

CODE OF CONDUCT  
GRADES PK-12  
FRANKLIN COUNTY SCHOOLS

2007-2008

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School Board Approval Date

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## TABLE OF CONTENTS

I.	INTRODUCTION.....	6
II.	LEGAL BASIS FOR STUDENT DISCIPLINE.....	6
	A. Authority of the Board .....	6
	B. Authority of the Superintendent .....	7
	C. Authority of the Principal .....	8
	D. Authority of the Teacher .....	8
	E. Authority of the School Bus Driver .....	10
	F. Pupils Subject to the Control of School.....	10
	G. School Facilities/Liability.....	10
	H. Liability of Teacher or Principal.....	11
III.	PHILOSOPHICAL BASIS.....	11
IV.	STUDENT RESPONSIBILITIES AND RIGHTS.....	11
V.	ADMINISTRATION OF MEDICATION.....	13
VI.	STUDENT RETENTION, SEARCH, AND SEIZURE.....	14
VII.	ATTENDANCE AND NON-ENROLLMENT.....	15
	A. Compulsory Attendance.....	15
	B. Excused Absences.....	15
	C. Unexcused Absences.....	15
	D. Attendance Procedures Regarding Absences.....	16
	E. Tardy Policy.....	18
	1. Tardy to School.....	18
	2. Elementary School Tardy Policy.....	18
	3. Middle/High School Tardy Policy.....	18
	F. Make-up Work.....	18
VIII.	DISCIPLINARY PROCEDURES.....	19
	Cheating.....	19
	DISCIPLINARY PROCEDURES FOR ELEMENTARY SCHOOL (PK-5).....	20
	Dress Code.....	20
	A. Class I - Minor Infractions .....	20
	B. Class II - Intermediate Infractions .....	21
	C. Class III - Serious Infractions .....	22
	D. Class IV - Major Offenses .....	23

DISCIPLINARY PROCEDURES MIDDLE/HIGH SCHOOL (6-12).....	25
Dress Code.....	25
A. Class I - Minor Infractions .....	26
B. Class II - Intermediate Infractions .....	26
C. Class III - Serious Infractions .....	27
D. Class IV - Major Offenses .....	28
E. Weapons Prohibited .....	30
F. Juvenile/Community Control .....	30
G. Drug and Alcohol Use By Students .....	30
H. On/Off Campus Felonies.....	32
I. Hazing.....	26
IX. PROHIBITION OF SEXUAL HARASSMENT .....	33
X. SUSPENSION PROCEDURES.....	34
XI. EXPULSION PROCEDURES.....	36
XII. SCHOOL BUS CODE.....	37
XIII. STUDENT DISCRIMINATION AND GRIEVANCE PROCEDURE.....	38
IV. SPECIFIC DEFINITIONS.....	39
XV. GUIDELINES FOR STUDENTS WITH DISABILITIES.....	41
A. Definitions.....	41
B. Authority of School Personnel.....	42
C. Manifestation Determination.....	42
D. Long term removals .....	43
E. Free appropriate public education for students with disabilities who are suspended or expelled.....	44
F. Interim Alternative Educational Setting (IAES).....	45
G. Expedited Hearing.....	46
H. Student's placement during proceedings.....	46
I. Protections for students not yet eligible for special education and related services.....	46
J. Student records in disciplinary procedures.....	47
XVI. DUE PROCESS PROCEDURES FOR EXPULSION OF STUDENTS WITH DISABILITIES.....	47
XVII. LIMITED ENGLISH PROFICIENT STUDENTS (LEP) .....	53
XVIII. DRUG FREE WORKPLACE.....	53
XIX. FRANKLIN COUNTY LEARNING CENTER (FCLC).....	53

APPENDICES

APPENDIX A - Incident Report Form.....54  
APPENDIX B - Waiver of Right to be Present at Hearing Form.....55  
APPENDIX C – Unexcused Absences – 3 Form Letters to Parents.....56  
APPENDIX D - Truancy Form.....60  
APPENDIX E - Complaint Form.....61  
APPENDIX F - District Disciplinary Referral Form.....62  
APPENDIX G - Internet Guidelines and Consent Form.....63  
APPENDIX H - Administration of Medication Form .....66  
APPENDIX I - Substance Abuse Prevention & Education Agreement.....67  
APPENDIX J - Civil Rights Laws and Regulations.....68  
APPENDIX K - Notification of Rights Under FERPA.....69  
APPENDIX L - Notification of Rights Under HIPPA.....70  
APPENDIX M - Signature Form for Code of Conduct and Directory Information.....71

## **I. INTRODUCTION**

Instruction should occur in an environment conducive to learning. Effective instruction requires good order and discipline. The atmosphere of the school should be a positive one in which students and school personnel work cooperatively toward accepted goals. The Code of Student Conduct will assist parents, students, and school personnel in maintaining positive school environment conducive to learning.

An effort has been made to examine the practices of our schools and develop a fair and consistent Code that should set a tone for an atmosphere conducive to positive educational experiences. Student responsibilities, as well as their rights, have been specifically defined.

The Code applies to all students K-12. As students increase in age and maturity, they will assume a greater responsibility for their actions and a different type of disciplinary action may be warranted. The Code of Conduct addresses specific grounds for disciplinary action, procedures to be followed for acts requiring discipline (including corporal punishment), bus behavior and the rights and responsibilities of students.

While the rules are not intended to be all-inclusive, they are illustrative of the types of behavior that are inconsistent with the proper maintenance and function of an effective program in our schools.

ONE OF THE MAJOR GOALS WILL IS TO TREAT ALL THE STUDENTS ALIKE, FAIRLY BUT FIRMLY, REGARDLESS OF SEX, AGE, OR RACE. WE WANT ALL STUDENTS TO BE FAMILIAR WITH ALL THE RULES AND REGULATIONS AND THE CONSEQUENCES SUFFERED WHEN THESE RULES ARE VIOLATED.

Any part of this Code of Conduct may be waived and/or revised if alternative provisions are included in a School Improvement Plan that has been approved by the Franklin County School Board.

The Code of Conduct is to be given to each student and the parents at the beginning of every school year or upon enrollment during the year.

The Franklin County School Board has adopted a Drug Free Workplace Policy

## **II. LEGAL BASIS FOR STUDENT DISCIPLINE**

There are several state laws, which grant authority in the area of developing a Code of Student Conduct.

### **A. Authority of the Board - F.S. 1006.07**

The school board acting as a board, shall exercise all powers and perform all duties listed below:

**CHILD WELFARE** - Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, for proper attention to health, safety, and other matters relating to the welfare of children, as prescribed in Chapter 1003, F. S.

**CONTROL OF PUPILS** - Adopt rules and regulations for the control, discipline, suspension, and expulsion of pupils and decide all cases recommended for expulsion. Suspension hearings shall be governed by the provisions of s. 120.57(2), F. S. Provided, however, that the school board shall not have the authority to prohibit the use of corporal punishment as provided in this act.

CODE OF STUDENT CONDUCT - Make available to all teachers, school personnel, students, and parents or guardians, at the beginning of every school year a Code of Student Conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The Code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

- (1) specific grounds for disciplinary action;
- (2) procedures to be followed for acts requiring discipline; including corporal punishment;
- (3) an explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school progress and activities;
- (4) and notice that possession or sale of controlled substances, as defined in Chapter 893, or weapons by any student while such student is upon school property or in attendance at a school function is grounds for expulsion.

Disciplinary programs are designed to provide a safe learning environment for the general school population, increase the safety of the school and the community, and provide positive intervention for students who are disruptive in the school environment.

B. Authority of the Superintendent - F.S. 1006.08

The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he/she shall advise and counsel with the school board. The recommendations, nominations, proposals and reports required by law and regulation to be made in writing are to be noted in the minutes and filed in the public records of the board. It shall be presumed that, in the absence of the record required in the paragraph, the recommendations, nominations and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

CHILD WELFARE - Recommend plans to the school board for the proper accounting for all children of school age, for the attendance and control of pupils at school, for the proper attention to health, safety, and other matters that will best promote the welfare of children in the following fields as prescribed in Chapter 1003, F. S.

CONTROL OF STUDENTS - Propose rules and regulations of the control, discipline, suspension, and expulsion of students and review and modify recommendations for suspension and expulsion of pupils and transmit to the school board for action recommendations for expulsion of pupils. When the superintendent makes a recommendation for expulsion to the school board, he or she shall give written notice to the student and the student's parent or guardian of the recommendation, setting forth the charges against the student and advising the student and his or her parents of the student's right to due process as prescribed by s. 120.57(2), F. S. When school board action on a recommendation for the expulsion of a student is pending, the superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the school board.

C. Authority of Principal - F.S. 1006.09

Subject to law and to the rules of the state board and the district school board, the principal or his/her designated representative in charge of the school shall develop policies by which he/she may delegate to any teacher or other member of the instructional staff or to any bus driver transporting students of the school such responsibility for the control and direction of students as he/she may consider desirable. The principal or principal's designee shall consider the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision regarding a student referral for discipline.

The principal or his/her designated representative may suspend a student only in accordance with the rules of the district school board and statute requirements, and each suspension shall be reported in writing within twenty-four (24) hours, with the reasons therefore, to the student's parent or guardian and to the superintendent. A good faith effort shall be made by the principal to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions, which require immediate suspension. No student who is required by law to attend school shall be suspended for unexcused absence, truancy, unexcused tardiness and/or lateness. The principal or his/her designated representative may suspend any student transported to or from school at the public expense from the privilege of riding on a school bus, giving notice in writing to the student's parent or guardian and to the superintendent within twenty four (24) hours. School personnel shall not be held legally responsible for suspensions of students made in good faith.

The principal may initiate the suspension of a student who has been arrested for a felony or a delinquent act, which would be a felony if committed by an adult in accordance with the law and the Code of Conduct. For such students, and those formally charged with a felony, the suspension may exceed ten days with the approval of the superintendent pending the delivery of educational services to the pupil, and the pupil enrolling in a daytime alternative education program. (F.S. 1006.09)

The principal or his/her designated representative 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 authority of a member of his/her staff, and violence against persons or property. A recommendation of expulsion shall include a detailed report by the principal or his/her designated representative on the alternative measures taken prior to the recommendation of expulsion. The principal or designee may suspend any student transported to or from school at public expense from the privilege of riding on a school bus for violation of school board transportation rules and/or policies. The principal or his/her designated representative shall include an analysis of suspensions and expulsions in the annual school report.

D. Authority of the Teacher - F.S. 1003.3

Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to be in charge of students. If a teacher feels that corporal punishment is necessary, at least the following procedures shall be followed:

The principal shall prepare guidelines for administering such punishment, which identify the types of punishable offenses, the conditions under which the punishment shall be administered, and the specific personnel at the school authorized to administer the punishment as required in Section

1003.32, Florida Statutes. The use of corporal punishment shall be approved in advance by the principal.

A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student's presence, of the reason for punishment.

A teacher or principal who has administered punishment shall provide upon request the pupil's parent or guardian with a written explanation of the reason for the punishment and the name of the other teacher or principal who was present.

Within the framework of the school district Code of Student Conduct, teachers and other instructional personnel shall have the authority to undertake actions as prescribed pursuant to 1003.32, F.S., and inclusive of the following:

- (a) Establish classroom rules of conduct;
- (b) Establish and implement consequences, designed to change behavior, for infractions of classroom rules;
- (c) Assist in enforcing school rules on school property, or school sponsored transportation and activities;
- (d) Press charges if a crime has been committed against the teacher or other instructional personnel on school property, or school-sponsored activities;
- (e) Request and receive information as to the disposition of any referrals; and
- (f) Use reasonable force, according to the standards recommended by the Education Practices Commission and adopted by the State Board of Education, to protect others from injury.

#### Removal by Teacher – F. S. 1003.32

A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques.

A teacher may remove from class a student whose behavior interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. If a teacher removes a student from class, the principal may place the student in another appropriate classroom, in in-school suspension or a program as provided by 1005.53, F. S. or the principal may recommend the student for out-of-school suspension or expulsion. The student may be prohibited from participating in school sponsored or school related activities.

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

#### Placement Review Committee – F. S. 1003.32

Each school shall establish a committee to determine placement of a student when a teacher withholds consent to the return of a student to the teacher's class. Committee membership must include at least the following:

- (1) Two teachers selected by the school's faculty; and,
- (2) One member from the school's staff who is selected by the principal.

The teacher who withheld consent to readmitting the student may not serve on the committee.

E. Authority of the School Bus Driver - F.S. 1006.10

The school bus driver shall preserve order and good behavior on the part of all students being transported on school buses.

The school district shall require a system of progressive discipline of transported students for actions, which are prohibited by the Code of Student Conduct. Disciplinary actions, including suspension of students from riding on school district owned or contracted school buses, shall be subject to school board policies and procedures and may be imposed by the principal or the principal's designee. The principal or principal's designee may delegate any disciplinary authority to school bus drivers except for suspension of students from riding the bus.

The school bus driver shall have the authority to control students during the time students are on the school bus, but shall not have such authority when students are waiting at the bus stop or when students are in route to or from the school bus stop except when the bus is present at the bus stop. If an emergency should develop due to the conduct of students on the bus, the bus driver may take such steps as are immediately necessary to protect the students on the bus.

In the case of a student having engaged in violent or blatantly unsafe actions while riding the school bus, the school district shall take corrective measure to ensure, to the extent feasible, that such actions are not repeated prior to reassigning the student to the bus.

F. Pupils Subject to the Control of School – F.S. 1003.31

Subject to law and rules and regulations of the state board and of the school board, each pupil enrolled in a school shall, during the time he is attending school, and during the time he is on the school premises, be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher, or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the state board or the district school board may, by rules and regulations, subject each pupil to the control and direction of the principal or teacher in charge of the school during the time he is otherwise en route to or from school or is presumed by law to be attending school.

Nothing shall prohibit a district school board from having the right to expel or to take disciplinary action against a student who is found to have committed an offense on school property at any time if:

- (a) The student is found to have committed a delinquent act, which would be a felony if committed by an adult;
- (b) The student has had adjudication withheld for a delinquent act, if committed by an adult, would be a felony; or
- (c) The student has been found guilty of a felony.

G. School Facilities/Liability

Students are considered under the control and supervision of the school when they are on the premises during a reasonable time before and after school and while attending or participating in a

school sponsored activity at the school site. Reasonable time is defined as 30 minutes before and after school.

H. Liability of Teacher or Principal - F.S. 1006.11

Except in the case of excessive force or cruel and unusual punishment a teacher or other member of the instructional staff, a principal or his/her designated representative, or a bus driver shall not be civilly or criminally liable for any action carried out in conformity with the state board and district school board rules regarding the control, discipline, suspension, and expulsion of students.

### **III. PHILOSOPHICAL BASIS**

Following are the philosophical basis upon which the students' responsibilities and rights exist:

Schools must make available written rules of conduct to students and parents. Students and parents must assume responsibility for knowing and observing both school rules and state laws, which govern student conduct.

School administrators have an obligation under state law to enforce compulsory school attendance laws. Students have an obligation to avail themselves of the opportunity for a free education.

Schools must provide an educational program based upon the needs for the students and society.

Students have the responsibility to utilize the educational experiences.

Schools should provide opportunities for participation in extracurricular activities. Students should avail themselves of participation in those activities which are of interest to them and for which they qualify. Schools must provide an environment, which assures respect for the persons and property of others.

