

CODE OF STUDENT CONDUCT AND DISCIPLINE

**PREFACE**

Prior to the beginning of each school year, the school board may make revisions to the Code of Student Conduct and Discipline. The code shall be applied in a uniform manner throughout the school district. The code shall be distributed to each student and to all teachers and administrators. Additional copies will be made available to other persons upon request. Each school will, to the extent possible, obtain a written acknowledgment of receipt of the code by the student and his/her parents/guardians. The absence of a signed acknowledgment of receipt does not affect the application of the code to every student under jurisdiction of the school board.

The code covers student rights and responsibilities as well as violations of conduct, which could lead to disciplinary responses up to and including expulsion. Matters such as dress code and discipline problems not listed in the code shall be within the jurisdiction of each school. Each principal shall develop, with input from the school advisory council and the staff, a student dress code which is appropriate to the grade levels at the school and which prohibits students from dressing in a manner that could interfere with the operation of the school or lead to a disruption of the educational process. Each school is authorized to attach local school rules to the Code of Student Conduct and Discipline as long as such rules and regulations do not conflict with this Code.

**INTRODUCTION**

The purpose of this code is to make available to school personnel, students, and parents/guardians rules governing student conduct and discipline adopted by the School Board of Volusia County in order to ensure that:

1. students will understand what behavior is expected of them as well as the range of consequences for misbehavior; and
2. students will be assured of fair and consistent treatment and will understand the procedures for discipline and appeal.

**PARENT/GUARDIAN RESPONSIBILITIES**

The cooperation of parents/guardians/family members, school personnel, and students is essential if good discipline in the school is to be achieved. Parents/guardians may contribute to good discipline by:

1. maintaining a positive attitude toward education;
2. showing an interest in their children's progress through regular communication with their children and the school;
3. assuring that their children are neat, clean and appropriately dressed;
4. ensuring their children's timely daily attendance;
5. reporting and explaining promptly to the school officials any absence;
6. teaching their children respect for authority of school personnel;
7. informing the school immediately of any condition or circumstance, which may affect their children's ability to learn, to attend school regularly, or to participate in school activities;
8. cooperating with school personnel in solving disciplinary problems; and
9. not allowing their children to disrupt the education of others.

**APPLICATION OF THE CODE**

This code applies to EVERY student who is under the jurisdiction of the School Board of Volusia County. It will be in effect on school property and at other places where teachers and school administrators have jurisdiction over students, such as extracurricular activities (athletics, dances, concerts, field studies, etc.). This code also applies to students when they are being transported on school buses and at all bus stops, and to students participating in the Hospital/Homebound, Off-campus Instruction Program.

I. Students' Rights and Responsibilities

Students are entitled to a public education as long as they adhere to the guidelines set forth in this code. School authorities will place limitations on the rights of students when necessary to prevent disruption on the school campus, on school buses, and at school-sponsored activities.

**ATTENDANCE**

**RIGHTS**

Students have the right to a prescribed number of days of meaningful learning experience.

**RESPONSIBILITIES**

Students enrolled in Volusia County Schools have the responsibility to attend school regularly.

**RESPECT FOR PERSONS AND PROPERTY**

**RIGHTS**

Students have the right to use school property in a manner approved by the school center.

Students have the right to use their personal property in a manner approved by the school.

Students have the right to privacy consistent with applicable laws.

Students have the right to be respected and accepted as individuals.

**RESPONSIBILITIES**

Students have the responsibility to respect the rights of others and not to interfere with their learning.

Students have the responsibility to respect and adhere to the rules and regulations of the school system.

Students have the responsibility to report evidence of an illegal act or violation of the code.

Students have the responsibility to dress appropriately and in accordance with the rules of each school.

**KNOWLEDGE AND OBSERVATION OF RULES AND CONDUCT**

**RIGHTS**

Students have the right to know the rules and regulations regarding their conduct. They also have the opportunity for input in the development of these rules and regulations.

Students have the right to be assured of a school environment, which does not jeopardize their safety, health or welfare.

**RESPONSIBILITIES**

Students have the responsibility to follow the rules and regulations of the school center.

Students have the responsibility to follow the rules and regulations of the school center so as not to jeopardize the safety, health and welfare of others.

**RIGHT TO LEARN**

**RIGHTS**

Students have the right to learn and pursue an education without interference.

Students have the right to a school atmosphere that is conducive to appropriate learning.

Students have the right to be appropriately involved in their education on an equal basis with their peers.

