006.09 (c), Florida Statutes states that a principal may recommend to the Superintendent the expulsion of any student who has committed a serious breach of conduct including, but not limited to, willful disobedience, open defiance of a school staff member, violence against persons or property, any other act which substantially disrupts the orderly conduct of the school, or violations of the **Zero Tolerance** policy.

**Note:** A student may be recommended for expulsion if he/she persists in violating the Code of Student Conduct (CSC), and in so doing, accumulates in excess of fifteen (15) days of out-of-school suspension. In this case, a recommendation for expulsion is referred to as **Continued Incurribility**. Continued Incurribility shall be defined as repeated and varied breaches of the provisions of the CSC that has resulted in numerous discipline referrals/incidents which disrupts the learning environment and/or school operation. An administrative effort to correct student's inappropriate behaviors and actions through documented interventions, parental communications and/or conferences, counseling and progressive discipline measures has not proven successful.

Only the School Board shall authorize expulsion from school. If a Principal recommends a student for expulsion, a written request shall be forwarded to the Superintendent. The Superintendent may extend the student's suspension out-of-school until the recommendation for expulsion can be brought before the School Board.

The Superintendent in turn shall notify the parents or guardians in writing of the charge against the student, including the rule violated and the student's alleged conduct. The parents/guardians shall be informed of their right to request a hearing before the School Board regarding the recommendation for expulsion. They shall also be informed of their right to obtain legal counsel at no cost to the School Board, to call and examine or cross examine witnesses, to introduce evidence and to submit rebuttal evidence.

If no hearing is requested, the recommendation for expulsion may be placed on the consent agenda of the next possible School Board meeting. If the parents/guardians or student requests a hearing, notice shall be given of such meeting according to Florida Statutes. Any hearing that is conducted at parent's/guardian's or student's request must be a closed hearing, as provided in the Administrative Procedures Act, Section 120.57 (2), Florida Statutes unless an open hearing is requested by the parents/guardians or student.

At the hearing, the student may be represented by his parents/guardians or by counsel, and all parties may introduce and examine evidence, call and examine or cross-examine witnesses, and submit rebuttal evidence. The rules of evidence observed by courts shall not be applicable. Any party may, at his expense, have the right to record and have transcribed the proceedings of the entire hearing.

The decision of the School Board shall be based solely upon evidence presented at the hearing, and a copy of the Findings of Fact and the decision of the School Board shall be furnished to the student in writing.

School staff will have the authority to confiscate forbidden items, which would be used as evidence in a recommendation for expulsion and may later be returned to the parent/guardian. Controlled substances will be handled in accordance with Florida Statutes and other applicable laws and regulations.

Any student who has committed an expellable offense, who has been charged or convicted of a felony off school property, who has been administratively assigned when transitioning from a Level program through the Department of Juvenile Justice, or who has been administratively assigned to an alternative educational setting in lieu of expulsion, will not be allowed on any other Osceola County School District property, nor be allowed to participate in the extracurricular activities of any other school for the duration of the student's enrollment in the alternative program.

In addition, the New Beginning's Code of Student Conduct shall represent the behavioral expectations and standard of conduct for those students who have been administratively assigned to any alternative educational setting. Any student who violates New Beginning's Code of Student Conduct may receive disciplinary consequences up to and including out-of-school suspension or a recommendation for expulsion.

The assignment/placement in an alternative program in lieu of expulsion precludes enrollment at any other School District of Osceola County school, including any affiliated charter school, and the assignment in the alternative program is a mandatory attendance assignment. The student must attend the assigned alternative program unless the student shall first request a hearing before the School Board and present good cause for permission to withdraw from the School District of Osceola County, which permission to withdraw may be granted or denied in the sole discretion of the School Board. If the student fails to attend the alternative program to which he or she has been assigned in lieu of expulsion then, upon notification from the alternative program to the Superintendent, the Superintendent shall bring the matter back before the School Board for reconsideration of expulsion, because the expulsion procedures shall only be deemed to be held in abeyance pending the required attendance by the student at the alternative program and successful completion of the program by the student for the prescribed period of the assignment.