Schools have a responsibility to insure the privacy rights of students as specified by law.

Schools shall provide opportunities for student groups to meet in accordance with rules and scheduled use of facilities.

Schools have an important role in providing effective avenues for student expression in a wide variety of ways. Students should try to understand the attitudes and viewpoints of the entire school community.

### **IV. STUDENTS' RESPONSIBILITIES AND RIGHTS**

Students have responsibilities and rights relative to the knowledge and observation of school rules. They also have definite responsibilities and rights in the areas of attendance, right to learn, participation in school programs and activities, respect for persons and property, privacy, assembly and free speech and student publications. Following is a listing of the specific responsibilities relative to the many aspects of their educational experiences.

A. STUDENT RESPONSIBILITIES

1. Students are responsible for knowing and observing school rules.
2. Students have the responsibility to take advantage of their educational opportunity by attending all classes daily and on time.
3. Students have the responsibility to:
  - a. Take advantage of the appropriate school programs and not infringe on the rights of others to learn.
  - b. Involve themselves in the classes in which they are enrolled through participation as directed by the teacher.
  - c. Involve parents and school personnel in making certain curriculum choices.
4. Student organization officers and representatives have the responsibility to be alert to needs of the school, the concerns of the student body, and to work toward the satisfaction of these needs and concerns to the best of their ability.
5. Students have the responsibility to:
  - a. Respect the persons and property of other students and the school staff.
  - b. Take care of the property of the school system.
6. Parents, guardians, or eligible students have the responsibility of informing the school and individuals or agencies who are working actively and constructively for the benefit of the student, of any information that may be useful in making appropriate educational decisions. Students have the responsibility not to carry or conceal any such material that is prohibited by law or would detract from the educational process.
7. Students have the responsibility to plan, seek approval, and conduct those activities, which are consistent with the educational objectives and responsibilities of the school.
8. Students have the responsibility to accept the rights of other individuals to have differing viewpoints and to express themselves on those issues in which they disagree in a manner, which does not infringe upon the rights of others or interfere with the orderly educational process of the school and is not obscene or in violation of the school rules.
9. Students have the responsibility to request make-up work from their teachers within a given period after the absence.
10. Students have the responsibility to provide the school an adequate explanation with appropriate documentation indicating the reasons for an absence.

## B. STUDENT RIGHTS

1. Students have a right to expect clear and understandable rules and regulations to be furnished by the school. They may expect these rules, regulations and laws to be enforced fairly with the right of due process afforded.
2. Students have the right to clearly defined information on school board rules and individual school policies dealing with attendance.
3. Students have a right to participate in the appropriate school programs at all levels of instruction and in an atmosphere conducive to the teaching learning process.
4. Students have the right under the direction of a faculty advisor to:
  - a. Form and operate within their respective schools, appropriate student organizations.
  - b. Seek office and participate in activities and organizations regardless of race, sex, color, creed, or political beliefs.
5. Each student has the right to expect:
  - a. That his person and property will be respected by other students and the school staff.
  - b. The school property to be safe, clean, attractive, and well maintained.
6. Students have the right to:
  - a. Be protected by legal provisions, which prohibit the release of personally identifiable information to other than legally authorized persons, and to inspect, review, and challenge such information by law.
  - b. Privacy in their personal possessions unless the principal has a reasonable cause to believe that the student is concealing material, which possession of, is prohibited by law.
7. Students have the right to assemble peacefully on school grounds or in school buildings. Exercise of this right shall be denied where it substantially and directly endangers physical health or safety, damages property, or disrupts the school programs.
8. Students have the right to express themselves and to petition and survey student opinion in accordance with the established procedures.
9. No LEP student will be subjected to any disciplinary action because of his or her use of language other than English. Disciplinary actions for Non- LEP students and LEP students are the same.

This document is disseminated to parents during registration and/or Open House and upon initial enrollment in Franklin County Schools.
10. Students have the right to make up (within a given period) work missed because of an excused absence.
11. Students have the right to appeal any decision. The steps in the appeal procedure will begin with the principal or appropriate supervisor. The principal or supervisor's decision may be appealed to the superintendent. Cases not resolved at the previously identified levels may be appealed to the school board.
12. Students have the right to an educational environment free of racial harassment and sexual harassment.

## V. ADMINISTRATION OF MEDICATION

School Health personnel and/or the Principal or designee are authorized to assist students in the administration of prescription and nonprescription medication provided the following conditions be met:

1. Medications must be brought to the School Health Clinic by the parent or guardian.

2. An Administration of Medication Permission Form (Appendix H) must be signed by the parent or guardian.
3. A list of possible side effects and any special instructions shall be included on the Administration of Medication Form (Appendix H).
4. The medication prescribed for the student shall be in the original, labeled container with the following information:
  - a. Student's name
  - b. Name of medication
  - c. Directions concerning dosage
  - d. Time of day to be taken
  - e. Physician's name
  - f. Date of prescription
5. All medications shall be received and stored in original containers. When the medication is not in use, it shall be stored in its original container in a secure fashion under lock and key in a location designated by the principal.

## **VI. STUDENT RETENTION, SEARCH, AND SEIZURE**

The principal or any other instructional staff member may temporarily detain and question a student when circumstances indicate that each student has committed, is committing, or is about to commit a violation of Florida Statutes or School Board Rules.

1. If at any time reasonable suspicion arises that a student is in unlawful possession of stolen or illegal property, tobacco products, an alcoholic beverage, illegal drugs, or weapon, a staff member may temporarily detain such student without the use of physical force, and may search the detained student and property, for the purpose of disclosing the presence of items listed herein.
2. It shall be the responsibility of the school principal or designee to search the detained student and his/her locker or vehicle, if parked on School Board property, for the purpose of disclosing the presence of items described in Subsection (1) herein.
3. The school principal or designee shall request the voluntary surrender of contraband when he/she suspects a student of concealing contraband on his/her body. If the student refuses the request, the school principal or designee may contact the student's parents or legal guardian or the appropriate law enforcement agency. A student who refuses or becomes belligerent or violent in refusing the search shall be detained by the school principal or designee and the appropriate law enforcement agency shall be notified and requested to take appropriate action.
4. Items may be seized by the school principal or designee when a search of a student or his/her locker or vehicle, if parked on School Board property, reveals stolen or illegal property or items prohibited by Florida Statutes School Board Rules. Action taken against the student shall be pursuant to Florida Statutes and School Board Rules.
5. The school principal or designee who searches students shall be reasonable and may request students to empty purses, backpacks, or other personal belongings.
6. Each school principals shall place a sign in a prominent location for students to read the following information: "Student lockers and other student storage spaces provided by the District are property of the Franklin County School Board and are subject to search by school authorities at any time".
7. The provisions herein also apply to official school trips.

The U. S. Supreme Court ruled that school officials have the right to search students under their jurisdiction when there are reasonable grounds for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school, and the search is conducted in a

reasonable manner. (New Jersey V.T.L.O., 469 U.S. 325, 105 S.Ct 733, 744; 1985.) This does not mean direct search by law enforcement officers. Direct involvement in student searches by law enforcement officers has resulted in a number of findings of illegal search.

## **VII. ATTENDANCE AND NON-ENROLLMENT**

### **A. Compulsory Attendance**

School attendance is necessary to education. School personnel and parents have an obligation to enforce school attendance policies, laws and procedures. School attendance is compulsory from the beginning of the normal school term for all children who are six (6) years old or older on or before September 1st of any school year and who have not yet attained the age of sixteen (16) years, unless such person is eligible for exemption under the applicable Florida Statutes or has been expelled by the school board. Effective July 1, 1997, Students between the ages of 16 and 18 are required to attend school regularly unless a formal intent to withdraw from school is filed. 1003.21, F.S.

Students in grades are expected to attend school on a regular basis in order to receive the necessary instruction to be promoted. A student who misses thirty (30) days or more of school may be required to repeat a grade unless he/she has demonstrated mastery of all subject areas that are required for promotion.

### **B. Excused Absences**

An excused absence is one for sickness, death in the family, religious observance, school approved instruction/activities, or emergency conditions as determined by school authorities. All other absences will normally be considered unexcused. If an absence extends beyond the parent notification date, parents are requested to notify the school attendance officer regarding the reason for the absence.

Students who are sent home with head lice will be excused for two (2) days to receive treatment. All absences after two days will be considered unexcused unless the student is brought to school to be screened.

Upon returning to school from an absence, the student must bring a note from the parent or guardian explaining the absence. The student will have a maximum of one (1) day after the absence to bring a note.

If there is sufficient reason to suspect that an "excused" absence/note is less than legitimate, the principal or designee will investigate and make a determination on the facts and act accordingly.

### **C. Unexcused Absences**

Unexcused absences are absences not related to school such as shopping trips, work, missed bus, overslept, babysitting, suspension, truancy, birthday parties or similar celebrations, hunting, fishing and similar activities or any non-school related activity.

D. Attendance Procedures Regarding Absences

1. It shall be the responsibility of each student's parent or guardian to explain his/her child's absence as soon as possible by written notice by the first day of the student's return to school. Justification of absence(s) will be evaluated based on excused and unexcused absences defined in district policy. Failure to properly notify the school shall result in an unexcused absence.
2. Upon each unexcused absence, or absences for which the reason is unknown, the school principal or designee shall contact the student's parent/guardian to determine the reason for the absence.
3. If after four (4) days of excused or unexcused absences within a nine week grading period no valid reason is found for a student's nonattendance, the parent will receive a written notice in person or by mail addressing the student's nonattendance (Appendix C-1). A parent conference will be scheduled to determine if a pattern of nonattendance is developing.
4. If after five (5) days of excused or unexcused absences within a nine week grading period no valid reason is found for a student's nonattendance, the parent will receive a written notice in person or by mail addressing the student's nonattendance (Appendix C-2). Absences in excess of five days in a grading period will be excused for extended and/or recurring illnesses only and will require verification by a doctor or certified health official. The verification must be submitted to the school within 5 school days of the student's return to school. Cases involving the following extenuating circumstances may be appealed within five school days of the absence(s):
  - a) death in the immediate family
  - b) religious holiday or instruction
  - c) any other insurmountable condition as determined by the principal
  - d) prior approval
5. If five (5) absences (excused or unexcused) occur within a calendar month or ten (10) cumulative absences (excused or unexcused) within a 90 day period, the parent will receive a written notice in person or by return receipt mail requesting the parent's attendance at a Child Study Team meeting (Appendix C-3). If a pattern of nonattendance is identified, the Child Study Team will implement interventions that best address the problem. Interventions may include but are not limited to:
  - a) Frequent communication between the teacher and the family;
  - b) Changes in the learning environment;
  - c) Mentoring;
  - d) Student counseling;
  - e) Tutoring, including peer tutoring;
  - f) Placement into different classes;
  - g) Evaluation for alternative education programs;
  - h) Attendance contracts;
  - i) Referral to other agencies for family services; or
  - j) Other interventions, including, but not limited to, a truancy petition pursuant to 984.151, F.S.
6. The child study team shall be diligent in facilitating intervention services and shall report the case to the superintendent only when all reasonable efforts to resolve non-attendance behavior is exhausted.
7. If the parent or guardian refuses to participate because he or she believes remedial strategies are unnecessary or inappropriate, they may file an appeal to the school board.

8. After fifteen (15) unexcused or unexcused cumulative absences occur, a mandatory conference will be scheduled with the parent in order to resolve the truancy problem (Appendix C-4). The parent will be notified of the meeting by return-receipt mail.
9. After fifteen (15) days of unexcused absences, the principal will file a truancy report with the superintendent (Appendix D). Pursuant to s. 984.151, F.S., the superintendent may file a truancy petition. The petition will be filed in the circuit court.

**10. Notification to Department of Highway Safety and Motor Vehicles (DHSMV)**

The principal or designee shall notify the district school board of those minors between the ages of 14 to 18 who accumulate 15 unexcused absences in a period of 90 calendar days. The school superintendent will submit electronically to DHSMV the names of the students, dates of birth, gender and social security numbers. DHSMV will initiate one of two actions. Licensed minors will have a notice of intent to suspend posted to their driver record and will lose their license unless they comply with attendance requirements. Unlicensed minors may not apply for a license until relevant attendance requirements are satisfied.

Reinstatement of driving privilege: Students must attend school for 30 consecutive days with no unexcused absences in order to satisfy relevant attendance requirements for reinstatement the count begins the first day after the last unexcused absence. If an unexcused absence occurs during the 30 day accumulation period, the count starts over.

A licensed minor or the parent (guardian) may request a hardship waiver if there is verification of need {322.091(3)(b) F.S.}. The minor must document that he or she provides a substantial financial contribution for his or her livelihood or his or her family's needs, relevant to basic necessities of food and shelter as provided for the household in which he or she resides. The minor or the parent (guardian) has 15 calendar days after the date of receipt of the notice of intent to suspend his or her license to request a hearing for a hardship waiver. This request for a waiver must be submitted in writing to the principal or designee with the date and time of the request included. The principal or principal's designee must inform the school district of the request for a waiver hearing within 24 hours of receiving the request. An additional five calendar days from the date of the letter are allowed in order to conduct the hearing and submit the results to DHSMV.

11. The parent or legal guardian who refuses or fails to have a child who is under his or her control attend school regularly, or who refuses or fails to comply with attendance requirement commits a misdemeanor of the second degree.
12. Based on s. 984.13, F.S., a law enforcement officer may take a child who is absent without authorization from school or is suspended or expelled and is not in the presence of his or her parent or legal guardian into custody and deliver the child to the appropriate school system site. If the child is suspended or expelled and is not assigned to an alternative school placement, then the law enforcement officer shall deliver the child to the parent or guardian or to a location determined by the parent or guardian.

## E. TARDY POLICY

1. Tardy to school:
  - a. An excused tardy is one which follows the same guidelines as those for excused absences.
    - (1) sickness
    - (2) death in the family
    - (3) religious observance
    - (4) school-approved instruction/activities
    - (5) emergency conditions as determined by school officials.
  - b. If a tardy to school is not accompanied by notification from parent/guardian, it will be considered unexcused until such time that notification is presented.
  - c. If there is sufficient reason to suspect that an "excused" tardy notification is less than legitimate, the principal or designee will investigate, make a determination on the facts, and act accordingly.

### 1. ELEMENTARY SCHOOL TARDY POLICY

Consequences for excused or unexcused tardies to school within a nine-week period:

- a. After 3 excused or unexcused tardies, contact parent.
- b. After fourth excused or unexcused tardy and subsequent tardies: Schedule Child Study Team , and/or other consequences as determined by the principal.

### 3.. MIDDLE/HIGH SCHOOL TARDY POLICY

Consequences for unexcused tardies to school or class within a nine-week period:

- a. First tardy: verbal warning by the teacher.
- b. Second tardy: Written warning by the teacher.
- c. Third tardy: Contact parent
- d. Fourth and subsequent tardies: Parent/guardian conference, detention, in-school suspension, recommendation for counseling and/or other consequences as determined by the principal.

## F. MAKE-UP WORK:

The student is expected to make up all work and all tests missed during five (5) cumulative days of absence in a nine week grading period based on the following procedures:

1. The student/and or parent must contact teachers on the first day back in each class in order to make arrangements to make up work.
2. The time frame for make up work is the number of days absent plus one (1) day (i.e., 1 day absent plus 1 equals 2 days to make up total work; 2 days absent plus 1 equals 3 days to make up work).
3. It is the student's responsibility to make up work before school, after school or within the

given period unless other arrangements are made due to extenuating circumstances.