**RESPONSIBILITIES**

Students have the responsibility to learn and pursue an education.

Students have the responsibility to be present on time, prepared and attentive in class so that they are ready to learn.

Students have the responsibility to contribute to a positive atmosphere.

**RIGHT TO FREE SPEECH AND PUBLICATION**

**RIGHTS**

Students are entitled to freedom of expression of their views unless there are legal reasons to regulate their speech or publications.

**RESPONSIBILITIES**

Students have the responsibility to refrain from the distribution or display of material, which could cause conduct that would interfere with discipline or cause disorder.

**RIGHT TO ASSEMBLE**

**RIGHTS**

Students have a right to assemble peacefully without disrupting regular activities.

**RESPONSIBILITIES**

Students have the responsibility to assemble according to the prescribed rules and regulations of the school.

**PARTICIPATION IN SCHOOL ACTIVITIES**

**RIGHTS**

Students have the right to participate in school programs and activities in accordance with eligibility requirements.

**RESPONSIBILITIES**

Students have the responsibility to contribute to these activities in a beneficial manner.

**MEDIA ACCESS TO SCHOOL ACTIVITIES**

The media may have access to school activities, events, and functions. Such access may result in photographs or other directory information being released and or published. Parents objecting to such a release must notify the school principal.

II. Disciplinary Offenses and Responses

A. Definitions

1. Alcohol - all beverages and/or edible items or substances containing alcohol in any percent by volume, including distilled spirits.
2. Alternative Education - an educational program used in lieu of suspension or expulsion. Students assigned to an alternative education program are prohibited from attending or participating in other Volusia County Schools' events or activities, where the Code of Conduct is in effect. For the purpose of this policy, the term "alternative education" does not include schools of choice.
3. Ammunition - the various projectiles together with their fuses, propelling charges, and primers that are fired from guns.
4. Arson - willful and malicious damage to any structure by fire or explosion.
5. Assault - intentionally threatening by word or act to do violence to another person, combined with an apparent ability to commit violence, which creates a well-founded fear in the person that violence is imminent.
6. Battery - physically striking another person against that person's will causing bodily harm to another person.

7. Bomb threats - intentionally making a false report to any person, including school personnel, concerning the planting or placing of any bomb, dynamite or other arson-causing device.
8. Bullying - **aggressive** behavior that is **repeated** that is **intentionally harmful** and occurs with **no provocation**. This includes teasing, calling names, hitting, kicking, stealing, threatening as well as spreading rumors and influencing others to do these things. This includes cyber-bullying where technology and cyberspace are used for any of the above behaviors and acts.
9. Burglary - breaking and entering into a building or vehicle with the intent to commit a crime.
10. Case Management - The collaborative process that assesses, plans, implements, coordinates, and monitors services required to meet the student's educational and service needs.
11. Cheating - to influence by deceit, trick or fraud, to violate rules for personal gain or the gain of others. To obtain by deceit a grade or reward to which one is not entitled. To plagiarize.
12. Cyberstalk - to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person(s), causing substantial emotional distress to that person(s) and serving no legitimate purpose.
13. Disorderly conduct - any act which substantially disrupts the orderly conduct of a school function, or substantially disrupts the learning environment or poses a threat to the health, safety, and/or welfare of others.
14. Disruption - behavior, which is willful and overt, initiated on the part of the student and which requires the attention of school personnel to deal with the incident.
15. District Student Placement Committee - the committee, whose membership is designated by the superintendent, with the responsibility for determining whether a student should be recommended for expulsion or for other placement.
16. Drug paraphernalia - all equipment, products, and materials of any kind which are used, intended for use, or designated for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Chapter 893, Florida Statutes. The term includes, but is not limited to items listed in Section 893.145 of Florida Statutes, and items, which may be determined to be drug paraphernalia under the criteria, set out in Section 893.146 of Florida Statutes.
17. Drugs - all substances defined as controlled substances under Chapter 893, Florida Statutes, including marijuana, hallucinogens, inhalants; any substance represented as a controlled substance by any person intending to deliver or sell said substance to another, whether or not the substance is a controlled substance.
18. Drugs and Alcohol:
  - a. Possession - to have unlawful custody or control over any substance defined as a drug or alcohol under this code; prescription medication is exempt from the definition of possession if the student in possession of the medication has a valid prescription for that medication and has followed the prescribed procedures for administration of medication.