Notwithstanding the general requirement that permission must be obtained from the School Board for the student to withdraw from the assigned alternative educational program, the Superintendent of Schools or designee, upon written application of the student, parent, or legal guardian may, on the basis of the following documented circumstances or hardships, grant permission for the student to withdraw from the assigned alternative program.

- Medical hardship as documented by a signed statement from a licensed physician that describes in detail the nature of the medical or psychiatric condition that requires withdrawal.
- The parents or guardian provide documentation that a home is being built, purchased, or leased outside the school district and family must relocate, including the student, outside of the School District of Osceola County. Documentation should be a lease, contract, or deed (as applicable), but the Superintendent may accept an affidavit that sets out the facts supporting this basis for a withdrawal.
- Withdrawal will be permitted for the student to attend a level program or facility of incarceration as ordered by the Florida Department of Juvenile Justice or court ordered.

The parent or legal guardian of a student who is not approved by the Superintendent of Schools, or designee, for withdrawal from the assigned alternative educational program for reasons of hardship as provided above, may appeal the decision of the Superintendent to the School Board. Pending the appeal hearing and decision of the School Board, the Superintendent's denial of an application for withdrawal shall be valid and binding, and any withdrawal will be processed for expulsion.

In all instances in which a withdrawal is permitted in lieu of expulsion, the Superintendent shall place in the student's record a statement that the School Board assigned the student to an alternative educational placement in lieu of expulsion.

### **Recommendation for Expulsion Exceptional Student Education (ESE)**

Any recommendation for expulsion of any Exceptional Education Student shall be made in accordance with the rules promulgated by the State Board of Education and Federal Regulations outlined in the Individuals with Disabilities Education Act (IDEA). For any ESE student charged with an expellable offense that could subject the ESE student to a change in placement, the ESE student shall be granted the same opportunity as students without disabilities to attend a hearing in front of the School Board during which evidence and witnesses may be presented to challenge, on the basis of innocence or guilt, a disciplinary charge that had led to a recommendation for a change in placement in lieu of expulsion (please see pages 31-33 of this document for further explanation of these rights). The District shall provide parents/guardians of ESE students with written and verbal notice of their right to attend such a hearing. Please be aware that such a hearing before the School Board most likely will not be afforded to the student until after a manifestation determination meeting has been conducted. Further, on page 32 where it states that the Superintendent may extend the student's suspension out-of-school until the student appears at a hearing before the School Board, this provision is not applicable to ESE students to the extent that this provision conflicts with provisions of the IDEA governing suspension of students with disabilities. Specific information may be obtained from the Office of Exceptional Student Education by calling 407-343-8700.

### **Recommendation for Expulsion Section 504**

The same provisions shall apply to students determined eligible for disability-related services under Section 504 in accordance with the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). Specific information may be obtained from the District Section 504 Facilitator at 407-870-4897.

## **SERIOUS BREACH OF DISCIPLINE**

### **Illegal Drugs and/or Alcohol**

The School District will not tolerate the illegal use, possession, sale or distribution of drugs, including alcohol, in the school system. Student conduct rules will be strongly enforced.

The possession, sale or distribution of "illegal" drugs under this policy includes:

1. The possession, sale or distribution of any controlled substance as defined in Section 893, Florida Statutes.
  - The possession, sale or distribution of alcohol,
  - The possession, sale or distribution of any prescription medication for which the student does not have a valid prescription,
  - The sale or distribution of any prescription medication whether or not the student selling or distributing the drug has a valid prescription for the drug, or
  - The sale or distribution of any counterfeit drug.
2. The school shall investigate the suspected use, possession, sale or distribution of illegal drugs and/or alcohol.
  - Circumstances surrounding the suspected use, possession, sale or distribution of illegal drugs and/or alcohol on school grounds or at school-sponsored activities will be investigated by the school administration. Parental contact and referral to community agencies or police will be made as warranted.
3. Students found to be impaired by intoxicating beverages, drugs or any such substance and/or device represented as such having hallucinatory effects at any school function or on school

property shall be suspended. Students found to be in possession of drug paraphernalia while on school property or at any school function shall be liable for suspension.