**STUDENTS WILL NOT BE PERMITTED TO MAKE UP WORK MISSED IF ABSENCES ARE UNEXCUSED OR DUE TO OUT-OF- SCHOOL SUSPENSIONS.**

Students should also recognize that a continuation of unexcused absences may result in failure for the semester.

**VIII. DISCIPLINARY PROCEDURES**

**CHEATING – Students shall not copy work other than their own, knowingly permit others to copy their work, or violate classroom rules regarding assignments and tests. If a student is found cheating, the teacher will take the student’s work, the student will receive a zero (0) for the test or assignment, and/or the student may be suspended from extra-curricular activities.**

Disciplinary alternatives for infractions of the Code of Conduct are contingent upon the findings of the principal or his/her designee depending on the serious and/or frequency of the misconduct.

Infractions of the Code are grouped into four classes, Class I, consisting of minor infractions, Class II, intermediate infractions, Class III, serious infractions, and Class IV, major infractions that may require the involvement of law enforcement and expulsion.

Guidelines for students with disabilities begin in Section XV and are in accordance with state and federal statutes.

Discipline of students with disabilities shall be in accordance with procedures outlined in Special Programs and Procedures Manual, State Board Rules, Section 504, Federal Rules and Regulations and District Policies. Parents of students with disabilities are to be involved in planning for disciplinary action or suspension through the procedures outlined beginning on page 28. Parents may be accompanied at any meeting regarding the assignment of exceptional students or regarding the discipline of a student, to assist the parent in communicating with school and district personnel.

## DISCIPLINARY PROCEDURES FOR ELEMENTARY SCHOOLS- PK-5

### STUDENT DRESS CODE:

Students in the following Franklin District Schools are required to wear school shirt uniforms. Please contact your child's school to purchase shirts.

Franklin County School-East (PK-5) 697-3815  
Franklin County School-Central (PK-5) 670-8458  
Franklin County School-West (PK-5) 653-8857

- School uniform must be visible at all times.
- No alterations will be allowed which would modify or change the appearance of the school shirt.
- Exemptions to wearing the school uniform are:
  - a) an allergic reaction verified by a medical doctor,
  - b) a religious observance, or
  - c) a special event authorized by the principal
- Exemptions must be approved in writing by the Principal.

Students should not dress in clothes that are so revealing as to be considered inappropriate or indecent. Specific examples of dress and grooming which **are not allowed** will include, but is not limited to, the following:

1. Revealing shorts, short skirts, or dresses
2. Baggy pants worn with or without a belt, or pants that fit below the waist
3. High heel shoes or flip-flops
4. Inappropriate or excessive makeup
5. Hats or inappropriate headgear
6. Item of apparel which indicate gang membership or clothing with writing or symbols which convey messages which by its controversial nature disrupts the educational setting, or promotes drugs, alcohol, sex, profanity, vulgarity or other similar concepts which are contrary to acceptable standards for behavior and attitudes.

DRESS CODE PROCEDURES MUST BE FOLLOWED DAILY THROUGHOUT THE SCHOOL YEAR. A PRIOR WRITTEN REQUEST MUST BE SUBMITTED TO THE PRINCIPAL OR PRINCIPAL'S DESIGNEE FOR APPROVAL FOR EXCEPTIONS TO THE DRESS CODE FOR SPECIFIC FUNCTIONS SUCH AS FIELD TRIPS OR SPECIAL SCHOOL EVENTS.

- A. **CLASS I** - Minor Infractions will be handled in the classroom/common areas using school-wide discipline plan. Minor infractions include, but are not limited to:
1. Violation of dress code
  2. Non-Compliance
  3. Failure to bring materials to class

## **DISCIPLINARY PROCEDURES FOR ELEMENTARY SCHOOLS- PK-5-CONT'D**

4. Use of cell phones in the school building during school hours
5. Other infractions as determined by the principal
6. Eating/Drinking (non-water beverages, including flavored water) in the classroom or common areas.
7. Other minor infractions which interfere with the orderly operation of the classroom or other school functions as determined by the principal.

Disciplinary Action:

1st Offense: Verbal warning: redirect student; restate expectation rule.

2<sup>nd</sup> Offense: Loss of privilege; and/or student conference; and parent contact

3<sup>rd</sup> Offense: Classroom detention (parental contact required), parent/student/teacher conference

### **B. CLASS II - Intermediate Infractions**

1. Multiple level 1 infractions– Four (4) or more consecutive level 1 infractions
2. Leaving class without permission
3. Skipping class
4. Use of profane or obscene language and/or gestures including any slur, innuendo or other verbal harassment directed toward a student's race, religion, gender, or disability.
5. Bullying/intimidation/harassment (non-sexual)
6. Willful possession of stolen property
7. Libelous/Slandorous statements (Example, Spreading rumors in written or spoken communication)
8. Disruption of class
9. Offensive hitting and touching of another student
10. Continued cheating
11. Unauthorized assembly
12. Use or possession of lighter or matches
13. Other intermediate infractions which interfere with the orderly operation of the classroom or other school functions as determined by the principal

Disciplinary Action:

1st Offense: Parent contact, detention, and/or in-school suspension. Specific infractions may warrant suspension for 1 to 2 days. Specific infractions may warrant disciplinary actions outlined for subsequent offenses.

Subsequent Offenses: Disciplinary actions may include parent/guardian conference, detention, in-school suspension, recommendation for counseling, corporal punishment, and out-of-school suspension.

The principal may assign other consequences subject to school board policy and state board rule.

## DISCIPLINARY PROCEDURES FOR ELEMENTARY SCHOOLS- PK-5-CONT'D

### C. CLASS III - Serious Infractions

1. Leaving campus or class without permission
2. Fighting, verbal or nonverbal threat of physical violence, or provoking violence
3. Vandalism or willful property damage
4. Defiance of authority/ disrespect to school board employees
5. Inappropriate physical contact of a sexual mature
6. Gambling - participating in activities of chance for money
7. Stealing/theft
8. Sexual harassment
9. Continued use of profane language and/or gestures including any slur, innuendo or other verbal harassment directed toward a student's race, religion, gender , or disability.
10. Setting off the fire alarm
11. Use and possession of tobacco products. A law enforcement officer may issue a citation to any student who smokes in, on or within 1,000 feet of school property between 6 a.m. and midnight or during school-sponsored activities.
12. Using obscene or profane language and/or gestures toward a school board employee. (mandatory automatic suspension)
13. Accessing the Internet to view and/or viewing pornographic/suggestive material. Printing/distributing pornographic/suggestive materials.
14. Simple possession of a common pocket knife in a pocket in clothing on one's person. A common pocket knife shall be a knife with a blade less than four inches in length, which folds into the handle and is designed to be carried in a pocket.
15. Other serious infractions which interfere with the orderly operation of the classroom or other school functions as determined by the principal

#### Disciplinary action:

1st Offense: Specific disciplinary actions, depending on the circumstances, may range from parent/guardian conference, detention, in-school suspension, corporal punishment, to out-or-school suspension . Specific infractions may warrant disciplinary actions outlined for subsequent offenses. Parent conferences are essential for Class III offenses.

Subsequent Offenses: Disciplinary actions may include parent-principal conferences, detention, in-school suspension, out-of school suspension, corporal punishment, psychological assessment, and recommendation for counseling

The principal may assign other consequences subject to school board policy and state board rule.

## DISCIPLINARY PROCEDURES FOR ELEMENTARY SCHOOLS- PK-5-CONT'D

### D. CLASS IV - Major Offenses

1. Drugs - Use or possession of illegal drugs, drug paraphernalia (as defined in Chapter 893, F.S.), including the transfer and sale of drugs and drug paraphernalia, or any substance, excluding food items, with a potential for abuse which might create a hazard to the user's health and/or the health and safety of another.
2. Alcohol - Unlawful and unauthorized use, transfer, possession, and sale of alcoholic beverages on school grounds or at school - sponsored functions.
3. Possession of and/or use of weapons and firearms as outlined in Section 790.115, F.S. - ammunition or explosives, exhibiting, using, carrying or, discharging any weapon or firearm, exhibiting any knife, including a common pocket knife as defined above in section VIII. 12 of this code, sword, sword cane, box cutter, razor, electric weapon or device, destruction device, ammunition or explosives, or other weapon in a rude, careless, angry, or threatening manner on the grounds or facilities of any school, school bus, or school stop. Any student who possesses any weapon, firearm, gun, pistol, sword, sword cane, knife (not including a common pocket knife as defined above in Section VIII. 12 of this code), box cutter, razor, electric weapon or device, destructive device, ammunition or explosives, or any other item intended as a weapon, on the school grounds, or brings such items into any school building, or on a school bus or at any school sponsored activity or who has such items on his/her person or in an automobile or other vehicle parked on the school grounds or adjacent thereto, shall be suspended and will receive an automatic ten day suspension by the principal and will be recommended for expulsion by the board. In all cases regarding firearms, the Board will be notified at the time of suspension. Any student who brings a firearm or weapon such as a razor, bomb, grenade or any item intended to cause bodily injury to school shall be referred to law enforcement and the Juvenile Justice System.
4. Assault or threat of physical violence or battery on school board employee - Unlawful and intentional striking of a school board employee or causing bodily injury or the threat of physical injury. Any student found to have committed a violation of section 784.081, F. S., (assault on any elected official or employee of the school district) shall be expelled or placed in an alternative school setting or other youth services or juvenile justice program, as appropriate.
5. Sexual acts - Act of sexual nature including but not limited to rape, battery, attempted rape, indecent exposure and sexual contact.
6. Arson - Intentional and malicious burning of any part of a building or school grounds or contents.
7. Kidnapping or Abduction - Forcibly, secretly, or by threat, confining, abducting, or imprisoning another person against their will and without lawful authority , with intent to:
  - (a) hold for ransom or reward or as a shield or hostage;
  - (b) commit or facilitate commission of any felony;
  - (c) inflict bodily harm upon or to terrorize the victim or another person; or
  - (d) interfere with the performance of any governmental or political function (F.S. 787.01 (1)(a)(1-4).
8. Homicide - (murder, manslaughter) - Murder - the unlawful killing of a human being (F.S. 787.04); and manslaughter - the killing of a human being by the act, procurement, or culpable negligence of another, without lawful justification (F.S. 787.07).

## DISCIPLINARY PROCEDURES FOR ELEMENTARY SCHOOLS- PK-5-CONT'D

9. Armed Robbery - The taking of money or other property which may be the subject of larceny from the person or custody of another, with intent to either permanently or temporarily deprive the person or the owner of the money or other property, when in the course of the taking there is the use of force, violence, assault, or putting in fear; with the use of a firearm or other deadly weapon (F.S. 812.13 (1)&(2)(a).
10. Burglary of school property - Breaking, unauthorized entering or remaining in a school facility to steal and/or cause damage to property.
11. Bombs/explosives - Possessing and igniting on school grounds or in school facilities any bombs or explosives to cause bodily injury and/or damage to property.
12. Grand theft - Unlawful and intentional taking of property valued at \$100 or more and in unlawful custody of another.
13. Making a threat or false report involving school or school personnel's property, school transportation, or school sponsored activities as stated in F.S. 790.162; 790.163.
14. Other major infractions which threaten the health, safety, or property of one's self or others and significantly disrupts the orderly conduct of a school or school function as determined by the principal.

### Disciplinary Action:

1st Offense: Mandatory suspension; notification of proper authorities and superintendent; parental notification and mandatory parent conference; and/or consideration of recommendation for an expulsion hearing.

**NOTE: School agencies cannot suspend/expel students with disabilities for more than 10 days on the basis of behavior that is caused by their disabilities.**

## DISCIPLINARY PROCEDURES FOR SECONDARY SCHOOLS - 6-12

### STUDENT DRESS CODE FOR SECONDARY SCHOOL (6-12)

Students in the following Franklin District Schools are required to wear school shirt uniforms:  
(Please contact your child's school to purchase shirts.)

<u>Franklin County School-East</u>	(9-12)	697-3815
<u>Franklin County School-West</u>	(6-12)	653-8857

- School uniform must be visible at all times.
- No alterations will be allowed which would modify or change the appearance of the school shirt.
- Exemptions to wearing the school uniform are:
  - a) an allergic reaction verified by a medical doctor,
  - b) a religious observance, or
  - c) a special event authorized by the principal
- Exemptions must be approved in writing by the Principal.

Students should not dress in clothes that are so revealing as to be considered inappropriate or not limited to, the following:

1. No clothing shorter than three (3) inches above the knee
2. No baggy pants with or without a belt, or pants which fit below the waist
3. No over-sized shirts including school shirts and jerseys.
4. No braless attire
5. No bare feet
6. No sandals in vocational or physical education classes (for safety reasons)
7. No headgear, including hats, bandanas, hoods, or sweatbands
8. No items of apparel which indicate gang membership or clothing with writing or symbols which convey messages which by its controversial nature disrupts the educational setting, or promotes drugs, alcohol, sex, profanity, vulgarity or other similar concepts which are contrary to acceptable standards for behavior and attitudes.
9. No wallet chains or other inappropriate chains
10. No exposed underwear (including shorts worn as underwear)
11. No pajamas or bedroom slippers

DRESS CODE PROCEDURES MUST BE FOLLOWED DAILY THROUGHOUT THE SCHOOL YEAR. A PRIOR WRITTEN REQUEST MUST BE SUBMITTED TO THE PRINCIPAL OR PRINCIPAL'S DESIGNEE FOR APPROVAL FOR EXCEPTIONS TO THE DRESS CODE FOR SPECIFIC FUNCTIONS SUCH AS FIELD TRIPS OR OTHER SPECIAL EVENTS.

## DISCIPLINARY PROCEDURES FOR SECONDARY SCHOOLS- 6-12 CONT'D

**A. CLASS I – SECONDARY SCHOOL (6-12) Minor Infractions will be handled in the classroom/common areas using school-wide discipline plan. Minor infractions include, but are not limited to:**

1. Violation of dress code
2. Non-Compliance
3. Failure to bring materials to class
4. Eating/drinking (non-water beverages, including flavored water) in the classroom or common areas
5. Other minor infractions which interfere with the orderly operation of the classroom or other school functions as determined by the principal

**CONSEQUENCES FOR CLASS I INFRACTIONS:**

**Disciplinary Action:**

- 1<sup>ST</sup> Offense: Verbal warning; redirect student; restate expectation rule  
2<sup>nd</sup> Offense: Loss of privilege; and/or student conference; and parental contact  
3<sup>rd</sup> Offense: Classroom detention (parental contact required), parent/teacher confer

Other consequences deemed appropriate by the principal subject to school board policy and state board rule.