- b. Distribution - the delivery of a drug or alcohol to another by one who is responsible for the introduction of the drug or alcohol upon school board property or at a school-sponsored event. Where quantities of the drug or alcohol are extremely small, or where there is some questions as to whether the substance was willingly distributed, or where there was a number of individuals passing the same item or substance, the classification of distribution versus possession may be determined by the charging document filed in Juvenile and Criminal Court.
  - c. Sale - the delivery of a drug or alcohol to another in return for money or other consideration.
  - d. Use - introduction of alcohol or a drug into the body.
- 19. Explosive device - a prepared chemical or powder device designed to explode or burn, not unaltered commercial fireworks.
  - 20. Expulsion - the discontinuation of educational services provided by Volusia County schools for a period of time prescribed by the School Board. Students under expulsion are prohibited from attending or participating in Volusia County Schools' events or activities, where the Code of Conduct is in effect.
  - 21. Extortion/threats - threatening another with the intent to obtain money or other property, or to compel that person to do an act or refrain from doing an act against his/her will.
  - 22. False alarms - intentionally initiating any false alarm, including contacting 911.
  - 23. False document - to make, possess, or sign a counterfeit or forged school related document such as a pass or an excuse.
  - 24. False report - Knowingly filing a false report - willfully giving or conveying to any law enforcement officer or school official false information or reports concerning the alleged commission of any crime under the laws of the state, or ethical violation of school board policy, knowing that such information is false, in that no crime or ethical violation has been committed.
  - 25. Fighting - mutual participation in a fight involving physical violence where there is any degree of injury or where physical restraint is necessary. Does not include verbal confrontations, tussles or other minor confrontations.
  - 26. Firearm - any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. A destructive device is any bomb, grenade, mine, rocket, missile, pipebomb, or similar device continuing some type of explosive that is designed to explode and is capable of causing bodily harm or property damage. Includes firearms of any kind (operable or inoperable, loaded or unloaded), including but not limited to hand, zip, pistol, rifle, shot gun, starter gun, flare gun.
  - 27. Fireworks - explosive or combustibles used to produce light, smoke, odor and noise.
  - 28. Forgery - to make a document with the intent to defraud.
  - 29. Gambling - to bet money or other stakes on an outcome or a game, contest, or event.

30. Harassment due to racial, ethnic, or religious reasons or based upon a disability - as defined in school board policy 509.
31. Hazing - any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes, including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution. Hazing includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.
32. Hitting/Striking - another student against their will which does not result in an injury, and which does not constitute battery; spitting or throwing bodily fluids (not covered under battery.)
33. Horseplay - rowdy, rough play that interferes with proper order.
34. Inappropriate touching - any contact or touching of a sexual nature which is inappropriate for an educational setting or event.
35. Indecent exposure - exposing or exhibiting sexual organs in any public setting.
36. Insubordination - behavior, acts, or words which are disobedient. Failure to respect the authority of the school or its faculty.
37. Laser lights - any device, which projects a concentrated beam of light in one or more discrete wavelengths.
38. Look Alike Guns - any replica firearm or toy gun or object which looks like an actual firearm, or toy gun or object which is purposely displayed or represented as a firearm.
39. Malicious threats of violence - threats that do not constitute assault. Words or acts that are not coupled with an apparent ability to do so or which do not create a well-founded fear that such violence is imminent. This does not require law enforcement involvement.
40. Motor vehicle theft - theft or attempted theft of a motor vehicle.
41. Off-campus felony - any student who is reported to have been formally charged (petition filed) by the state attorney with a felony offense may be suspended and expelled from school attendance in accordance with the district's procedure. This section also applies to any student reported by the court who has been found to have committed a delinquent act, which, if committed by an adult, would be a felony.
42. Off-campus instruction - an educational program that may be used for students who are being considered for expulsion. Off-campus instruction is offered to students whose suspension is extended beyond 10 days. Students assigned to the off-campus instruction program are prohibited from attending or participating in other Volusia County Schools' events or activities, where the Code of Conduct is in effect.

