

Polk County  
Public Schools

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# Code of Student Conduct



**POLK COUNTY  
PUBLIC SCHOOLS**

STUDENTS FIRST

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**REVISED 8/2020**

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## PHILOSOPHY OF DISCIPLINE

The primary goal of the Polk County Public School System is to ensure that each student achieves at the highest possible level. Education is to be provided in a manner that does not discriminate or cause harassment on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation, or social and family background. In order for this to be accomplished:

- Every school staff member will strive to create a positive, safe environment that encourages and supports student success. Underlying causes for misbehavior will be explored, and when possible, positive redirection will occur and acceptable alternative behaviors will be taught. Such redirection may involve a collaborative effort of school, community and parents/guardians.
- It is the objective and policy of the School Board of Polk County to recognize, preserve and protect the individual rights of all students; and, at the same time, to encourage and enforce the exercise of these rights within the framework of an orderly and efficient school program. Within this framework, it is the duty of the School Board, the administrative staff, and the faculty of each school to prevent and to prohibit student conduct that becomes dangerous, disruptive or destructive, and therefore endangers the proper maintenance and function of the school program. Staff members are expected to model core value behaviors that set an example for students. It is expected that all disciplinary measures will be conducted in a manner that is respectful to the student and preserves that student's dignity wherever possible. It is the expectation that each student will behave in a manner that does not threaten, interfere with, or deprive other students of their right to an education and will accept responsibility for their behavior. An effective school environment must be safe and free from disruption. Progressive discipline utilizing corrective strategies that consider the student's age, exceptionality, previous conduct, probability of a recurring violation, intent, attitude, and severity of the offense shall be utilized in all instances.
- The School Board further recognizes that students are protected and have certain rights extended to citizens under the United States Constitution and its amendments; and that these rights cannot be abridged except in accordance with the due process of law. Therefore, in order to clarify the guidelines of student behavior in the schools and establish procedures to be followed, the *Code of Student Conduct* has been adopted by the School Board. The Code shall be mandatory and applied in a manner that is consistent with this philosophy of discipline. Individual schools may adopt additional regulations governing actions not covered by the Code, but such additional regulations may neither substitute for nor negate any Code provisions unless approved through the School Board waiver process. It is essential that all students, their parents/guardians, teachers, support staff and administrators understand and abide by the *Code of Student Conduct*.

## EQUITY STATEMENT

The School Board of Polk County, Florida, shall maintain a learning environment free from discrimination and harassment based on race, color, national origin, sex (including sexual orientation, transgender status or gender identity), religion or disability (including HIV, AIDS or sickle cell trait), pregnancy, marital status, age (except as authorized by law), military status, ancestry or genetic information, which are classes protected by State and/or Federal law (collectively "protected classes"). Students shall not be excluded from participating in any educational program or activity provided in the public schools of Polk County based on race, color, national origin, sex (including sexual orientation, transgender status or gender identity), religion or disability (including HIV, AIDS or sickle cell trait), pregnancy, marital status, age (except as authorized by law), military status, ancestry or genetic information, which are classes protected by State and/or Federal law (collectively "protected classes").

If you have any questions with regard to discrimination or harassment, Title II or Title IX, you may contact Human Resource Services Office of Equity and Compliance, at (863) 534-0513.

If you have any questions regarding Individuals with Disabilities Education Improvement Act (IDEIA) or Section 504 of the Rehabilitation Act of 1973, you may contact the Director of Exceptional Student Education or Assistant Superintendent, Learning Support at (863) 534-0931.

Written questions may be forwarded to the Equity and Compliance Analyst at:  
The School Board of Polk County, Florida  
1915 South Floral Avenue  
Post Office Box 391  
Bartow, FL 33831

# School, Students and Parents Working Together

In order to create a safe learning environment to ensure academic success, the parents, students and the school must work together. Supporting our students' behavioral, social, and academic progress is critical to their success. There are a few basic things that all adults must do to guarantee student achievement.