**B. CLASS II - Intermediate Infractions**

1. Multiple Class 1 infractions – Four (4) or more consecutive Class I infractions
2. Skipping class or lunch period
3. Leaving class without a pass from the teacher or administrator
4. Use or possession of electronic devices such as telephone pagers and laser pointers (tape recorders may only be used for educational purposes and must be approved by the teacher)
5. Violation of school parking regulations
6. Disruption of class; distraction of other students or the teacher
7. Fighting: Minor physical contact between two or more students which is harmful or disruptive; instigating or encouraging a fight.
8. Forgery: Writing a note with the intent of misleading a staff member. Signing or allowing others to sign your parent, teacher or other staff member's name to a school paper.
9. Use or possession of lighter or matches
10. Other intermediate infractions which interfere with the orderly operation of the classroom or other school functions as determined by the principal

## DISCIPLINARY PROCEDURES FOR SECONDARY SCHOOLS- 6-12- CONT'D

### CONSEQUENCES FOR CLASS II INFRACTIONS:

#### Disciplinary Action:

1st Offense: Parent contact, detention, in-school suspension, and/or recommendation for counseling.

Subsequent Offenses: Disciplinary actions may include parent (guardian)/teacher conference, detention, in-school suspension, recommendation for counseling, and/ or corporal punishment. Specific infractions may warrant suspension for 1 to 3 days.

The principal or designee may assign other consequences subject to school board policy and state rule. Other consequences may include, but are not limited to, work detail, Friday evening school, Saturday school, and loss of parking privilege.

### C. CLASS III - Serious Infractions

1. Stealing/theft and/or willful possession of stolen property
2. Leaving campus without permission or permission obtained under false pretenses.
3. Vandalism of school property that would require restitution of over \$25.00
4. Fighting/verbal or non-verbal threat of physical violence or provoking violence
5. Interference or obstruction of school staff carrying out disciplinary interventions.
6. Defiance of authority/disrespect toward a school board employee or supervising adult
7. Inappropriate physical contact
8. Gambling - participating in activities for change or money
9. Sexual harassment
10. Use or possession of tobacco products - A law enforcement officer may issue a citation to any student who smokes in, on or within 1,000 feet of school property between 6 a.m. and midnight or during school sponsored activities
11. Use of profane, obscene, or abusive language or gesture including any slur, innuendo or other verbal harassment directed toward a student's race, religion, gender, or disability.
12. Libelous/slanderous statements (ex: spreading or writing untrue rumors in written or spoken communication)
13. Bullying, intimidation, harassment, or hazing.
14. Simple possession of a common pocket knife in a pocket in clothing on one's person. A common pocket knife shall be a knife with a blade less than four inches in length, that folds into the handle and is designed to be carried in a pocket.
15. Use of cell phone on school campus during school hours including text messaging. Cell phones must be turned off, stored in the student's backpack, pocket, purse, locker, or vehicle. Camera phones are prohibited from school. Cell phones that are seen or heard will be confiscated. Parents will be required to pick up them up.
16. Other serious infractions which interfere with the orderly operation of the classroom or other school functions as determined by the principal

## DISCIPLINARY PROCEDURES FOR SECONDARY SCHOOLS- 6-12-CONT'D

### CONSEQUENCES FOR CLASS III INFRACTIONS:

#### Disciplinary Action:

1st Offense: Specific disciplinary actions, depending on the circumstances may range from parent/guardian conference, detention, in-school suspension, corporal punishment, to out-of-school suspension. Specific infractions may also warrant disciplinary actions outlined for subsequent offenses. Parent conferences are essential for Class III offenses.

Subsequent Offenses: Disciplinary actions may include parent-principal conferences, detention, in-school suspension, out-of school suspension, corporal punishment, psychological assessment, and individual counseling.

The principal may assign other consequences subject to school board policy and state rule. Other consequences may include, but are not limited to, work detail, Saturday detention, after-school detention, and lunch detention.

#### D. CLASS IV - Major Offenses

1. Making a threat or false report involving school or school personnel's property, school transportation, or school sponsored activity, as stated in F.S. 790.162, and 790.163 (i.e. setting off a fire alarm).
2. Using obscene or profane language and/or gestures including any slur, innuendo or other verbal harassment directed toward a school board employee or supervising adult's race, religion, gender, or disability.
3. Accessing the internet to view and/or viewing pornographic or suggestive material.
4. Drugs - use or possession of illegal drugs, drug paraphernalia (as defined in chapter 893, F.S.), including the transfer and sale of drugs and drug paraphernalia, or any substance, excluding food items, with a potential for abuse which might create a hazard to the user's health and/or the health and safety of another.
5. Alcohol - unlawful and unauthorized use, transfer, possession, and sale of alcoholic beverages on school grounds or at school-sponsored functions.
6. Possess, display, transmit, or threateningly use a weapon, or such object, which is utilized as, or is intended to function as a weapon while the student is on school property, in attendance at a school function, in a school vehicle, or at a school bus stop. For use in this policy, weapons shall include but not be limited to the following: air rifle, BB or pellet gun, brass knuckles, club, explosive device (no matter how limited), ice pick, incendiary device, knife, laser pointer, machete, needle(s), nunchakus, pistol, razor, razor blade, rifle, self-defense sprays (such as mace or pepper gas), shotgun, sling shot, spear, stun gun, sword, zip gun, or any other object that can reasonably be considered a weapon. s. 790.115, F. S. Exceptions may be made only in an authorized and supervised school-sponsored activity or program with the prior approval of the Superintendent.
7. Assault or threat of physical violence or battery on school board employee. Unlawful and intentional striking of a school board employee or causing bodily injury or the threat of physical injury. Any student found to have committed a violation of section 784.081, F. S., (assault on any elected official, or employee of the school district) shall be expelled or placed in an alternative school setting or other youth services or juvenile justice program, as appropriate.

## DISCIPLINARY PROCEDURES FOR SECONDARY SCHOOLS - 6-12-CONT'D

8. Serious battery on a student that may result in severe bodily harm to an individual.
10. Sexual acts - Act of sexual nature including but not limited to rape, battery, attempted rape, indecent exposure, and sexual contact.
11. Arson - Intentional and malicious burning of any part of a building or school grounds or contents.
12. Kidnapping or Abduction - Forcibly, secretly, or by threat, confining, abducting, or imprisoning another person against their will and without lawful authority, with intent to:
  - (1) hold for ransom or reward or as a shield or hostage;
  - (2) commit or facilitate commission of any felony;
  - (3) inflict bodily harm upon or to terrorize the victim or another person; or
  - (4) interfere with the performance of any governmental or political function (F.S. 787.01(1)(a)(1-4).
13. Homicide - (murder, manslaughter) - Murder - the unlawful killing of a human being (F.S. 787.04); and manslaughter - the killing of a human being by the act, procurement, or culpable negligence of another, without lawful justification (F.S. 787.07).
14. Armed Robbery - The taking of money or other property which may be the subject of larceny from the person or custody of another, with intent to either permanently or temporarily deprive the person or the owner of the money or other property, when in the course of the taking there is the use of force, violence, assault, or putting in fear; with the use of a firearm or other deadly weapon (F.S. 812.13 (1)&(2)(a).
15. Burglary of school property - Breaking, unauthorized entering or remaining in a school facility to steal and/or cause damage to property.
16. Bombs/explosives - Possessing and igniting on school grounds or in school facilities any bombs or explosives to cause bodily injury and/or damage to property.
17. Grand theft - Unlawful and intentional taking of property valued at \$100 or more and in unlawful custody of another.
18. Other major infractions which threaten the health, safety, or property of one's self or others and significantly disrupts the orderly conduct of a school or school function as determined by the principal.

### MINIMUM CONSEQUENCES FOR CLASS IV INFRACTIONS

- 1st Offense: Mandatory automatic 10 day suspension; notification of proper authorities and superintendent; parental notification and mandatory parent conference; and/or consideration of recommendation for an expulsion hearing.

**NOTE: School agencies cannot suspend/expel students with disabilities for more than 10 days on the basis of behavior that is caused by their disabilities. See Section XV for the guidelines for students with disabilities.**

**E. WEAPONS PROHIBITED**

Any student who has or exhibits any gun, pistol, sword, knife, box cutter, razor, or any other item intended as a weapon, on the school grounds, into any school building, or on a school bus or at any school sponsored activity or who has such items on his/her person or in an automobile or other vehicle parked on the school grounds or adjacent thereto, shall be suspended and may be expelled from school. In case of a firearm, the student will receive an automatic ten day suspension by the principal and will be recommended for expulsion by the Board. Any student found to have committed a violation of chapter 790, F. S. shall be expelled or placed in an alternative school setting or other youth services or justice program, as appropriate . In all cases regarding firearms, the Board will be notified at the time of suspension. Any student who brings a firearm to school and/or weapon such as a razor, bomb, grenade, or any item intended to cause bodily injury shall be referred to law enforcement and the Juvenile Justice System.

*“Notice that any student who is determined to have brought a firearm, as defined in 18 U.S.C. s. 921, to school, any school function, or on any school-sponsored transportation will be expelled, with or without continuing educational services from the student’s regular school for a period of not less than one full year and referred for criminal prosecution.”*

**F. JUVENILE / COMMUNITY CONTROL**

A juvenile on community control who is a public school student must attend a public adult education program or age-appropriate alternative school unless the principal decides the student may continue in the regular program.

**G. DRUG AND ALCOHOL USE BY STUDENTS**

It is the policy of the Franklin County School Board that the possession, use, sale, distribution, transmittal or handling of alcohol and/or drugs shall not be tolerated. Student use, transmittal and/or possession of drugs, drug paraphernalia, as defined in 893, Florida Statutes, or alcohol is unlawful. The use of illicit drugs and the unlawful possession of alcohol are wrong and harmful.

The illegal possession, use, sale, transmittal or handling of alcohol or controlled substances, as defined in Chapter 893, while on campus or in attendance at a school function is grounds for suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed. The student's parent(s) or legal guardian, appropriate law enforcement and the superintendent shall immediately be notified when a student sells, distributes, handles, transfers, possesses or transmits alcohol or illicit drugs. The superintendent shall immediately initiate an investigation. A student who is suspected of using alcohol or drugs shall be referred to proper authorities for verification of evidence, which shall include drug and alcohol testing at board expense. Failure to comply with testing shall be grounds for suspension, expulsion, or other disciplinary action.

- (1) The principal shall suspend a student no more than ten (10) days and make a recommendation to the superintendent disciplinary action. (1006.09 F.S.)
- (2) If the principal suspects that a student is involved in the unlawful possession, use, sale, distribution, transmittal or handling of alcohol, drugs, drug paraphernalia or any

substance as defined under Chapter 893, the principal shall make a detailed report to the superintendent. The superintendent shall forward the report to the School Board by the next School Board meeting.

- (3) All cases involving the possession, illegal use, handling, distribution, transmittal, or sale of drugs or alcohol shall be cause for a School Board expulsion hearing with or without a recommendation of expulsion from the principal. The hearing shall be closed unless requested otherwise by the student's parent(s) or legal guardian.
- (4) A student who is under the influence of a controlled substance as prescribed by a physician licensed by the State of Florida shall not be subject to this Rule.
- (5) School principals shall follow procedures described in State Board of Education Rule 6A-1.0956 when a student is formally charged with a felony, or a delinquent act that would be a felony if committed by an adult, by a proper prosecuting attorney for the unlawful possession or sale of any substance controlled under Chapter 893, Florida Statutes.
- (6) A student who is arrested for a felony for the sale, possession, use or transfer of a controlled substance shall be expelled by the School Board. Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under Chapter 893 may be entitled to a waiver of the discipline or expulsion. Conditions upon which a waiver of the discipline or expulsion may be granted are contingent upon the findings of the School Board. The School Board may discipline or expel a student who possessed or used an illegal substance even if a waiver condition is met. The School Board may grant a waiver of the discipline or expulsion if the student completes the following:
  - a. If he/she divulges information leading to the arrest and conviction of the person who supplied the controlled substance or who voluntarily discloses his/her unlawful possession of such controlled substance prior to arrest. Any information divulged by the student which leads to such arrest and conviction is not admissible in evidence in a subsequent criminal trial against him/her; or,
  - b. If 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, upon receiving notice of the successful completion of the program, the superintendent shall notify the School Board (Appendix I). The School Board may continue the expulsion proceedings if the student does not complete the drug abuse program.
- (7) Any recommendation for the expulsion of a handicapped student shall be pursuant to State Board of Education Rules. In no case shall the School Board cease the educational and related services for a student with disabilities.
- (8) School Board employees shall report, in good faith, to the principal or designee any suspected unlawful use, possession or sale by a student of any controlled substance as defined in Section 893.02, Florida Statutes; any counterfeit controlled substance as defined in Section 831.31, Florida Statutes; any alcoholic beverage as defined in Section 561.01, Florida Statutes; or model glue.

- a. Only the principal or designee shall contact the parent(s) or legal guardian of a student regarding the situation.
- b. School Board employees who report any suspected unlawful use, possession or sale by a student shall be exempt from civil liability.  
Information on drug and alcohol counseling and rehabilitation may be obtained from the following:

Life Management Center.....(850) 229-1145  
 Department of Children and Families.....229-6963  
 Apalachee Center.....653-9744  
 Alcohol and Drug Hotline.....1-800-ALCOHOL  
 Cocaine Hotline.....1-800-COCAINE  
 DISC Village.....(850) 421-4115

Notice: Charges for non-school based services are the responsibility of the individual. (FS 006.09)

**H. ON/OFF CAMPUS FELONIES**

- 1. When a student has been arrested for a felony, or a delinquent act which would be a felony if committed by an adult, which allegedly occurred on or off campus, the student shall be assigned to alternative educational setting pending the filing of formal charges unless the principal determines that the student’s presence on the school grounds or on a school bus does not threaten the order of the school or safety of others. There shall be no interruption of educational services to the student.
- 2. When a student is formally charged with a felony by a proper prosecuting attorney for an incident that allegedly occurred on property other than public school property, the principal or designee shall determine if there may be an adverse impact upon the school that may warrant a suspension of the student or a recommendation for expulsion. Serious incidents that occur off school grounds may result in a recommendation for suspension or expulsion if the presence of the student will substantially disrupt the educational process or endanger the health or safety of other students.
- 3. If the student is not subsequently adjudicated delinquent or found guilty, the suspension shall be terminated immediately.

**I. HAZING**

- 1. “Hazing” is defined as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student at a high school for purposes, including but limited to initiation or admission into or affiliation with any organization operating under the sanction of a high school. Hazing includes pressuring a student into violating any law, any physical brutality, forced consumption of any food, liquor, drug or other substance, or other forced physical activity, etc.
- 2. Hazing is punishable as a third degree felony when a person intentionally or recklessly commits any act of hazing upon a person who is a member of or an applicant to any type

of student organization and the hazing results in serious bodily injury or death. Hazing is punishable as a first degree misdemeanor when a person intentionally or recklessly commits any act of hazing upon a person who is a member of an applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death. As a condition of any sentence imposed for hazing, the defendant must complete a 4-hour hazing education course and may also have imposed a condition of drug or alcohol probation.

## **IX. PROHIBITION OF SEXUAL HARASSMENT**

The School Board forbids discrimination against any student on the basis of sex. The Board will not tolerate sexual harassment activity by any of its students.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when such conduct substantially interferes with a student's academic performance, or creates an intimidating, hostile, or offensive school environment.

Sexual harassment, as defined above, may include but is not limited to the following:

- a. verbal harassment or abuse;
- b. pressure for sexual activity;
- c. repeated remarks to a person with sexual or demeaning implications;
- d. Unwelcome or inappropriate touching;
- e. Suggesting or demanding sexual involvement accompanied by implied or explicit threats.
- f. Indecent Exposure

### **Specific Prohibition**

It is sexual harassment for a student to subject another student to any unwelcome conduct of a sexual nature. Students who engage in such conduct shall be subject to sanctions as described below.