43. PLUS\*\* - a Volusia County School District program that provides substance abuse assessment, referral to community resources and follow-up services to students.
44. Pornographic materials and communications - vulgar or obscene materials or communications, oral or written. This includes notes and phone calls and other communications such as Internet communications, as well as the possession of lewd or obscene drawings, pictures or magazines. Magazines, which depict nude models, are included in this category.
45. Possession - to have custody or control over an item or items. This includes, but is not limited to having an item on your person, or in your personal belongings. This includes lockers and vehicles.
46. Principal to a criminal act - aiding, abetting, counseling, hiring, or otherwise procuring a criminal offense, where such offense is committed or is attempted to be committed.
47. Problem Solving Team – an intervention driven/progress monitoring teams at each school which assists students, families and teachers in seeking positive solutions for all students. Problem Solving Teams are generally comprised from among the following: school administrators, teachers, school psychologists, guidance counselors, school social workers, speech/language clinicians, reading specialists, parents, and other relevant personnel including community agencies when necessary.
48. Profane, obscene or vulgar language - any expression in any language, either verbal, written, or by gesture which is disruptive and or offends individuals or groups and violates the norms of the school and community.
49. Propellants - a gas or liquid, which is expelled from a canister or container designed for personal protection.
50. Riot - a violent disturbance by three or more students with a common purpose.
51. Robbery - taking money or other property from the person or custody of another by the use of force or threat.
52. Scuffling - wrestling, grappling, hitting, or tussling on the part of two or more students in which there is no degree of injury.
53. Secret societies - the organization of, establishment of, promotion of, membership in, or pledge of membership in any secret fraternity, sorority, or group (including a gang) wholly or partly composed of student(s) enrolled in the public schools and which perpetuates itself wholly or partly by taking in additional members on the basis of the decision of its membership rather than on the right of any student who is qualified by the rules of the school to be a member. Displaying or wearing any secret society organization logo in any way disruptive of the educational program is prohibited.
54. Sexual battery - any sexual act or attempt directed against another person, forcibly and/or against the person's will where the victim is incapable of giving consent because of his or her youth or because of temporary or permanent mental incapacity. This category includes rape, indecent liberties, child molestation, and sodomy. This category requires law enforcement involvement and the filing of criminal charges.
55. Sexual harassment - as defined in School Board Policy 509, including any of the following actions or activities: unwanted, repeated, verbal or physical sexual behavior which is offensive and objectionable to the recipient, causes discomfort or humiliation and interferes

with school performance. Examples include touching breasts or buttocks, verbal comments, touching oneself in front of others, and/or spreading sexual rumors.

56. Student Success Team - a group of teachers, administrators, and/or parents/guardians/family members and others as designated who meet together to collaboratively plan for the success of students who need additional support or services at the school level.
57. Suspension - a temporary cessation of educational services which are provided by the regular school or academic program. Students under suspension are prohibited from attending or participating in Volusia County Schools' events or activities, where the Code of Conduct is in effect.
58. Telecommunications devices - any device that is capable of transmitting voice, text, or pictures from one person to another.
59. Theft - the unlawful taking of the property of another without threat of violence or bodily harm.
60. Time-out - A behavior modification technique where a student is removed from classroom activities for a period of time.
61. Tobacco products - all items, which in total or in part, include tobacco or a by-product of tobacco, including but not limited to, cigarettes, cigars, chewing tobacco, snuff, and pipe tobacco.
62. Toxic Plants - any plant, tree, or shrub, that when ingested causes a mind or mood altering state, or which is poisonous to the body.
63. Trespassing - willfully entering or remaining on any school board property, building or vehicle without permission or authority. This includes returning to any school board property while under suspension or expulsion.
64. Vandalism - willfully injuring or damaging by any means any real or personal property belonging to another.
65. Vehicle Violation - any violation of campus rules involving a motor vehicle.
66. Walkie-talkies - a battery powered portable sending and receiving radio or instrument.
67. Weapons (other) - possession, use or intention of use of any instrument or object to inflict harm on another person, or to intimidate any person. Included but not limited to in this category are items not being used for a curricular purpose such as all types of knives, chains (any not being used for the purpose for which it was normally intended and capable of harming an individual), pipe (any length or metal not being used for the purpose it was normally intended), hunting equipment, including bows and/or arrows, hunting grade sling shots, razor blades or similar instruments with sharp cutting edges, ice picks, dirks, other pointed instruments, nunchakus, brass knuckles, Chinese stars, billy clubs, tear gas gun, electrical weapons or device (stun gun), BB or pellet gun, explosives or propellants over 2 oz. Possession of any long blade or switchblade knife is included here. A common pocketknife will not be considered to be a weapon unless used as one. Weapons and other items of contraband are also prohibited from being in vehicles while on school board property or while at school sponsored events. Pursuant to F.S. 790.115(2)(a)(3), the district specifically waives the exception regarding weapons possession in vehicles proved in 790.25(5).