The Principal shall recommend for expulsion any student found to be selling or offering for sale a non-controlled substance as a controlled substance.

Students having possession of, or found to be selling, offering for sale or giving away any intoxicant, drug or controlled substance while on school property or in attendance at a school function shall be recommended to the Superintendent for expulsion.

4. The use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful.

The School District clearly prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as part of any of its activities and are in effect and applicable to students in all schools.

Disciplinary sanctions up to and including expulsion and referral for prosecution will be imposed on students who violate alcohol and other drug standards of conduct.

Area drug and alcohol abuse rehabilitation and counseling facilities are listed below or you may see your school guidance counselor:

Glenbeigh Hospital of Orlando  
7450 Sand Lake Commons Blvd.  
Orlando Phone: 800-444-4230

University Behavioral Center  
2500 Discovery Drive  
Orlando Phone: 800-999-0807

Center for Drug Free Living  
2540 Michigan Ave, #A  
Kissimmee Phone: 407-846-5285

### **Dangerous Weapons and/or Violence Against Persons and Property**

Students should be aware that **EXPULSION** is probable when a student is in possession of, uses, or transfers a knife, gun, firearm (as defined by Florida law), brass knuckles, or other weapon or facsimile thereof; makes bomb threats, or harms another person (whether another student, teacher, administrator or other employee of the school system). For more information refer to the **Matrix of Infractions and Consequences**.

**PUBLIC NOTICE OF DISCIPLINARY ACTION**  
**Florida Statute 1006.07**

1. Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, by any student while such student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.
2. Notice that the possession of a firearm, a knife, or a weapon by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may result in criminal prosecution.
3. Notice that violence against any School District personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.
4. Notice that violation of School Board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.
5. Notice that violation of the School Board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.
6. Notice that any student who is determined to have brought a firearm or weapon, as defined in Chapter 790, to school, to a school function, or onto any school sponsored transportation or to have possessed a firearm at school will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to the criminal justice or juvenile justice system.
7. Notice that any student making a threat or false report, as defined by ss. 790.162 and 790.163 (Bomb Threat, Explosive or Destructive Device and/or Projectile) respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing education services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution.

**Note:** School Boards may assign a student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion.

The Superintendent of Schools may consider the 1-year expulsion requirement on a case-by-case basis and request the School Board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and school system.

**THE SCHOOL BOARD OF OSCEOLA COUNTY, FLORIDA**

**STATEMENT OF NON-DISCRIMINATION**

Federal law prohibits discrimination on the basis of race, color, national origin, sex, age, disability, sexual orientation, or pregnancy in educational programs or activities receiving federal financial assistance.

Employees, students and the general public are hereby notified that The School District of Osceola County, Florida, does not discriminate with regard to access, admissions or treatment in any educational programs or activities or in employment policies. The District also provides equal access to its facilities to Scouts and other patriotic youth groups, as required by the Boy Scouts of America (BSA) Equal Access Act.

The following individuals have been designated as the employees responsible for coordinating the district's effort to implement this non-discrimination policy:

Sadaris Cheatham, Employee Relations Manager & Equity Coordinator  
Phone Number (407) 870-4096

Tammy Cope-Otterson, Chief Human Resources Officer  
Phone Number (407) 870-4093

Daryla R. Bungo, Director of Student Services  
Phone Number (407) 870-4897

Inquiries may be directed to the individuals listed above at The School District of Osceola County, Florida, 817 Bill Beck Boulevard, Kissimmee, Florida 34744; or to the Regional Office of Civil Rights, Atlanta, Georgia, 30323; or the Director of the Office of Civil Rights, Education Department, Washington, D.C., 20201

Revised 2/2020

Request Board Approved 5/2020

**THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA**  
**PUBLIC NOTICE REGARDING STUDENT RECORDS**

**PURPOSE**

The School District of Osceola County maintains educational records on each student for the purpose of planning instructional programs, for the guidance of students, for the preparation of State and Federal reports and for research. Student records are for the educational benefit of the student, and information recorded and maintained is in keeping with the best educational interest of the student. School records are kept in accordance with Florida Statutes, State Board of Education Regulations, the Federal Family Educational Rights and Privacy Act (FERPA) of 1974 and policies adopted by the School District. A copy of School Board policy, 5.70 Student Records, is available at any school and at the District office.