### **Procedures**

Any student who alleges sexual harassment by another student may use the student grievance procedure or may complain directly to the building principal. Filing of a complaint or otherwise reporting sexual harassment will not affect the student's status, extracurricular activities, future grades or work assignments.

The right to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The Superintendent or designee has the responsibility of investigating and resolving complaints of sexual harassment.

A substantiated charge against a student shall subject that student to disciplinary action, including but not limited to suspension or expulsion, consistent with the Code of Student Conduct.

Specific Authority: F. S. 1006.07

Law Implemented: F. S. 1000.05

## **X. SUSPENSION PROCEDURES - SCHOOL BOARD POLICY**

### 4.361 Statutory Requirements

The principal may suspend a student in accordance with the law and Code of Conduct. Under no circumstances may a teacher suspend a pupil from school or class. F.S. 1001.54, 1006.09, 1003.32.

### District Policy

The administrative head or principal of a school may suspend a pupil for reasons described in the Code of Conduct. Each suspension, with the reasons therefore, shall be reported immediately in writing to the parents and to the superintendent. No suspension shall be for more than ten (10) days, and no suspension shall be made a dismissal unless ordered by the board after considering the superintendent's recommendation.

F.S. 1006.09.

In handling cases of suspension, the school principal shall adhere to the following:

1. Investigate incident or actions of the person involved and, if possible, he/she should have an opportunity to present his/her side of the issue.
2. Principals and/or designees are required to make a good faith effort to inform a student's parent or guardian immediately of a student's suspension and the reasons for the suspension. Each out-of-school suspension and the reasons for the suspension shall be reported in writing within 24 hours to the superintendent and parent. The principal or designee shall also notify the parent and student, in writing, of the specific charges against him/her and of his/her right to a conference with the principal or designee at a scheduled time to discuss and review the alleged disciplinary infraction and disciplinary action.
3. Allow sufficient time between the notice and the conference to enable the parent or student to prepare an adequate explanation or defense. If, however, the suspension is for a period of time in excess of three (3) days, the parent or student should be afforded the right to a conference prior to the expiration of the third day. In cases of suspension for periods of three (3) days or less, the timing of the conference is not as critical since the Courts have held that "due process does not require a hearing every time a student is sent home from school or suspended for a short period of time." (Murray vs. West, Baton Rouge Parrish School. Fifth Circuit Court of Appeals, Case 72.1871.)

4. The conference shall be conducted by the principal or his designee in a fair impartial manner, affording the student the right to present his side of the issue and to offer any evidence or testimony that he might wish.
5. Following the conference, the principal shall provide the student and parent with his/her decision, either canceling, modifying, or affirming the original suspension.
6. In the event of a decision adverse to the student, the parent and student shall also be notified of the right to appeal to a higher authority for review the superintendent or his/her designee.
7. A student may be suspended without alternative measures being attempted if the student commits a serious breach of conduct. A serious breach is defined as any action that seriously detracts from or disrupts the controlled operation of the school. Such breaches include but are not limited to the following:
  - a. gross and/or willful defiance and/or disrespect
  - b. causing a dangerous situation to self or others
  - c. use/possession of controlled substances on campus
8. In the event evidence is presented at the conference that results in the suspension of student being canceled, all student records shall be expunged of the disciplinary action.
9. In cases where a student has been charged with a felony for possession or sale of drugs, the principal shall adhere to Florida Statutes. F.S. 1001.54, 231.26
10. Based on s. 984.13, F.S., a law enforcement officer may take a child who is absent without authorization from school or is suspended or expelled and is not in the presence of his or her parent or legal guardian into custody and deliver the child to the appropriate school system site. If the child is suspended or expelled and is not assigned to an alternative school placement, then the law enforcement officer shall deliver the child to the parent or guardian or to a location determined by the parent or guardian.
11. A student who has been suspended from school is not allowed on school grounds without prior authorization from the Principal or the Principal's designee. If a student is found on school grounds without prior authorization, local law enforcement officials will be contacted to remove the student from school grounds and a trespass warning may be issued. Principals and/or designees shall include this information in the suspension letter to parents.
12. Suspended for More than 20 Days During the School Year.

Any student who has been suspended for more than twenty (20) days within the school year will be considered guilty of persistent misbehavior and may be recommended for expulsion by the principal. However, after meeting with the parent(s) [guardian], if the principal determines the student appears to deserve another chance, the principal may place the student on strict probation for the remainder of the school year. If the student commits any further offenses warranting suspension, he/she shall be recommended for expulsion.

**See section XV for suspension guidelines for students with disabilities.**

**XI. EXPULSION PROCEDURES** (Guidelines for Students with Disabilities begin in Section XV)

1. At the time the superintendent determines that a recommendation for expulsion is transmitted to the board, notice must be made in writing to the student involved and his/her parent. If the student is accused of breaking a written school rule, that rule should be stated in the notice. If no particular written school rule was broken, a detailed explanation of the school policy that was offended should be included in the notice. In addition, the student's notice should contain a brief description of the alleged conduct that necessitated the initiation of disciplinary procedures.
2. The notice shall further advise the student of his right to a hearing prior to any final action being taken and the schedule of time to be observed in making such a request for hearing. A sufficient length of time shall be allowed before the hearing to allow the student to prepare a proper defense and to respond intelligently to the charges. Failure of the student to request a hearing shall relieve the board of the necessity of providing a hearing prior to taking final action.
3. The hearing, if requested by the student, shall be conducted as follows:
  - a. The entire hearing by the board must be conducted in a closed session, unless requested otherwise by the student's parent(s) or legal guardian.
  - b. The student shall be afforded the right to be represented by his parent, guardian, or by counsel if he so chooses.
  - c. All parties shall be afforded the right to examine evidence, to call and examine witnesses, to introduce exhibits, to question witnesses who testify, and to submit rebuttal evidence.
  - d. Evidence shall be admitted and given probative effect only if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs.
  - e. Any party should, at his own expense, have the right to record or have transcribed the proceedings of the entire hearing.
  - f. The decision of the board shall be based solely upon the evidence presented at the hearing, and a copy of the finding shall be furnished the student in writing.

NOTE: Read Expulsion of Students/Policy File: JKE.

4. A student who has been expelled from school is not allowed on school grounds without prior authorization from the Principal or the Principal's designee. If a student is found on school grounds without prior authorization, local law enforcement officials will be contacted to remove the student from school grounds and a trespass warning may be issued. Principals and/or designees shall include this information in the expulsion letter to parents.
5. Based on s. 984.13, F.S., a law enforcement officer may take a child who is absent without authorization from school or is suspended or expelled and is not in the presence of his or her parent or legal guardian into custody and deliver the child to the appropriate

school system site. If the child is suspended or expelled and is not assigned to an alternative school placement, then the law enforcement officer shall deliver the child to the parent or guardian or to a location determined by the parent or guardian.

## **XII. SCHOOL BUS CODE**

General Provision:

Students transported at public expense must have the responsibilities provided for in this article.

Relationship to driver:

Students transported at public expense must:

1. Walk on the left facing traffic to the bus stop and stay off the roadway at all times while waiting for the bus.
2. Wait until the bus comes to a complete stop before attempting to get on or off the bus.
3. Enter or leave the bus only at the front door after the bus has come to a stop, except in cases of an emergency.
4. Cross the highway, if necessary, in the following manner:
  - a. Make certain that the bus is stationary.
  - b. Upon the signal of the driver, look both ways (left and right) and proceed across the highway.
5. Keep head and hands inside bus windows at all times.
6. Leave the bus only with the consent of the driver.
7. Be as silent as possible while in route to school, home, or other trips.
8. Throw no objects, paper or other material, in or out of the bus at anytime.
9. Keep the aisle and step wells clear at all times.
10. Take no sharp instruments aboard the bus.
11. Take no food, gum, ice cream or drinks aboard the bus.
12. Do not tamper with door handles and other safety equipment at any time unless told to do so by the driver.
13. Do not cut, scratch, write on, or otherwise mar or deface any part of the bus.
14. Do not smoke or chew tobacco products.

15. Observe Code of Conduct rules, except for normal talking.

Disciplinary Action:

1st Offense: Warning - parent contact - notice mailed to parent.

2nd Offense: Driver - parent - student - principal conference; 1 - 3 day suspension if warranted.

3rd Offense: Parent - student - principal conference; and/or 3 - 5 day suspension.

Guidelines for students with disabilities begin in Section XV, and are in accordance with state and federal statutes.

**XIII. STUDENT GRIEVANCE PROCEDURE**

A. If a student, parent or guardian believes the student's rights and responsibilities have been violated, the following steps may be used to resolve the grievance:

**Informal Resolution** If the student believes there is a basis for a complaint, he or she shall discuss the complaint with his or her immediate teacher or a school administrator in a courteous manner other than regular class time.

The student may seek the assistance of other school personnel, or his/her parents in mediating the dispute.

If an initial complaint about a school level problem is made at the district office or to the School Board, it shall be referred back to the principal or site administrator.

**Level One:** If the student is not satisfied with the informal resolution, he or she may present the complaint to the school principal or designee who shall assist the student in completing the appropriate form (See Appendix E Complaint Form). The principal or designee shall inform the affected person of the charge and shall investigate the complaint. The school principal shall render a written decision including all supporting reasons and evidence within five (5) school days after receiving the written grievance.

**Level Two:** The student may submit a written appeal of the Level One decision to the superintendent or designee. The Level Two appeal shall be filed in writing within ten (10) school days after receiving the principal's decision and shall be accompanied by copies of the original written grievance and all previous supporting statements, evidence and decisions.

The superintendent or designee shall evaluate the evidence and render his/her decision within ten (10) school days after receiving the appeal.

Level Three: Such written appeal shall be filed with the School Board within ten school days after the receipt of the superintendent or designee's decision and a copy shall be directed to the superintendent. The School Board shall thereafter, and no later than thirty (30) days from the date the appeal was filed, hold a hearing on the matter.

The School Board's decision in the matter shall be rendered at the next regular School Board meeting after the hearings. If the student is not satisfied with the School Board's decision, he/she may appeal the case to court.

B. Hearings, Decisions and Right to Counsel - The complainant shall be given the opportunity to present and to be heard at each of the three (3) grievance levels.

- (1) The right of representation by counsel of any kind, other than parents, shall begin only at Level Two.
- (2) All decision at each level, beginning with school principals, shall be in writing and shall include supporting reasons. Copies of all decision and recommendations shall be furnished promptly to all parties involved in the grievance.

C. The Florida Educational Equity Act prohibits discrimination against students (F.S. 1000.05). No person shall, on the basis of race, religion, ethnicity, national origin, gender, disability, or marital status, be denied receipt of services, participation in school activities or access to programs if qualified to receive such services. Any student who believes he or she has been discriminated against may file a complaint (Appendix E) in accordance with Student Discrimination and Grievance Procedures listed in this Code of Conduct to the District Equity Coordinator, Franklin County School District, 155 Ave. E, Apalachicola, FL, 32320, (850)653-8811.

Records of all grievance proceedings, including the School Board's decision, shall be maintained as public record according to Florida Statutes and School Board Rules. However, any student who wishes the proceedings of complaint to be entered into his/her school records shall file a written request with the school principal requesting such action.

#### **XIV. SPECIFIC DEFINITIONS**

##### **1. Corporal Punishment**

Corporal punishment is the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rules. A witness must be present when corporal punishment is administered.

2. Assignment to Detention

Assignment to detention is time spent beyond the school day by the student in a specific location on the school campus with specific assignments.

On occasion, a principal may determine that, in the best interests of the student, alternative and equivalent assignments may serve better as a corrective measure than might the formal detention. Such assignments may be made as agreed upon by the principal and the student.

3. Suspension

Out of school suspension is the temporary removal of a student from all classes of instruction on the school grounds and all other school sponsored activities, except as authorized by the principal or the principal's designee, for a period not to exceed ten (10) school days.

In school suspension is the temporary removal of a student from the student's regular school program and placement in an alternative program for a period not to exceed ten (10) school days. Specific assignments are given to students while serving in school suspension.

Parent notification procedures must be followed. The principal is responsible for parent notification. In school suspension is authorized by the school principal.

There is considerable flexibility in the use of these responses to student misconduct. Schools have varied the length and conditions of detention and suspension as well as assignments based on factors such as the seriousness of the misconduct.

4. Expulsion

Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the school board, and State Board Rules.

(See District Policy 5.34 "Expulsion of Students")

The Franklin County School Board has the authority to honor the FINAL ORDER of EXPULSION OR DISMISSAL of a student by any instate or out-of-state public or private school, or developmental research school, for an act which would have been grounds for expulsion according to the district's Code of Conduct.

5. Skipping

Skipping is a student reporting to campus but being subsequently missing from his assigned area.

6. Alternative Measures for Students with Special Needs

Alternative measures for students with special needs are measures designed to meet the

special needs of a student that cannot be met by regular school curricula, including, but not limited to, student services, parent conferences, physical examinations, remedial techniques, and educational alternatives; and properly supervised activities relating to the upkeep and maintenance of school facilities notwithstanding the provisions of Chapter 450 to the contrary.

7. Habitually Truant

The student has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the student's parent or legal guardian and who is subject to compulsory school attendance under 1003.21, and is not exempt under 1003.21, 1003.24, or any other exemptions specified by the State Board of Education.

## **XV. GUIDELINES FOR STUDENTS WITH DISABILITIES**

For students whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions, strategies, and supports to address that behavior must be considered in the development of the student's individual educational plan.

### **A. Definitions:**

1. Change of placement. For the purposes of removals of student with a disability from the students' current educational placement, a change of placement occurs when:
  - a. The removal is for more than 10 consecutive school days; or,
  - b. A series of removals which constitutes a pattern because the removals cumulate to more than ten (10) school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.
2. Controlled substance. A controlled substance is a drug or other substance identified through the Controlled Substances Act, 21 U.S.C. 812(c), and s. 893.02, F.S.
3. Weapon. A weapon is defined in s. 790.001 (13), F.S., and includes a dangerous weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. Penalties for possessing or discharging weapons, (including a sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon, including razor blade, box cutter, or knife, except as authorized in support of school sanctioned activities) are found in s. 790.115, F.S.
4. Individual Education Plan (IEP) team. An IEP team must meet the requirement specified in the provisions for an Individual Educational Plan for Students with Disabilities section of this document.
5. Manifestation determination. A manifestation determination examines the relationship between the student's disability and specific behavior that may result in disciplinary action.

6. Interim alternative educational setting. An interim alternative educational setting (IAES) is a different location where educational services are provided for specific time period due to disciplinary reasons.
7. Expedited due process hearings. Expedited due process hearings may be held at the request of either the parent or the school district regarding disciplinary actions. These hearings must meet the requirements prescribed in subsection (5) of Rule 6A-6.03311, FAC, except that the written decision must be mailed to the parties within forty-five (45) days of the school district's receipt of the parent's request or the filing of the district's request for the hearing without exceptions or extensions.
8. Short term removals. A short term removal is the removal of a student with a disability for a total of ten (10) days or less in a school year does not constitute a change in placement as defined above in (1).
9. Long term removals. A long term removal is the removal of a student with a disability for more than ten days in a school year that may or may not constitute a change in placement as defined in paragraph (1) above.