B. Classification of Violations

Violations of this Code are grouped into four levels: Minor, Intermediate, Major I, and Major II. Each level has appropriate discipline responses, which are listed under each category. For the purpose of record retention, “Major” will be considered an offense listed under Level IV - Major Offenses. These responses are the only disciplinary actions that principals or their designees may use. Paddling, corporal punishment, or other punitive physical contact, are not permitted responses to a disciplinary offense.

C. General Expectations

1. In any situation where a violation of this Code is alleged, the principal or designee will hear the student's explanation and investigate the matter fully before determining if a violation has occurred. If a violation has occurred, the principal or designee will determine the level of that violation.
2. Each classroom teacher is expected to deal with any student's general classroom conduct. The teacher may take the following actions: in-class disciplinary action, contact the student's parent/guardian, and/or will schedule conferences with the student's parent/guardian and other staff including the Student Success Team. The student should be referred to the principal or designee only after the actions taken by the teacher are ineffective or the disruption is severe. Teachers have the authority to remove students from the classroom in accordance with the Florida Statute and district procedures.
3. Failure to bring materials and equipment to class, refusal to do homework, or refusal to work in class are not grounds for discipline referral unless classroom disruption results from these acts. The teacher should notify the parent/guardian when a student exhibits poor work habits.

D. Discipline Offenses and Responses

Pursuant to Section 1006.07(1), Florida Statutes, the following program of positive reinforcement shall be used:

1. Level I - Minor Offenses

- Bus disturbance – a minor disruption on school sponsored transportation
- Class or school rule violation
- Disruption – minor disruption or disturbance of a school activity, class or campus
- Dress code violation
- False document
- Horseplay
- \*Tardiness
- Vehicle violation
- Any other violation, which the principal may reasonably believe, falls within this category which is not listed under the other three levels.

Level I - Responses

First Offense - In-school conference with student, and if warranted, contact with parent/guardian.

Subsequent Offenses - In-school conference with student, contact with parent/guardian, and one or more of the following disciplinary actions:

- Behavioral contract
- Cafeteria restriction
- Community service in lieu of suspension
- Detention
- Extended detention
- In-school suspension
- Loss of privileges: extracurricular events/activities
- Mediation
- Parent/guardian conference
- Parent/guardian visitation
- Problem Solving Team
- Referral to guidance for counseling
- Restitution
- Saturday school
- Civil Citation Program
- Student services referral
- Suspension
- Suspension from the bus
- Suspension of privileges
- Time out
- Warning
- Work detail

\*A student may not be suspended for tardiness.

\*\*For ESE students refer to Behavioral Alternatives document for additional responses.

## 2. Level II - Intermediate Offenses

- Bus disturbance – considerable disruption on school sponsored transportation
- Telecommunications devices - Use contrary to school policy or while riding school sponsored transportation unless approved by the bus operator or supervising teacher
- Cheating
- Disruption – considerable disruption or disturbance of a school activity, class or campus
- Failure to appear for Saturday school, detention or extended detention
- Gambling
- Hitting / Striking
- Introduction of a foreign substance (non-harmful) into food or drink
- Laser lights
- Matches, lighters, or other flammables
- Pornographic materials and communications, including Internet Materials - possession, distribution, or display
- Possession of chemical spray under 2 oz.
- Profane, obscene, or vulgar language or expression (in any language); either verbal, written, or by gesture directed at others
- Scuffling
- Tobacco products - use, possession, or distribution of
- Unauthorized absence from class
- Vehicle Violation - traffic citation
- Any other violation, which the principal may reasonably believe, falls within this category which is not listed under the other three levels.

## Level II - Responses

In-school conference with student, contact with parent/guardian, confiscation of contraband, loss of grade, zero on assignment (for cheating), and one or more of the following disciplinary actions:

- Behavioral contract
- Cafeteria restriction
- Community service in lieu of suspension
- Detention
- Extended detention
- In-school suspension
- Intent to harm self or others referral
- Loss of privileges: extracurricular events/activities
- Mediation
- Parent/guardian conference
- Parent/guardian visitation
- Problem Solving Team
- Restitution
- Saturday school
- Civil Citation Program
- Student services referral
- Suspension
- Suspension from the bus
- Suspension of privileges
- Time out
- Warning
- Work detail

\*\*For ESE students refer to Behavioral Alternatives document for additional responses.