- **Teaching behavior:** All behaviors are skills, and the skills students use are learned from us. Follow these simple steps when teaching students how to act.
  - Everyone needs a clear idea of what student behavior should be: **Set Expectations**
  - **Teach and model** the expected behavior. Show them how to do it.
  - Provide opportunities to practice. **Role Play**
  - **Frequently reinforce** the expected behavior through specific praise and incentives.
  - **Acknowledging desired behavior** is seven times more effective than excluding a student for misbehavior.
- **Communication** between school and home is another key to success. When parents contact a teacher or someone else at the school they can expect a helping response. In addition, when the teacher/school contacts the parent it is expected that the parent will respond to the school.
- **Collaboration:** Student success depends on everyone working together, sharing ideas, developing common goals, focusing on the desired outcomes.
- **Relationship:** One of the most important factors in student success is a caring relationship with a significant adult.

### Parents Can Help By Teaching, Monitoring and Reinforcing These Skills:

There are basic skills that all students need in order to be successful in school. These skills are:

Listening	Contributing to Discussions
Following Directions	Answering Classroom Questions
Asking for Help	Accepting Consequences
Cooperating with Others	Coping with Losing
Ignoring Distractions	Waiting for Adult Intervention
Accepting Responsibility	Dealing with Accusations

There are additional things that parents can do to help their children be successful in school;

- **Teach responsibility:** One good way to do this is by having rules and expectations.
- **Establish routines:** Bedtimes, a daily homework/practice time, a location at home for schoolwork to be completed.
- **Let them know school is important to you:** Reminding students before they go off to school of what you expect, monitoring achievement and homework through the parent portal, learning what social/behavioral skills are being taught in school and teaching them at home.
- **Listen to their day:** Asking questions about what happened at school and listening to their response.
  - What did you learn today?
  - What did you do in class today?
  - How was the bus ride to and from school?
- **Advocate for them:** Communicate with the school personnel who are important in your child's life. Be a part of every meeting at school.
- **Teach self-advocacy:** Students must develop the ability to identify and express their needs, wants, preferences and goals

## **Schools Will Create The Conditions For Student Success By Having:**

- **A Well-developed School-wide Expectations and Classroom Rules:** To be effective rules must be specific, taught (modeled and practices), prompted, reinforced and frequently reviewed. They must cover specific expectations such as transitions, entering the room, getting started, and handling materials.
- **A positive school climate** that emphasizes dignity, respect, safety relationships and student engagement..
- Professionals that know how to **identify and reinforce expected behaviors**
- **Effective parent and student communication:**
  - Daily/weekly notes, e-mail, use of agenda
  - Positive and negative phone calls
  - Charting point earned
  - Monitoring behavior/academic contracts, behavioral/academic agreements
- **Engagement Strategies**
  - Matching the curriculum and task to student learning level.
  - Using activities that promote engagement, higher pace, more student responses
  - Knowing what you want the student to do and reinforce when the student does it.
  - Monitoring student progress, teaching students to monitor their own progress, and track progress.
  - Providing daily reminders in opening activities or at the beginning of the period about classroom expectations.
- **Multiple levels of support for:**
  - Academics
  - Behavior
  - Attendance
- **Alternatives to exclusionary responses to misbehavior:**
  - Class-wide management strategies, including teaching and rewards, re-teaching needed behaviors
  - Reinforcement
  - Re-teaching expectations
  - Behavior Contracting
  - Increasing parent involvement and communication regarding behavior
  - Referral to the Student Success Team
  - Restorative practices
  - Counseling
  - Peer mediation, Conflict resolution
  - Removal of privileges
  - Development of specific behavior intervention plans

## **NOTIFICATION OF RIGHTS:**

### **AFFORDED BY THE INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEIA) AND SECTION 504 OF THE REHABILITATION ACT OF 1973**

The following is a description of the rights granted by federal law to students with handicaps. The intent of this summary is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have the right to:

1. Have your child take part in, and receive benefits from, public education programs and activities without discrimination because of his/her handicapping conditions.
2. Have your child evaluated to determine if he/she is a qualified individual requiring accommodations necessary to provide access to educational programs. You have the right to receive notice in respect to such identification, evaluation, and placement of your child.
3. Review relevant educational records under the Family Education Rights and Privacy Act (FERPA).
4. Have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the School District make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Disagree with the decisions reached by school personnel regarding necessary accommodations for access to educational programs. You may submit a written grievance to the 504 Coordinator or request an impartial hearing. You have the right to be represented by counsel at an impartial hearing.
6. File a complaint alleging any action prohibited under Section 504 of the Rehabilitation Act of 1973 with the U.S. Department of Education Office for Civil Rights ("OCR"). Information regarding the filing of such a complaint is available from the Director of Exceptional Student Education.