**B. Authority of school personnel**

Consistent with the district's Code of Student Conduct and to the extent removal would be applied to students without disabilities, school personnel may order.

1. The removal of a student with a disability from the student's current placement for not more than ten (10) consecutive school days.
2. Additional removals of a student with a disability of not more than ten (10) consecutive days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change in placement as defined in paragraph (1) above.

**C. Manifestation determination**

A manifestation determination, consistent with the following requirements, must be made any time disciplinary procedures result in a change of placement.

1. The IEP team and other qualified personnel:
  - a. Considers all relevant evaluation and diagnostic information including information supplied by the parents of the student, observations of the student, the student's IEP and placement, and any other relevant information, then
  - b. Determines, in relationship to the behavior subject to disciplinary action:
    - (1) Whether the student's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's IEP and placement;
    - (2) whether the student's disability impaired the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and
    - (3) whether the student's disability impaired the student's ability to control the behavior subject to disciplinary action.

2. If the IEP team and other qualified personnel determine that the student's behavior was not related to the disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities. However, services must be provided.
3. With the exception of placement in an interim alternative educational setting, as in section F, if the IEP team determines the student's behavior was related to the disability, the student cannot be placed by school personnel in another setting unless the IEP team determines that it is the most appropriate placement.
4. If the IEP team and other qualified personnel determine that any of the requirements of subparagraph C(1)(b) above were not met, the behavior must be considered a manifestation of the student's disability.
5. The review described in paragraph C(1) may be conducted at the same IEP meeting that is required by paragraph D(4) below.
6. Any deficiencies in the student's IEP or placement or in their implementation identified during the manifestation determination must be remedied immediately.
7. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may request an expedited due process hearing as described in subsection G.

**D. Long term removals**

For all such removals:

1. The school district must notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards as required in Rule 6A-6.03311, FAC., on the same day as the date of the removal decision;
2. An IEP meeting must be held within ten (10) school days of the removal decision in order to perform a manifestation determination review as described in subsection C, above;
3. Services consistent with subsection E, below must be provided;
4. Either before or not later than ten (10) business days after either first removing the student for more than ten (10) school days in a school year or beginning with a removal that constitutes a change in placement:
  - a. If the school district did not conduct a functional behavioral assessment (FBA) and implement a behavior intervention plan (BIP) before the behavior that resulted in the removal, the IEP team must meet to develop an assessment plan.

- b. If the student has a BIP, the IEP team shall meet to review the plan and its implementation and modify the plan and its implementation as necessary to address the behavior.
5. As soon as practicable after developing the assessment plan and completing the FBA, as prescribed in paragraph D, 4, above, the IEP team must meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions.
6. If subsequently, a student with a disability who has a BIP and who has been removed from the student's current placement for more than ten (10) school days in a school year is subjected to a removal that does not constitute a change in placement as described in paragraph A(1) above;
  - a. The IEP team members shall review the BIP and its implementation to determine if modifications are necessary.
  - b. If one or more of the IEP team members believe that modifications are needed, the IEP team shall notify the plan and its implementation to the extent the IEP team determines necessary.

**E. Free appropriate public education for students with disabilities who are suspended or expelled**

1. A school district is not required to provide services to a student with a disability during short term removals totaling ten (10) school days or less in a school year if services are not provided to students without disabilities during such removals.
2. A school district must provide a free appropriate public education (FAPE) to a student with a disability, consistent with the requirements of this rule, beginning on the eleventh cumulative school day of removal in a school year.
3. A school district must provide services to a student with a disability who has been removed for more than ten (10) school days in a school year to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advanced toward achieving the goals in the student's IEP.
  - a. If the removal is for not more than ten (10) consecutive school days in a school year and is not considered a change in placement, consistent with paragraph A(1) school personnel, in consultation with the student's special education teacher, shall determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the student's IEP goals.
  - b. If the removal is due to behavior that was determined not to be a manifestation of the student's disability, the IEP team shall determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the student's IEP goals.

**F. Interim Alternative Educational Setting (IAES)**

1. The IEP team determines the IAES, unless it is determined by administrative law judge in accordance with paragraph G(3) below.
  - a. The IAES must be selected so as to enable the student to continue to progress in the general curriculum and to continue to receive services and modifications, including those described in the student's IEP that will enable the student to meet IEP goals.
  - b. The IAES must include services and modifications to address the behavior that resulted in the change of placement and that are designed to prevent the misconduct from recurring.
2. School personnel may place a student in an IAES for the same amount of time a student without a disability would be placed, but for not more than forty-five (45) calendar days without the consent of the parent or guardian if the student:
  - a. Carries a weapon to school or to a school function, or
  - b. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
3. School personnel must notify the parent of an IAES placement decision and provide and provide the parent with a copy of the notice of procedural safeguards, consistent with Rule 6A-6.03311, FAC., on the day the placement decision is made.

**G. Expedited hearing**

1. An expedited hearing may be requested:
  - a. By the student's parent if the parent disagrees with a manifestation determination or with any discussion regarding a change in placement.
  - b. By the school district if the school district demonstrates by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others (prior to removal to an interim alternative education setting) during the pendency of a due process hearing or an appeal as prescribed in subsection (5) of Rule 6A-6.03311, FAC.
2. School district personnel may seek subsequent expedited hearings for alternative placements if after the initial forty-five (45) day term has expired, the district maintains the student's dangerous behavior is still likely to result in injury to the student or others.
3. An administrative law judge may order a change in the placement of a student with a disability to an appropriate interim alternative or another educational setting for not more than forty-five (45) days if the administrative law judge, in an expedited due process hearing:
  - a. Determines that the school district has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others;
  - b. Considers the appropriateness of the student's current placement;

- c. Considers whether the school district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
  - d. Determines that the interim alternative educational setting (IAES) that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of subsection F.
4. In reviewing a decision with respect to the manifestation determination, the administrative law judge shall determine whether the school district has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of subsection C.
  5. In reviewing a decision to place a student in an IAES, the administrative law judge shall apply the requirements of subsection F.

**H. Student's placement during proceedings**

1. If a request for a hearing is made to challenge placement in the IAES, the manifestation determination or disciplinary action resulting from the student's involvement with a weapon, illegal drug, controlled substance, or dangerous behavior, the student must remain in the IAES pending the decision of the administrative law judge or until the expiration of the forty-five (45) day time period, whichever occurs first, unless the parent and the school district agree otherwise.
2. If a student is placed in an IAES pursuant to paragraphs F(2) and G(3) and school personnel propose to change the student's placement after expiration of the forty-five (45) day time period, during the pendency of any proceeding to challenge the proposed change in placement, the student must remain in the placement prior to the IAES except as provided in paragraph G(2).
3. Except as specified in paragraph H(2) if the request for a hearing is to challenge the manifestation determination, the student's placement shall be consistent with the requirements of 1003.57, F. S..

**I. Protections for students not yet eligible for special education and related services**

A regular education student who is the subject of disciplinary actions may assert any of the protections afforded to a student with a disability if the school district had knowledge of his or her disability before the misbehavior occurred for which the disciplinary action is being taken.

1. Basis of knowledge. A school district is determined to have knowledge that a student may have a disability if:
  - a. The parent has expressed concerns in writing (or orally, if unable to write) to school district personnel that the student needs special education and related services;
  - b. The behavior or performance of the student demonstrates the need for special education;

- c. The parent has requested an evaluation to determine a need for possible special education services; or
  - d. The teacher of the student or other school district personnel have expressed concern about the student's behavior or performance to the special education director or to other appropriate school district personnel in accordance with the district's child find or special education referral system.
2. Exception. A school district would not be deemed to have knowledge if, as a result of receiving the information specified in subsection I, the school district:
- a. Conducted an evaluation and determined that the student was not a student with a disability; or
  - b. Determined that an evaluation was not necessary; and
  - c. Provided notice to the student's parents of the determination that the student was not a student with a disability as required by Rule 6A-6.03311, FAC.
3. Conditions that may apply if no basis of knowledge
- a. If there is no basis of knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a student without a disability.
  - b. If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. After considering the evaluation results and information provided by the parents, if the student is determined to be a student with a disability, the school district shall provide special education and related services consistent with the requirements of subsection E.

**J. Student records in disciplinary procedures**

School districts shall ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of s. 1002.22, F.S., and Rule 6A-1.0955, FAC:

- 1. For consideration by the person making the final determination regarding the disciplinary action, and
- 2. For consideration by the appropriate authorities to who school districts report crimes.

**XVI. DUE PROCESS PROCEDURES FOR EXPULSION OF STUDENTS WITH DISABILITIES**

The policy below is consistent with the 1997 IDEA Reauthorization, and implementing regulations found at 34 CFR 300.

Continual suspensions by the principal may be interpreted as being an expulsion. An educational planning conference should be held when any student with disabilities has been suspended for as many as ten (10)

days cumulative, during a school year, to determine if the placement is appropriate and if any changes need to be made in order to more effectively deal with the student's behavior problem.

Parents of students placed in exceptional programs will be notified of this policy at the initial staffing. Specific policies and procedures applicable to students with disabilities are explained in Franklin County School Board Policies. A copy of this document will be available at each school.

Students with disabilities who commit serious acts of adverse behavior are subject to suspension for up to ten (10) days in keeping with the Code of Conduct. If the principal determines that the offenses warrant consideration for expulsion, the procedures established below shall be followed:

STEP 1: The principal/designee shall promptly convene a staffing committee. The meeting of the staffing committee must take place within the ten (10) day suspension period. This committee may include such persons as the principal, staffing chairperson (counselor), teacher, exceptional student education consultant, psychologist, area administrator, coordinator of exceptional student education or administrative designee, and the parent/guardian. The student may be invited to attend. Persons empowered to make placement decisions must be included on the staffing committee.

- a. Manifestation determination will be made by the staffing committee that will determine if the offense is related to the disability. When a staffing committee determines that the offense is related to the disability, the student cannot be expelled.  
The committee must find educational alternatives for resolving the problem other than an expulsion, including development of an assessment plan to address the problem behavior.
- b. The staffing committee will review and revise, when appropriate, the IEP to include objectives related to the elimination or reduction of the student's offending behavior.
- c. The staffing committee will examine and recommend alternatives for continuing educational programs and services. These may include, but are not limited to:
  1. continuation in present program with some modifications;
  2. a reduced day program;
  3. transferal to a more restrictive environment, which may include recommendation to the district's alternative school;
  4. attendance for special education classes only;
  5. the student may come to the school campus at the end of the school day for the instructional program;
  6. home instruction; and
  7. other options, or some combination of the above.
- d. The staffing committee shall inform the parent/guardian of the right to an administrative hearing and/or due process for students with disabilities.
- e. If an administrative hearing is requested, the Superintendent or his designee shall retain the right to provide alternative measures to deliver services if there is a substantial reason to believe that such placement is necessary to protect the health, safety, and welfare of the student or of others.

STEP 2: If the student's ten (10) day suspension expires prior to the next School Board meeting, an IEP meeting will be held to review current circumstances and make additional recommendations.

- The Superintendent or designee may assign any student so suspended to an individually designated program or other special programs.
- STEP 3: The principal/designee shall forward to the Superintendent or designee the written recommendation(s) along with the staffing committee findings and plan for continuing educational services and program(s) along with information generally accompanying a recommendation for expulsion of non-disabled children.
- STEP 4: The Superintendent or designee shall mail or deliver written notice to the parent/guardian that the Superintendent will recommend to the School Board whether or not the student is recommended for expulsion and the appropriate source of information for the continuation of educational services. The written notification shall indicate the grounds of the due process in step six and/or to the Exceptional Education Due Process in School Board Policy.
- STEP 5: The parent may request that the Superintendent appoint an administrative review committee to conduct a review of the charges and the recommendation for expulsion. The review committee shall meet at a reasonably convenient time and place within three (3) school days of the parent's request. Reasonable continuation of the hearing to accommodate the parties shall be permitted.

The parent, guardian, or legal counsel shall have the opportunity to present written or oral evidence in opposition to the recommendation for expulsion. The principal/designee shall present to the review committee a summary of the evidence, which supports the recommendation for expulsion.

- The review committee shall, after considering all the testimony and evidence presented, promptly report to the Superintendent its conclusions and recommendations in the same format as presented for non-disabled students, except that the report of the staffing committee shall be included.
- STEP 6: The Superintendent shall review the report of the review committee and shall have the authority to either recommend that the School Board expel the student or recommend whatever action the Superintendent feels appropriate. The Superintendent shall notify the parent/guardian of his decision prior to the School Board meeting at which action will be taken on the recommendation.
- STEP 7: The parent/guardian shall have the right to appear before the school board at the meeting when the school board will be taking action on the Superintendent's recommendation for expulsion.
- STEP 8: If the parent/guardian does not request a hearing on the charges and recommendations, the Superintendent shall make his recommendations to the School Board and the School Board may take action thereon as if the parent/guardian and child have consented to such action.

LEGAL REFERENCES:

Individuals with Disabilities Education Act (IDEA)  
 Florida Statutes  
 Chapter 1003.31 Pupils Subject to Control of School  
 Chapter 1006.09 Authority of Principal  
 Chapter 1006.14 School Boards May Prescribe Regulations  
 Chapter 6A-6, Florida Administrative Code

NOTE: Policies pertaining to non-eligible ESE students, manifestation determination, due process hearing provisions and timelines, contained in the suspension policy for students with disabilities are also applicable to this expulsion policy.

**STUDENT WITH DISABILITIES  
BRINGS A FIREARM TO SCHOOL  
OR VIOLATES DRUG CODE**



SUSPEND STUDENT FOR UP TO TEN SCHOOL DAYS: CONVENE I.E.P. TEAM TO DETERMINE INTERIM PLACEMENT

STUDENT IN INTERIM ALTERNATIVE EDUCATION SETTING FOR UP TO 45 DAYS



CONDUCT FUNCTIONAL BEHAVIOR ASSESSMENT, IMPLEMENT BEHAVIOR INTERVENTION PLAN AND CONDUCT MANIFESTATION DETERMINATION



IF STUDENT'S CONDUCT IS MANIFESTATION OF STUDENT'S DISABILITY, SCHOOL DISTRICT MAY INITIATE CHANGE IN PLACEMENT, BUT MAY NOT EXPEL OR SUSPEND LONG-TERM



IF STUDENT'S CONDUCT NOT MANIFESTATION OF STUDENT'S DISABILITY, SCHOOL MAY EXPEL OR SUSPEND LONG-TERM BUT MUST PROVIDE CONTINUED SERVICES



IF PARENT REQUESTS DUE PROCESS FOLLOW SP & P



STUDENT REMAINS IN ALTERNATIVE SETTING UNTIL DISPUTE IS RESOLVED



UNLESS



SCHOOL DISTRICT OBTAINS A COURT ORDER TO CHANGE PLACEMENT, OR PARENT AND SCHOOL DISTRICT AGREE TO ANOTHER PLACEMENT

**STUDENT WITH DISABILITIES  
ENGAGES IN BEHAVIOR SUBJECT  
TO DISCIPLINE  
(BUT DOES NOT BRING FIREARM TO SCHOOL  
OR DOES NOT VIOLATE DRUG POLICY)**

SUSPEND STUDENT FOR UP TO TEN SCHOOL DAYS: CONVENE I.E.P. TEAM



CONDUCT MANIFESTATION DETERMINATION, IMPLEMENT BEHAVIOR INTERVENTION PLAN AND CONDUCT FUNCTIONAL BEHAVIOR ASSESSMENT



IF STUDENT'S CONDUCT IS MANIFESTATION OF STUDENT'S DISABILITY, SCHOOL DISTRICT MAY INITIATE CHANGE IN PLACEMENT, BUT MAY NOT EXPEL OR SUSPEND LONG-TERM



IF STUDENT'S CONDUCT NOT MANIFESTATION OF STUDENT'S DISABILITY, SCHOOL MAY EXPEL OR SUSPEND LONG-TERM BUT MUST PROVIDE CONTINUED SERVICES



IF PARENT REQUESTS DUE PROCESS FOLLOW SP & P



STUDENT REMAINS IN ALTERNATIVE SETTING UNTIL DISPUTE IS RESOLVED



UNLESS



SCHOOL DISTRICT OBTAINS A COURT ORDER TO CHANGE PLACEMENT, OR PARENT AND SCHOOL DISTRICT AGREE TO ANOTHER PLACEMENT

## **XVII. LIMITED ENGLISH PROFICIENT STUDENTS (LEP)**

National origin minority or limited English proficient students shall not be subjected to any disciplinary action because of their use of a language other than English. Rule 6A-6.0908(3), FAC.