*NOTICE – illegal use, possession, or sale of controlled substances, as defined in chapter 893, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.*

*NOTICE – use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act.*

*The appropriate law enforcement agency must be notified if the offense involved is a criminal act under Florida law.*

## 3. Level III - Major I Offenses

- Alcohol - use, possession or under the influence of
- Ammunition - possession, or distribution of
- Assault on a student(s)
- Battery on a student(s)
- Bullying (including cyber-bullying)
- Burglary
- Bus disturbance – major disruption on school sponsored transportation
- Cyberstark
- Disruption - major disruption or disturbance of a school activity, class or campus
- Distribution of a non-prescription medication

- Distribution/Sale/Use of Toxic plants
- Drug paraphernalia - possession, use, or distribution of
- Drugs - use, possession, or under the influence of (including counterfeit)
- Electronic tampering - unauthorized access to information systems or inappropriate use of electronic equipment to include computers, fax machines, telephones, etc.
- Excessive referrals
- Extortion
- False alarm
- Fighting
- Fireworks - use, possession or distribution of
- Forgery
- Hazing
- Inappropriate touching
- Indecent exposure
- Insubordination or defiance of authority
- Introduction of a foreign substance (toxic or harmful) into food or drink
- Knowingly filing or participating in filing a false report
- Look alike guns - use or possession
- Malicious threats of violence
- Paint ball and air soft guns - use and/or possession of
- Possession of a common pocket knife\*
- Principal to a Level III criminal act
- Racial, ethnic or religious harassment or harassment based upon a disability
- Secret society - organization, establishment, promotion, membership, participation in any secret society related activity or displaying or wearing any secret society organization or gang logo in any way disruptive of the educational program.
- Sexual harassment
- Theft
- Trespassing
- Vandalism under \$1,000
- Walkie-talkies, possession/use
- Any other violation, which the principal may reasonably believe, falls within this category which is not listed under the other three levels.

#### Level III - Responses

Parents/guardians may request a conference with the principal and one or more of the following disciplinary actions:

- Assignment to an alternative education program
- Community service in lieu of suspension \*Not appropriate for all Level III Offenses - consult with the District Office
- Contact PLUS\*\* (mandatory for drug or alcohol offenses)
- Expulsion recommendation from school or bus
- In-school suspension
- Intent to harm self or others referral
- Problem Solving Team
- Restitution
- Saturday school
- Civil Citation Program
- Student services referral
- Suspension from school or bus
- Suspension from driving/vehicle restriction

- \* Suspension must be considered for the possession of a common pocket knife

\*\*For ESE students refer to Behavioral Alternatives document for additional responses.

*The appropriate law enforcement agency must be notified if the offense involved is a criminal act under Florida law.*

#### 4. Level IV - Major II Offenses

- Alcohol - distribution or sale, or attempted sale (including substances represented as alcohol)
- Arson
- Assault on a school board employee
- Battery on a school board employee
- Bomb threat
- Disorderly conduct
- Drug distribution, attempted distribution, sale, or attempted sale (including counterfeit)
- Explosives
- Firearm distribution, sale, use, or willful possession
- Homicide
- Kidnapping
- Principal to a Level IV criminal act
- Robbery
- Riot
- Sexual battery
- Vandalism over \$1,000
- Vehicle theft
- Weapon use, threat, or possession
- Any other violation, which the principal may reasonably believe, falls within this category which is not listed under the other three levels.

#### Level IV - Responses

Parents/guardians may request a conference with the principal and one or more of the following disciplinary actions:

*Expulsion must be recommended to the District Student Placement Committee for all Level IV offenses. Unless otherwise recommended by the superintendent, expulsions for firearms shall be for no less than one calendar year.*

- Intent to harm self or others referral
- Contact PLUS\*\* (mandatory for drug and alcohol offenses)
- Restitution
- Student Services Referral
- Administrative assignment to an alternative education program
- Expulsion (pending expulsion, students will be suspended and will lose all privileges pertaining to extracurricular events and activities).

*The appropriate law enforcement agency must be notified if the offense involved is a criminal act under Florida law.*

Section 1006.07(2)(d), Florida Statutes, requires a specific notice that possession or sale by any student of a controlled substance, as defined in Chapter 893, Florida Statutes, or firearms or weapons while on school property or in attendance at a school function is grounds for expulsion.