If you have any questions regarding the District's compliance with the IDEIA or Section 504, you may contact the Director of Exceptional Student Education or Assistant Superintendent, Learning Support at (863) 534-0931.



## **NOTIFICATION OF RIGHTS:**

### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

Dear Parent,

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age (“eligible students”) certain rights with respect to the students’ educational records. You have the right to:

1. Restrict the release of Directory Information which includes: a student’s name; photograph; address; telephone number, if it is a listed number; e-mail address; date and place of birth; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; grade level; enrollment status; date of graduation or program completion; awards received, and most recent educational agency or institution attended. If you do not want this information released, please complete the Directory Information Opt-Out Form (Appendix A) and return it to the school within thirty (30) days after the first day of classes.
2. Restrict the release of a student’s name, address, and telephone listing to military recruiters and institutions of higher education as required by federal law. This request applies to our students in the senior high schools. The School Board of Polk County, Florida (SBPC) is required to advise you of this requirement and afford you the opportunity to notify the school if you do not want this information disclosed to the military recruiters and institutions of higher learning. If you do not want this information released, please complete the Directory Information Opt-Out Form (Appendix A) and return it to the school within thirty (30) days after the first day of classes.
3. Inspect and review the student’s educational records within thirty (30) days of the day the school receives a request for access. Parents or eligible students should submit a written request to the school principal that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. Copies of records may be requested and obtained.
4. Request the amendment of the student’s educational records that the parents or eligible students believe are inaccurate, misleading, or inappropriate. Parents or eligible students may ask the School Board of Polk County, Florida (SBPC) to amend a record that they believe is inaccurate, misleading, or inappropriate. A written request to the principal should clearly identify the part of the record they want changed and specify why it is inaccurate or misleading. If the principal decides not to amend the records as requested, the parents or eligible students will be notified of the decision and advised of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parents or eligible students with notification of the right to a hearing.
5. Consent to disclosures of personally identified information contained in the student’s educational records, except to the extent that FERPA authorizes disclosure without consent. The following are the situations allowing disclosure without parent consent:
  - Disclosure to school officials with legitimate educational interests. A school official is a person employed by the School Board of Polk County, Florida (SBPC) as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel). A school official has a legitimate educational interest if the official needs to review an educational record to fulfill his or her professional responsibility.
  - Upon request, the School Board of Polk County, Florida (SBPC) discloses educational records without consent to the officials of another school district or postsecondary institution in which a student seeks or intends to enroll.
  - Pursuant to the Uninterrupted Scholars Act, schools are also permitted to share educational records of children in the dependency system with case workers and other officials in the child welfare system, when the agency is legally responsible for the care and protection of the student. In Polk County Schools select information will be shared electronically through a secure system.
6. File a complaint with the U.S. Department of Education concerning alleged failures by the School Board of Polk County, Florida (SBPC) to comply with the requirement of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605

## **NOTIFICATION OF RIGHTS:**

### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

Procedures for accessing student records:

Upon written or verbal request by the parent or adult student to have access or a representative to have access to their Permanent Cumulative Record, these procedures shall be followed:

1. Parent and/or adult student will be given an appointment date and time within fifteen (15) school days of the request. The Parental Permission for Release of Information or Request for Review of Student Information form will be used for this purpose and placed in the cumulative record folder.
2. Parents only have the right to inspect and review records of their child. Adult students may only review their own records. If the records include information on other students, the District will attempt to delete information of the other students. If this is impossible, the District will inform the parents of the information requested.