## **XVIII. DRUG FREE WORKPLACE POLICY - See District Policy on File:**

No employee of the School Board shall manufacture, distribute, dispense, possess or use on or in the workplace any alcoholic substance, any intoxicating or auditory, visual, or mental altering chemical or substance or narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined by Federal or State law or rule, or any counterfeit of such drugs or substances all being collectively referred to as drugs.

"Workplace" is defined to mean the site for the performance of work done in connection with employment. That includes any school building or any school premises; any vehicle used to transport students to and from school and school activities off school property during any school sponsored or school approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

As a condition of employment, each employee shall notify his or her supervisor of his or her conviction of any criminal drug statute after such conviction. Any employee who violates the terms of this policy may be terminated. However, at the discretion of the School Board, such employee may be allowed to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program approved by the School Board in lieu of a non-renewal, suspension or termination. Sanctions and discipline against employees, including non-renewal, suspension, and termination shall be in accordance with prescribed School District procedures and shall be commenced within 30 days of receiving notice of an employee's conviction in violation of this rule. The Superintendent shall notify the State and the Federal Department of Education.

F.S. 1001.41, 1001.42, 1012. 23.

## **XIX. FRANKLIN COUNTY LEARNING CENTER (FCLC)**

The Franklin County Learning Center's discipline policy will be based on a Level System. The System will consist of three (3) levels. Students will earn points each week and privileges will be given if Level System points have been achieved. Points will be taken away due to noncompliance. Level System discipline interventions and procedures will be outlined in the Franklin County Learning Center Handbook.

The procedures listed below will be followed for a student who becomes violent or out-of-control:

- 1) FCLC Director will attempt to use verbal conflict resolution skills.
- 2) The Franklin County Sheriff's Department will be contacted.
- 3) The parent will be contacted.
- 4) If the parent cannot be contacted, the student will be taken to the Franklin County Jail and held until the parent can pick up the student from the Franklin County Jail.
- 5) FCLC Director will call Superintendent.

**APPENDIX A**

INCIDENT REPORT FORM

Please complete the following form for all cases that fall under the categories of:

- Weapons and/or Explosive Devices
- Threatening Person/Property of a Staff Member and/or Causing Inappropriate Bodily Contact
- Alcohol/Drugs/Substances
- Aggravated Assault
- Aggravated Battery
- Inappropriate Bodily Contact

SCHOOL \_\_\_\_\_ DATE \_\_\_\_\_  
NAME \_\_\_\_\_ GRADE \_\_\_\_\_ AGE \_\_\_\_\_  
CHARGES \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ACCOUNT OF THE INCIDENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DID THE ACCUSED ADMIT TO THE CHARGE(S)

\_\_\_\_\_  
\_\_\_\_\_

WEAPON \_\_\_\_\_  
(Type of Weapon)

Were Police Contacted?  Yes  No

Specify

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- \* Immediate notification of the superintendent or designee by phone
- \* Copy to the superintendent within 24 hours of the incident

Principal's Signature

Date

**APPENDIX B**

**WAIVER OF RIGHT TO BE PRESENT AT HEARING**

We, \_\_\_\_\_, student, and Mr. and Mrs. \_\_\_\_\_,  
Parents

(or legal guardians), whose address is \_\_\_\_\_,

and whose telephone number is \_\_\_\_\_, recognize that the following charges

have been brought against \_\_\_\_\_ on \_\_\_\_\_  
(name of student) (date)

\_\_\_\_\_  
(date of birth) (age) (grade)

**LIST OF CHARGES:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If these alleged charges are proven, the results could be suspension or possible expulsion. Having full knowledge of our right to attend a full hearing of said charges, with the right of presenting evidence and defenses thereto, but, nevertheless desiring to accept discipline without being present at the hearing to which we are entitled, hereby waive our rights to attend the hearing and agree that \_\_\_\_\_ be disciplined or the charges dropped in accordance with the rules, regulations, and due process proceedings of the Franklin County School Board.

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Witnessed by:

\_\_\_\_\_  
Parent's/Guardian's Signature

\_\_\_\_\_  
Date

The student's signature is required. In addition, at least one signature of parent or guardian is required. Both signatures of parents and/or guardians are preferred.

**APPENDIX C – 1**

Franklin County Schools

Four (4) days of excused or unexcused absences

Dear Parent:

Children who are absent from school with or without the knowledge or consent of the parent or guardian and without the permission of the school shall be considered truant.

Attendance records are checked daily by the school attendance assistant. Our school records indicate that your child, \_\_\_\_\_, has \_\_\_\_\_ absences. Please notify the principal or attendance assistant if there is a valid reason for your child's nonattendance.

Absences in excess of five days in a grading period will be excused for extended and/or recurring illnesses only and will require verification by a doctor or certified health official. The verification must be submitted to the school within 5 school days of the student's return to school. Cases involving the following extenuating circumstances may be appealed within five school days of the absence.

- 1) death in the immediate family
- 2) religious holiday or instruction
- 3) any other insurmountable condition as determined by the principal
- 4) prior approval

If student has five (5) cumulative excused or unexcused absences within a calendar month or ten (10) excused or unexcused absences within a 90-day calendar period, the student will be referred to a Child Study Team to determine if a pattern of truancy is developing. After fifteen (15) days of cumulative unexcused absences, a Non-Attendance report will be filed with the superintendent's office. The superintendent may file a truancy petition pursuant to s.984.151, F.S.

Please call \_\_\_\_\_ at (850) \_\_\_\_\_ - \_\_\_\_\_ to schedule a date for a parent conference. We must work together to resolve absences for which there is no valid reason. Florida Statute 1003.24 states that parents are responsible for their child's school attendance.

Sincerely,

Reference Florida Statutes # 1003.26 (Enforcement of School Attendance)

## APPENDIX C – 2

Franklin County Schools

Five (5) days of excused or unexcused absences

Dear Parent:

Children who are absent from school with or without the knowledge or consent of the parent or guardian and without the permission of the school shall be considered truant.

Attendance records are checked daily by the school attendance assistant. Our school records indicate that your child, \_\_\_\_\_, has \_\_\_\_ absences. Please notify the principal or attendance assistant if there is a valid reason for your child's nonattendance.

Absences in excess of five days in a grading period will be excused for extended and/or recurring illnesses only and will require verification by a doctor or certified health official. The verification must be submitted to the school within 5 school days of the student's return to school. Cases involving the following extenuating circumstances may be appealed within five school days of the absence.

- 1) death in the immediate family
- 2) religious holiday or instruction
- 3) any other insurmountable condition as determined by the principal
- 4) prior approval

If student has five (5) cumulative excused or unexcused absences within a calendar month or ten (10) excused or unexcused absences within a 90-day calendar period, the student will be referred to a Child Study Team to determine if a pattern of truancy is developing. After fifteen (15) days of cumulative unexcused absences, a Non-Attendance report will be filed with the superintendent's office. The superintendent may file a truancy petition pursuant to s.984.151, F.S.

Please call \_\_\_\_\_ at (850) \_\_\_\_ - \_\_\_\_\_ to schedule a date for a parent conference. We must work together to resolve absences for which there is no valid reason. Florida Statute 1003.24, indicate that parents are responsible for their child's school attendance.

Sincerely,

Reference Florida Statutes # 1003.26 (Enforcement of School Attendance)

Franklin County Schools

\_\_\_\_\_ Five (5) days of cumulative excused or unexcused absences within a calendar month; or

\_\_\_\_\_ Ten (10) days of cumulative excused or unexcused absences within a 90 day period.

Dear Parent:

Your child, \_\_\_\_\_ has \_\_\_\_\_ excused or unexcused absences. Florida school law requires children to attend school regularly for the entire school year. Parents are responsible for their child’s school attendance.

Your cooperation is needed to resolve this truancy problem. Notify the principal or attendance assistant if there is a valid reason for your child’s absence from school.

Absences in excess of five days in a grading period will be excused for extended and/or recurring illnesses only and will require verification by a doctor or certified health official. The verification must be submitted to the school within 5 school days of the student’s return to school. Cases involving the following extenuating circumstances may be appealed within five school days of the absence.

- 1) death in the immediate family
- 2) religious holiday or instruction
- 3) any other insurmountable condition as determined by the principal
- 4) prior approval

If student has five (5) cumulative excused or unexcused absences within a calendar month or ten (10) excused or unexcused absences within a 90-day calendar period, the student will be referred to a Child Study Team to determine if a pattern of truancy is developing. After fifteen (15) days of cumulative unexcused absences, a Non-Attendance report will be filed with the superintendent’s office. The superintendent may file a truancy petition pursuant to s.984.151, F.S.

The principal/designee has made a referral to conduct a Child Study Team Meeting to assist with this nonattendance problem. The conference has been scheduled for \_\_\_\_\_ on \_\_\_\_\_ (Time)

\_\_\_\_\_ at \_\_\_\_\_. It is vital to your child’s (Date) (School) education that you attend this Child Study Team Meeting.

Please call me at (850) \_\_\_\_\_ - \_\_\_\_\_ to confirm your participation.

Sincerely,

Reference Florida Statutes # 1003.26 (Enforcement of School Attendance)

**APPENDIX C – 4**

Certified Mail

Franklin County Schools

Fifteen (15) days of excused or unexcused absences

Dear Parent:

Our school records indicate that your child has \_\_\_\_\_ cumulative excused or unexcused absences from school within a 90-calendar day-period. A parent who refuses or fails to have a child who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements is guilty of a misdemeanor of the second degree, punishable as provided by law.

After fifteen (15) unexcused cumulative absences occur, a non-attendance report will be filed with the superintendent's office. The superintendent may file a truancy petition pursuant to s.984.151, F.S. The petition will be filed in the circuit court.

A mandatory conference has been scheduled for \_\_\_\_\_ on \_\_\_\_\_ at  
(Time) (Date)

\_\_\_\_\_. Your attendance is needed in order to resolve this truancy problem.

(School)

Please call me at \_\_\_\_\_ to confirm your attendance.  
( Telephone Number)

Sincerely,

Reference Florida Statutes # 1003.26 (Enforcement of School Attendance)

**APPENDIX D**

FRANKLIN COUNTY SCHOOL DISTRICT

NON-ATTENDANCE/TRUANCY  
FORM

Student: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone  
Number: \_\_\_\_\_ Parents Name:  
Address: \_\_\_\_\_ School:  
Principal: \_\_\_\_\_ Address:  
Telephone Number: \_\_\_\_\_ Number of unexcused days absent  
from school: \_\_\_\_\_

**Parent Contact:**

\_\_\_\_\_ Parent Contact  
Date (home & school)  
\_\_\_\_\_ Parent Conference  
Date  
\_\_\_\_\_ Non-Attendance Letter C-1  
Date  
\_\_\_\_\_ Parent Conference  
Date  
\_\_\_\_\_ Non-Attendance Letter C-2  
Date  
\_\_\_\_\_ Child Study Team Meeting  
Date  
\_\_\_\_\_ Non-Attendance Letter C-3  
Date (5 days within a calendar month)  
\_\_\_\_\_ Mandatory Parent Conference  
Date  
\_\_\_\_\_ Non-Attendance Letter C-3  
Date (10 days within a 90-day period)  
\_\_\_\_\_ Mandatory Parent Conference  
Date  
Comments: \_\_\_\_\_

**Child Study Team Inventions:**

\_\_\_\_\_ Educational Counseling  
Date  
\_\_\_\_\_ Instructional modifications  
Date  
\_\_\_\_\_ Alternative Education  
Date  
\_\_\_\_\_ Referral for Psychological  
Date Assessment  
\_\_\_\_\_ Mentoring  
Date  
\_\_\_\_\_ Attendance Contract  
Date  
\_\_\_\_\_ Individual Counseling  
Date  
\_\_\_\_\_ Referral for placement in  
Date ESE/ LEP/504 Plan/  
Other \_\_\_\_\_  
Date

Did the parent or guardian refuse to meet with the principal?  Yes  No

If yes is checked, please indicate the date(s): \_\_\_\_\_  
Name of parent \_\_\_\_\_ Type of conduct \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Principal

**APPENDIX E**

**FRANKLIN COUNTY SCHOOL DISTRICT  
Complaint Form**

Please fill out this form and forward it to the Superintendent at the Franklin County School Board Office.