**WHO HAS ACCESS TO STUDENT RECORDS?**

Those persons having access to student records generally are school officials with legitimate educational interests – persons employed by the school district as an administrator, supervisor, instructor, or support staff, members of the School Board, the Superintendent and his/her staff, parents/guardians of the student, a court of competent jurisdiction through court order or subpoena, those persons the parent/guardian may authorize in writing, and those individuals and/or organizations identified in Florida Statutes 1002.22. Legitimate educational interests include review of education records in order for a school official to fulfill his or her professional responsibility. The school shall presume that either parent of any student has the right to inspect and review the education records of the minor student unless the school has been provided with evidence that there is a court order governing this matter which provides the contrary. Student Records are maintained under the direction of the principal in each school and access to them will be provided during the normal business hours of the school.

**WHAT INFORMATION IS IN A STUDENT'S RECORD?**

Educational records are maintained in accordance with the School District of Osceola County School Board Rules and contain identifying data such as student name, parent/guardian name, address, birth date, sex, race, academic records and dates of completion, standardized test results, attendance and health data. Records may also include family background information, anecdotal records of teachers/counselors, standardized testing information, educational and vocational plans, records of extracurricular participation, participation in special programs such as Exceptional Student Education and records related to such programs. The principal shall maintain a separate file for students involved in misconduct to include, but not limited to, description of misconduct, suspension/expulsion notice(s) and record of disciplinary actions(s) taken.

**WHAT ARE THE RIGHTS OF A PARENT?**

Parents, legal guardians or eligible adult students have the right to access records maintained on their child, the right of waiver of access, a right to a copy at prescribed cost, the right to challenge information contained in the record and to a hearing, and the right of privacy. Transfer, disclosure, or release of student records require prior written consent, signed and dated, from the parent, legal guardian or adult student, except as outlined in Florida Statute 1002.22, School Board Rules and this document. Upon request, the School District of Osceola County will forward education records without consent to other educational institutions in which the student seeks or intends to enroll. A parent/guardian who wishes to review his/her child's records or an adult student that wishes to review his/her own records should make an appointment with the principal or school counselor. School personnel are available to interpret student record information. All such requests will be honored by school officials as soon as possible and it is required requests be honored within 30 days. Parents have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA – Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

**WHAT INFORMATION IS RELEASED WITHOUT PARENT/GUARDIAN OR ADULT STUDENT PERMISSION?**

The School District of Osceola County has designated the following categories of information as "Directory Information" and reserves the right to publish and release to outside organizations, if it elects to do so, such "Directory Information" without specific notification to, nor prior permission of the parent/guardian or adult student as per Florida Statutes 1002.22. Directory information may be released to outside organizations, which may include but are not limited to, appropriate local, state, and federal agencies, including military recruiters (upon request), and for approved school activities such as yearbooks, athletic programs, graduation lists/events/programs and to companies that manufacture class rings.

Student's name, address, listed telephone number, date and place of birth, participation in school sponsored activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, and awards received, and the most recent previous educational agency or institution attended by the student.

The parent/guardian may refuse to permit the release of any or all of the above categories of directory information with respect to their child, by notifying the principal in writing, within ten (10) calendar days after receiving this Public Notice that any or all of the information designated should not be released. **Such requests must be submitted annually.**

In cases of child abuse, school officials are authorized and mandated by Florida Statutes to report same to the Department of Children and Families and to provide them with the necessary information to pursue such complaints.

Please contact your school principal, guidance counselor, the Department of Student Services, or the Exceptional Student Education Department at the Administrative Center if you have further questions regarding student records.

I do not want my child's directory information released as described above. School Year: \_\_\_\_\_

Student Name: \_\_\_\_\_ School: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent Name (printed): \_\_\_\_\_ Parent Signature: \_\_\_\_\_

**Failure to return this signed form or otherwise notify the principal shall be deemed a waiver of right to preclude release of directory information.**

An Equal Opportunity Agency

FC-600-1732 (Rev 9/29/15)