If the parent/guardian of a student or adult student believes that the educational information is inaccurate, misleading, or in violation of their privacy, they shall be provided an opportunity for correcting, deleting, or expunging such information.

Procedures for amendment of records:

1. An informal meeting is scheduled at the school with the proper administration.
2. If agreement is reached at the informal meeting, it shall be reduced to writing and signed by the parent/guardian or adult student and placed in the student's proper school record. This written agreement shall only indicate that the record has been corrected, deleted, or expunged and dated.
3. If the decision is that the records are not inaccurate, misleading, or otherwise in violation of privacy, the parent/guardian or adult student has the right to place in the education record a statement commenting on the information and any reasons for disagreeing with the decision.
4. If no agreement is reached, an appeal may be taken to the Superintendent or his/her designee. The Superintendent will schedule a formal hearing date no later than fifteen (15) school days after receiving the parent's appeal.
5. The parent will be notified in writing of the time, place, and date of the formal hearing at least five (5) days prior to the formal hearing. The parent will be given a full, fair opportunity to present evidence and, at his or her own expense, be represented by one or more individuals including an attorney.
6. The Superintendent or his/her designee shall make a decision in writing within ten (10) days after the formal hearing. This decision will include a summary of the evidence and the reasons for the decision.
7. If no agreement is reached with the Superintendent or his/her designee, the decision may then be appealed to the School Board.

Parents have the right to consent to disclosure of personally identifiable information contained in their student's educational records, except to the extent that FERPA and state statute permits disclosure without consent.

Parents have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA (Family Educational Rights and Privacy Act of 1974).

Educational records may be disclosed to school officials determined to have a legitimate educational interest. A listing of what constitutes a school official and what constitutes a legitimate educational interest is available from any school.

Schools are also permitted to share educational records of children in the dependency system with case workers and other officials in the child welfare system, when the agency is legally responsible for the care and protection of the students.

Records will be forwarded to another school district in which a student seeks to enroll.

**NOTIFICATION OF RIGHTS:**

**NONDISCRIMINATION STATEMENT**

Equal educational opportunities shall be available to all students. As such, the School Board will not discriminate nor tolerate harassment based on race, color, national origin, sex (including sexual orientation, transgender status or gender identity), religion or disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), military status, ancestry, or genetic information which are classes protected by State and/or Federal Law collectively, "protected classes").

In order to achieve the aforesaid goal, the Superintendent shall:

**A. Curriculum Content**

Review current and proposed courses of study and textbooks to detect any bias based upon the protected classes, as well as transgender status, change of sex, or gender identity, ascertaining of whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc., toward the development of human society;

**B. Staff Training**

Develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the protected classes, as well as transgender status, change of sex, or gender identity in all aspects of the program.

**C. Student Access**

1. Review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of the protected classes, as well as transgender status, change of sex, or gender identity in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;
2. Verify that facilities are made available for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group that is officially affiliated with the Boy Scouts or is officially affiliated with any other Title 36 youth group, pursuant to Board Policy 7510 – Use of District Facilities;
3. In accordance with Florida statute, the Board may establish and maintain a single-gender non-vocational class, extra-curricular activity, or school for elementary, middle, or high school students.

**To file a complaint, please contact:**

Equity & Compliance  
1915 South Floral Avenue  
P. O. Box 391  
Bartow, FL 33830  
863-534-0513 or 51334  
Fax: 863-534-0737

## PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

The **Protection of Pupil Rights Amendment (PPRA)** affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- **Consent** before students are required to submit to a survey that concerns one (1) or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education –
  1. Political affiliations or beliefs of the student or student’s parent.
  2. Mental or psychological problems of the student or student’s family.
  3. Sex behavior or attitudes.
  4. Illegal, anti-social, self-incriminating, or demeaning behavior.
  5. Critical appraisals of others with whom respondents have close family relationships.
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers.
  7. Religious practices, affiliations, or beliefs of the student or parents.
  8. Income, other than as required by law to determine program eligibility.
  