1. Name \_\_\_\_\_
2. Address \_\_\_\_\_
3. Telephone Number \_\_\_\_\_
4. State position(s) held: If student, age and grade \_\_\_\_\_
5. Please describe the nature of the complaint: \_\_\_\_\_
6. Indicate the name(s) of the alleged party or parties involved in the complaint  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Describe in as much detail as possible the facts and circumstances surrounding the alleged complaint. Include the relevant date(s) when the incident took place  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. List any information which you believe is pertinent to this complaint  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Complainant's Signature Date

# Franklin County School

STUDENT NAME	GRADE	REPORTED BY	DATE
--------------	-------	-------------	------

INCIDENT LOCATION (CHECK ONE)			
<input type="checkbox"/> Bus Loading Zone	<input type="checkbox"/> Gym	<input type="checkbox"/> Lunchroom	<input type="checkbox"/> Playground
<input type="checkbox"/> Classroom	<input type="checkbox"/> Hallway	<input type="checkbox"/> Office	<input type="checkbox"/> Assembly
<input type="checkbox"/> Common Area	<input type="checkbox"/> Library	<input type="checkbox"/> Parking Lot	<input type="checkbox"/> Field Trip

DESCRIPTION OF THE INCIDENT

FOR OFFICE USE ONLY
---------------------

<p><b>LEVEL 2</b></p> <input type="checkbox"/> Repeated Minor Offenses <input type="checkbox"/> Skipping class/lunch <input type="checkbox"/> Leaving class without a pass <input type="checkbox"/> Use/possession of pager or laser pointer <input type="checkbox"/> Violation of parking rules <input type="checkbox"/> Disruption of class <p><b>LEVEL 3</b></p> <input type="checkbox"/> Theft/ possession of stolen property <input type="checkbox"/> Profane/ Obscene language, gestures, songs, etc. <input type="checkbox"/> Euphemisms for profane/obscene <input type="checkbox"/> Defiance/Disrespect <input type="checkbox"/> Vandalism > \$25 <input type="checkbox"/> Gambling <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Inappropriate physical contact	<p><b>LEVEL 3 CON'T</b></p> <input type="checkbox"/> Leaving campus without permission <input type="checkbox"/> Physical aggression/Fighting <input type="checkbox"/> Interference w/ disciplinary intervention by staff <input type="checkbox"/> Use/Possession of Tobacco <input type="checkbox"/> Racial Slurs, Libelous/ slanderous statements <input type="checkbox"/> Bullying, intimidation, harassment, hazing <input type="checkbox"/> Possession of a pocket knife <input type="checkbox"/> Use of a cell phone during school hours <p><b>LEVEL 4</b></p> <input type="checkbox"/> Threat or false report <input type="checkbox"/> Profane/Obscene language/ gestures to a school board employee	<input type="checkbox"/> Profane/ obscene innuendoes or euphemisms to a school board employee <input type="checkbox"/> Use of internet to view pornographic suggestive material <input type="checkbox"/> Use / possession of Alcohol <input type="checkbox"/> Use/possession of drug/ paraphernalia <input type="checkbox"/> Use/possession of a weapon Weapon type _____ <input type="checkbox"/> Battery on a student <input type="checkbox"/> Battery on a school board employee <input type="checkbox"/> Sexual acts <input type="checkbox"/> Arson <input type="checkbox"/> Kidnapping/Abduction <input type="checkbox"/> Homicide <input type="checkbox"/> Armed robbery <input type="checkbox"/> Burglary/breaking and entering  <input type="checkbox"/> Bombs/explosives <input type="checkbox"/> Grand theft <input type="checkbox"/> Repeated misconduct resulting in 20 days of OSS
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ACTION by OFFICE		
<input type="checkbox"/> Time in office <input type="checkbox"/> Loss of Privileges <input type="checkbox"/> Conference with student <input type="checkbox"/> Parent contact <input type="checkbox"/> Detention	<input type="checkbox"/> Saturday School <input type="checkbox"/> Corporal punishment Witness _____ <input type="checkbox"/> Work detail Number of days _____	<input type="checkbox"/> In school suspension Number of days _____ <input type="checkbox"/> Out of school suspension Number of days _____ Other _____

Incident Code \_\_\_\_\_ Action Code \_\_\_\_\_ Action Length \_\_\_\_\_ Action Date \_\_\_\_\_

If suspended (school or bus), for \_\_\_\_\_ days beginning \_\_\_\_\_ through \_\_\_\_\_  
Beginning date Last day of suspension

Comments \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<b>ADMINISTRATOR'S SIGNATURE &amp; DATE</b> _____	<b>PARENT'S SIGNATURE &amp; DATE</b> _____
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## **APPENDIX G**          Internet Guidelines and Consent Form

### INTERNET GUIDELINES FOR FRANKLIN COUNTY SCHOOL DISTRICT

It is the mission of Franklin County Schools to provide its students with free and equal access to information and learning both collaboratively through formal class work and independently through the use of electronic media such as the Internet.

All users of the school's computers and information sources, print and non-print, are expected to use those materials in a manner consistent with educational informational purposes.

Access to these resources is a privilege, not a right, and failure to use them appropriately will result in the loss of that privilege.

The following rules apply to the use of school computers and Internet access:

1. Users will respect the rights and privacy of others by not interfering with their computer use or Internet access.
2. Users will not seek unauthorized access to any computer, or damage or alter software of any network, database or program.
3. Users will not seek access to sites or materials deemed inappropriate by faculty or staff. In any case in which the user does not know if the site or material is inappropriate, the user must get prior approval from the faculty or staff.
4. Users will not make unauthorized copies of copyrighted or licensed software or data.
5. Users will not tamper or change settings of computer hardware or software.
6. Users will not access non-instructional chat rooms or user discussion groups.
7. Users will not access personal e-mail accounts or download materials to school computers. (Students enrolled in the Florida On-line High School will be allowed to set up an e-mail account for use by the Florida On-line High School instructors).
8. Users will not open any attachments through website interfaces.
9. Users will not use personal diskettes or personal CD-Roms on school computers.
10. Users will not make use of school computers or software for illegal, unauthorized, unethical, or inappropriate purposes.

### INTERNET ACCESS PROCEDURES:

1. In the Media Center, users must sign the computer usage log that shall be maintained at the Circulation Desk.
2. Users must have on file with the Guidance Office prior to accessing the Internet, a signed copy of the forms promulgated by the Franklin County School Board under its Internet use policy. The signed forms are conclusive proof that the signor has read and agrees to abide by the terms and conditions of Franklin County School District's Computer/Internet Access Policy and these guidelines.
3. Due to heavy student demand, usage may be limited to 30 minutes per session. Exceptions to the time limitation may be made at the discretion of faculty or staff if there is no one waiting to use the computer. Students accessing Florida On-line High School for course work shall have the highest priority. Students accessing the Internet for school assignments have precedence over those who are simply "surfing" the Internet.
4. Printing is limited to materials needed for class assignments and research.
5. Users must have faculty permission to save files to a floppy disk. Disks may be purchased from the Media Center and will be provided at a minimal charge.
6. All provisions of the Franklin County School District Code of Conduct and Policies apply to the use of school computers and access to the Internet.

## DISCLAIMER

Every attempt will be made to monitor student use of computers and the Internet. However, it is impossible for teachers and staff to absolutely prevent students from visiting sites parents may find inappropriate. Therefore, parents/guardians of any student permitted by the parents/guardians to access the Internet shall hold harmless all Franklin County School District faculty and staff from the student's use of the Internet at the school. The signed parental/guardian permission form is the agreement to hold harmless the District and its employees for the student's use of the Internet.

*FRANKLIN COUNTY SCHOOL DISTRICT*  
**INTERNET TECHNOLOGY CONSENT AND WAIVER OF LIABILITY**  
(SIGNATURES REQUIRED)

Please complete all of the information below and return the form to the school principal or designee. Internet access will not be granted to your child unless this form is completed and returned.

**STUDENT SIGNATURE:**

I understand and will abide by the provisions and conditions of the contract provided by the Franklin County School Board regarding Internet usage. I understand that any violations of these provisions may result in disciplinary action, the revocation of my access privileges, and/or appropriate legal action. I also agree to report any misuse of the information system to an administrator or a teacher. All the rules of conduct described in the Franklin County School Board Internet policy and code of conduct, apply when I am on the Internet. I have read and fully understand the rules of which I am to abide by.

Student Name:(please print) \_\_\_\_\_  
School Attending: \_\_\_\_\_  
Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PARENT OR LEGAL GUARDIAN SIGNATURE:**

As the parent or guardian of this student, I have read and understand this contract and understand that Internet access is being provided solely for educational purposes. I understand that it is impossible for the Franklin County School Board to restrict access to every un-educational and inappropriate site acquired via the Internet. I agree to hold harmless the District and its employees for any complaints related to my child's use of the Internet. I also agree to report any misuse of the Internet to school administration. I accept full responsibility for the supervision of my child, should he/she misuse the Internet according to school policy. I also understand that Internet access is a privilege and not a right and any abuse of the privilege will result in revocation of my child's Internet privilege.

Parent or Guardian Name: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PRINCIPAL OR DESIGNEE SIGNATURE:**

I have read this contract and agree to promote this agreement with the student. As the principal or designee, I agree to provide instruction to the student on the acceptable use of the network and proper network etiquette. I also agree to report any misuse of the information to the school technology representative.

Principal or Designee Name: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX H**

ADMINISTRATION OF MEDICATION IN THE SCHOOL  
PERMISSION FORM

F.S.1006.062

Grade: \_\_\_\_\_

DIAGNOSIS: \_\_\_\_\_ Teacher: \_\_\_\_\_

I hereby certify that it is necessary for :

\_\_\_\_\_ (Full Name of Student)

\_\_\_\_\_ (Address)

to be given the medication listed below during the school day, including when he/she is away from school property on official school business. Without this medication, he/she will not be able to attend school.

NAME/DOSAGE OF MEDICATION: \_\_\_\_\_

BEGINNING DATE: \_\_\_\_\_ ENDING DATE: \_\_\_\_\_

ADMINISTRATION TIME: \_\_\_\_\_

SIDE EFFECTS: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EMERGENCY TELEPHONE NUMBERS

Parent/Guardian: \_\_\_\_\_

Work Phone Number: \_\_\_\_\_ Home Phone Number: \_\_\_\_\_

Doctor's Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Parents are requested to pick up any left-over medication within one week after the ending date. Medication left after this time will be discarded.

It is understood by the undersigned that there shall be no liability for civil damages as a result of the administration of such medication where the person administering such medication acts as an ordinarily reasonably prudent person would have acted under the same similar circumstances.

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

\_\_\_\_\_  
Date

**APPENDIX I  
SUBSTANCE USE PREVENTION & EDUCATION AGREEMENT**

STUDENT'S NAME \_\_\_\_\_

**A G R E E M E N T**

Student: I have accepted the option given to me to attend a state licensed Substance Use Prevention and Education Resource Program. In accepting this opportunity, I agree to abide by the guidelines and conditions set forth in this program. I agree to attend all sessions, arriving on time and remaining for the entire session. I understand that, if I miss any of these sessions, I will be terminated from the program and the remainder of my suspension and/or expulsion will be enforced. In addition, I understand that expulsion proceedings may be continued by the school board. I also agree that I must successfully complete the program as certified by the provider.

\_\_\_\_\_  
STUDENT'S SIGNATURE

\_\_\_\_\_  
DATE

Parents: I, the parent or guardian of the above student, agree to attend a Substance Use Prevention and Education Resource Program in order to give my child the opportunity to continue his/her educational program.

Attendance of the student and parents is expected at all recommended sessions, with a minimum of four required sessions. Maximum impact of the program will be achieved when both parents attend every session with their child. When this is not possible, it is suggested that the same parent attend all sessions. Minimum impact of the program will be achieved when parents alternate attendance at sessions with the student.

I understand that, if either student or parent appears to be under the influence of alcohol or other drugs while in attendance, both will be excused and terminated from the program, with the remainder of the student's suspension enforced, or other action as the school system deems appropriate.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent's Home Phone

\_\_\_\_\_  
Parent's Business Phone

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Date

\_\_\_\_\_  
School

\_\_\_\_\_  
School System

\_\_\_\_\_  
Program Scheduled on: (list dates of all sessions attended)

\_\_\_\_\_  
School System Program Coordinator

\*\*\*\*\*

CERTIFICATION OF COMPLETION ---- I certify that \_\_\_\_\_  
completed the recommended Substance Use Prevention and Education Resource Program.

Provider's Signature \_\_\_\_\_

## **APPENDIX J                    CIVIL RIGHTS LAWS AND REGULATIONS**

The Franklin County School District provides for an environment free from harassment, including sexual harassment and from discrimination on the basis of race, gender, age, national origin, disability and marital status. The school board prohibits discrimination and is committed to ensuring that equal opportunities are available to all individuals within the district.

The Florida Educational Equity Act of 1984 prohibits discrimination on the basis of race, sex, national origin, marital status or handicap against a student or employee in the state system of public education, as defined in Florida Statutes, Section 1000.05.

The Americans with Disabilities Act of 1990 prohibits discrimination against qualified individuals with a disability by public and private entities in program, services, activities and employment.

Multicultural Legislation of 1991 provides for review of performance of students in various culture groups, and inclusion of multicultural education as a subject area of instruction and component of inservice training.

META Consent Decree requires that all students with limited English proficiency (LEP) be appropriately identified in order to ensure the provision of appropriate services. Each LEP student is entitled to equal access to programming that is appropriate to his or her level of English proficiency, academic achievement and special needs.

Florida Human Rights Act prohibits discrimination in housing and employment against individuals within the state of Florida because of their race, color, religion, sex, national origin, age, handicap or marital status.

Title VI of the 1964 Civil Rights Act prohibits discrimination on the ground of race, color or national origin, and states that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Education.

Title VII of the 1964 Civil Rights Act prohibits employment discrimination on the basis of race, color, sex, religion or national origin. It forbids discrimination in all areas of the employer-employee relationship from advertisements for positions through termination or retirement.

Title IX prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance.

In accordance with 20 U.S.C. 1412, a free appropriate public education is available to all children with disabilities residing in the school district between the ages of 3-21.

Section 504 of the Rehabilitation Act of 1975 prohibits discrimination against a qualified individual with a disability in any program or activity receiving federal financial assistance.

Age - No person shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity federal funds. The Franklin County School Board prohibits discrimination.

NICKLAUS O'GRADY, EQUITY COORDINATOR  
FRANKLIN COUNTY SCHOOL DISTRICT  
155 AVENUE E  
APALACHICOLA, FLORIDA 32320  
850-653-8811

## APPENDIX K

## NOTIFICATION OF RIGHTS UNDER FERPA

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

(1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the School principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate. Parents or eligible students may ask the School to amend a record that they believe is inaccurate. They should write the School principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it is inaccurate. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent 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 discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

(4) The right to request a restriction on access to directory information for a student by making a written request to the school principal at any time. "Directory information" includes the student's name, address, telephone number if it is a listed number, date and place of birth, major field of student, participating in officially recognized 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.

(5) 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 are: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-5901

## **APPENDIX L            NOTIFICATION OF RIGHTS UNDER HIPPA**

FCSB is required by law to maintain the privacy of protected health information that belongs to your child enrolled in Franklin County Schools. This Notice of Privacy Practices tells you how your child's protected health information may be used and how FCSB keeps your information private and confidential. This notice explains the legal duties and practices relating to your child's protected health information. As part of FCSB's legal duties, this Notice of Privacy Practices must be given to you. FCSB is required to follow the terms of the Notice of Privacy Practices currently in effect.

### **Uses and Disclosures of Your Protected Health Information**

Protected health information includes demographic and medical information that concerns the past, present, or future physical or mental health of an individual. Demographic information could include your name, address, telephone number, social security number and any other means of identifying you as a specific person. Protected health information created or received by a health care provider, health plan, employer, or health care clearinghouse. This medical information is used in many ways while performing normal business activities.

Your child's protected health information may be used or disclosed by FCSB purposes of treatment, payment, and health care operations. Health care professionals use medical information in the clinics or hospitals that take care of your child. Your child's protected health information may be shared, with or without your consent, with another health care provider for purposes of treatment. FCSB may use or disclose your child's health information for case management and services. FCSB may send the medical information to insurance companies, Medicaid, or community agencies to pay for the services provided to your child.

Your child's information can be disclosed without your written authorization as allowed by law. Those circumstances include:

- Reporting abuse of children, adults, or disabled persons.
- Investigations related to a missing child.
- Internal investigations and audits by FCSB's divisions, bureau and offices.
- Investigations and audits by the state Inspector General and protected health information.

This summary does not include:

- Disclosures made to you.
- Disclosures to individuals involved with your care.
- Disclosures authorized to you.
- Disclosures made to carry out treatment, payment, and health care operations.
- Disclosures to public health.
- Disclosures to health professional regulatory purposes.
- Disclosures to report abuse of children, adults, or disabled.
- Disclosures prior to April 14, 2003.

This summary does include:

- Purposes of research, other than you authorized in writing.
- Responses to court orders, subpoenas, or warrants.

You may request a summary of disclosures for not more than a 6-year period from the date of your request.