E. District Student Placement Committee

1. All recommendations for expulsion must be forwarded to the Director of Student Assignments who shall convene the District Student Placement Committee to consider what action should be taken. The membership of the committee shall be designated by the superintendent. Based on the facts and evidence in each case, the committee shall decide if the student should be recommended for expulsion. The committee's recommendation shall be transmitted to the superintendent for appropriate action. The committee has the authority to place a student in an alternative setting in lieu of a recommendation for expulsion. Additionally, the committee has the authority to determine the most appropriate educational placement for the following students: students completing alternative education programs, students returning from the Department of Juvenile Justice commitment programs and students entering Volusia County Schools from a specialized program or being considered for expulsion in another district or state.
2. In all cases where the committee determines that a student has either distributed or sold drugs, has distributed or sold alcohol, or has willfully possessed, distributed, sold or used a firearm on school board property or at a school sponsored activity, the following sections shall apply:
  - a. The committee shall report its intended action and may recommend the student's expulsion to the superintendent.
  - b. In the event that the superintendent determines that a discipline other than expulsion is warranted that determination shall be subject to ratification by the school board.

F. Waiver of Expulsion

1. The parent/guardian of an expelled student may make a request for waiver of the expulsion to the principal who may forward the request with recommendation to the superintendent or designee. In addition, evidence must be submitted with the waiver request documenting the successful completion of an identified drug/alcohol program or other counseling/treatment program related to the behavior/incident, which resulted in the expulsion. The superintendent's recommendation for action on the waiver request shall be placed on the school board's agenda for final action.
2. Together with or after an application for waiver of expulsion, a student or the parent/guardian of a student may apply to the superintendent, and the school board may approve the deletion or expunction of a record of expulsion as inappropriate in light of the circumstances of the expulsion or the overall discipline record of the student.

G. Expulsion Proceedings for Students with Disabilities

Parents/guardians of students with a disability shall be advised of their rights to due process/procedural safeguards.

1. School or bus expulsion proceedings against any student who has been properly identified and classified as a student with a disability shall be in accordance with School Board Policy 303, Special Programs and Procedures for Exceptional Students.

2. If a principal refers a student with a disability for expulsion, the superintendent or designee shall convene an Individual Education Plan (IEP) review committee in accordance with applicable law. The IEP committee shall review the appropriateness of the student's individual education plan. The committee shall meet and determine whether the misconduct is a manifestation of the student's disability.
3. If the misconduct is a manifestation of the student's disability then the student may not be expelled. A change of placement may be initiated providing that all state and federal regulations have been followed including required parent/guardian consent. Services must ensure the student can continue to appropriately progress in the general curriculum and advance toward achieving their IEP goals.
4. If the misconduct is not a manifestation of the student's disability, then the student may be expelled in accordance with the Code of Student Conduct and Discipline, however, education services must be continued in accordance with the IEP. If the incident is not determined to be a manifestation of the disability, the IEP committee must determine the services necessary to ensure the student can continue to appropriately progress in the general curriculum and advance toward achieving their IEP goals.

#### H. Expulsion Proceedings for Students with Handicapping Conditions

Parents/guardians of students with handicapping conditions shall be advised of their procedural safeguards.

1. If a principal refers a student with a handicapping condition for expulsion, the superintendent or designee shall convene a Section 504 Committee meeting in accordance with applicable law. Under Section 504, a team of people knowledgeable about the student and his/her handicapping condition must convene and decide if the student's misbehavior was a manifestation of the handicapping condition.
2. If the misconduct was not a manifestation of the handicapping condition, then the disciplinary action can proceed.

#### I. Due Process Statement

In all disciplinary cases due process as required by law shall be observed. The student will be given notice of the alleged discipline violation by the principal or designee and be given an opportunity to explain his/her actions. Parents/guardians, or other individuals participating in the due process procedure at the parent's request, shall be subject to confidentiality in accordance with applicable State and Federal Statutes. If the student is referred for expulsion, the student's parent/guardian may request a hearing before the school board. The hearing will be held in accordance with Section 120.57, Florida Statutes. If the evidence at any hearing does not support a finding that the offense charged has occurred, the school board may find that any lesser offense proved by the evidence has occurred, if the lesser offense is also described in the recommendation for expulsion. The superintendent shall recommend an appropriate discipline response, which is subject to final action by the school board.

Americans with Disabilities Act of 1990  
 Individuals with Disabilities Education Act  
 Title VI of the Civil Rights Act of 1964  
 Title IX of the 1972 Education Amendment  
 Section 504 of the Vocational Rehabilitation Act of 1973  
 Florida Educational Equity Act

### III. Code of Student Conduct and Discipline Procedures

#### A. Suspension Procedure

1. Only the principal or designee may suspend a student. Before suspension may be imposed, the student is entitled to know what provision of the Code of Student Conduct was allegedly violated, and what specific conduct constituted the violation. If the student denies the charge or charges, the student is entitled to provide an explanation and to have other students or others who witnessed the incident speak on his or her behalf. If the student wishes additional time to present his or her side of the incident, the principal may grant his or her request, however, this shall not stay the disciplinary action. All disciplinary meetings between the principal, the student and the parent or guardian shall be informal and not in the nature of an evidentiary hearing. Therefore, requiring testimony, cross-examination, or similar legal proceedings are not permitted. The principal's decision regarding a suspension shall be considered final.
2. The principal will suspend a student immediately if the student has committed an act which poses an immediate danger to students or staff members or if the violation is one of battery or one which has an immediate disruptive effect upon the orderly conduct of the school. If a student is to be immediately suspended, the principal or designee must give the student either oral or written notice of the charges. The principal or designee must mail the parent/guardian written notice of the charges against the student within 24 hours of the suspension. Such written notice will be preceded by reasonable attempts to contact parent/guardian by telephone.
3. When a student is suspended for possession, distribution, attempted distribution, sale, or attempted sale of a controlled substance, or willful possession of a firearm or a weapon, or has committed any other offense which is a crime under Florida law, parents/guardians, law enforcement officials, and the superintendent shall be notified by the principal or designee as soon as possible.
4. A principal may suspend a student from school or from riding the school bus for up to ten consecutive school days.
5. The exclusion of a handicapped student for more than ten (10) consecutive school days constitutes a "significant change in placement" under 34 C.F.R. Section 104.35. The determination of whether the series of suspensions creates a pattern of exclusions that constitutes a significant change in placement must be made on a case by case basis. In no case, however, may a series of short-term exclusions be used as a means to avoid the Supreme Court's prohibition of suspensions of more than 10 days.

NOTE: Procedures for suspension of students enrolled in exceptional student education programs may be found in Policy 303, Special Programs and Procedures for Exceptional Students, and the Manual for Admissions and Placement.

#### B. Expulsion Procedures

1. Only the school board has the authority to expel a student or cancel an expulsion. The term of expulsion may be for no more than the remainder of the school year and one additional school year.
2. The principal may recommend to the superintendent the expulsion of any student who has committed a serious violation of this Code.



3. If a student is referred for possible expulsion, the parent/guardian will receive a letter explaining the reason for the recommendation. If recommended for expulsion by the superintendent, the parent/guardian may request a hearing before the school board. Failure to submit a timely request for a hearing shall be deemed a waiver of the student's right to a hearing before the School Board. The meeting with the school board shall follow a meeting with the district student placement committee. Failure to appear before the school board when the referral for possible expulsion is to be considered shall be deemed a waiver of the student's right to a hearing. The student and parent/guardian have the right to legal counsel and representation at their own expense, the right to present witnesses on the student's behalf, the right to cross-examine witnesses, and the right to present a statement in the student's defense.

#### C. Last Resort Expulsion Procedures

1. A student may be expelled from school attendance if the student persists in violating the rules of the School District of Volusia County. Expulsion may result from continued violation of this Code or school rules. In contrast to drug expulsions and expulsions for dangerous weapons and/or violence against person or property, prior to any expulsion under this paragraph the school must first have exhausted alternative methods of attempting to modify the student's behavior and the student must continue to refuse to conform to the rules of the school and/or district.
2. The school need not try all those items enumerated under "Discipline Responses," but the school must attempt any corrective measures, which have a reasonable chance of modifying the student's behavior to bring the behavior into conformity with the rules of the school and/or district.
3. Parents/guardians and students should be aware that even if the student reaches the point of last resort at the student's regular school, placement into an alternative education or exceptional student program is possible. However, placement in any of these programs depends on the student's meeting the criteria for admission to the program and being placed there by the District Student Placement Committee.

#### D. Peer Mediation

Some of Volusia County Schools operate a peer mediation program to handle minor code violations and student disputes. Interested students may be selected to participate in this program. Parents or guardians may elect not to have their children participate in such a program by providing notification to the school.

#### Legal Authority:

Sections 1001.41, 120.54, Florida Statutes

#### Laws Implemented:

Sections 1006.07(2), 1001.42(8), 1003.57, 1003.24, 1003.31, 1006.08, 1006.09, 1006.10, 1003.32, 1006.11, 1006.13, 1006.135, 1006.14, 893.145, 893.146, Florida Statutes; No Child Left Behind Act; Rule 6A-6.0331(7), Florida Administrative Code

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