- **Receive notice and an opportunity to opt a student out of**
  1. Any other protected information survey, regardless of funding.
  2. Any nonemergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings.
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
  
- **Inspect, upon request and before administration or use**
  1. Protected information surveys of students.
  2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes.
  3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under state law.

**Parents who believe their rights have been violated may file a complaint with:**

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901

## NOTIFICATION OF RIGHTS:

### PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

The **Polk County School District** administers the **Polk County Prevention Survey** and the **Florida Youth Survey** each year. All students in grades six through twelve are given the opportunity to participate in the Polk County Prevention Survey. The Florida Youth Survey will be administered randomly to students in a limited number of middle and high schools selected by the state between January and February of this school year. The Polk County Prevention Survey will be administered in the fall between November and December of this school year. These surveys ask secondary students about demographic information and student behaviors including drug, alcohol, tobacco use, and school related violence. The surveys are important in assessing our School District's needs, monitoring programs, and evaluating prevention program outcomes. Student participation in both surveys is strictly anonymous. No personally identifiable information is requested as part of the survey or survey process. These surveys are voluntary, and students may choose not to participate. Students who do participate will not be required to answer all of the questions – only those they choose to answer.

As a parent, you have the right to prohibit your child's participation in either or both surveys. Neither you nor your child is required to give a reason for not participating. Contact Mark Wilcox Center personnel at (863) 291-5355 no later than October 16<sup>th</sup> of this school year, if you would like to review the surveys or if you do not want your child to participate.

### STUDENT DIRECTORY INFORMATION

The District shall make available, upon request, certain information known as "directory information" without prior permission of the parents or the eligible student. Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The Board designates as student "directory information:" a student's name; photograph; address; telephone number, if it is a listed number; e-mail address; date and place of birth; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; grade level; enrollment status; date or graduation or program completion; awards received; and most recent educational agency or institution attended.

Directory Information may be released to any individual, agency, or organization without prior consent, unless a parent or eligible student has notified the School Board of Polk County (SBPC) in writing that they do not wish the information released. In addition, two (2) federal laws require the School Board of Polk County, Florida (SBPC) to provide military recruiters, upon request, with three (3) Directory Information categories - names, addresses, and telephone listings, unless parents have advised the School Board of Polk County, Florida (SBPC) that they do not want their student's information disclosed without their prior written consent. ***The school must verify that a written request to withhold any or all of the Directory Information is on file at the school site. The Directory Information Opt-Out Form (Appendix A) is to be used for this purpose.*** The Directory Information Opt-Out Form and the Parent Notification Letter (page v) are to be given to parents on a yearly basis in the Code of Student Conduct. Notification of parental objection to release of "Directory Information" must become a part of the student's cumulative record and should be flagged on computer records as appropriate.

**If you do not want Directory Information released, you must complete the Directory Information Opt-out Form (Appendix A) and return to school within thirty (30) days.**

## McKINNEY-VENTO HOMELESS EDUCATION ASSISTANCE ACT

If a student lacks a fixed, regular, night-time residence, lives in any of the following situations:

- Sharing the housing of others due to loss of housing or economic hardship
- Living in a motel or hotel due to loss of housing or economic hardship
- Staying in a shelter; emergency or transitional
- Substandard housing; without electricity, running water, health code violations, lack of cooking capabilities, etc.
- Sleeping in a car, campground, park or public space  
(Whether the student resides with his/her legal parent or guardian or not)

Then, the student may have the following rights or protections under the McKinney-Vento Homeless Education Act:

- To go to school, no matter where the student is currently living
- To be immediately enrolled in school even if student lacks a permanent address, lacks proof of residency or other documents.
- To continue enrollment in the student's school that he/she attended before becoming homeless, or the school for which the student is currently zoned.
- To attend classes while the new school secures previous school records.
- To continue to attend classes while dispute is being heard and resolved, in case of an enrollment dispute.
- To request assistance with transportation to school of origin.
- To participate in school programs with students who are not homeless.
- To receive free lunch.



If you have any questions about the educational rights listed above,  
please contact the HEARTH program at:

863-534-0801

<http://www.polk-fl.net/districtinfo/departments/learning/title1/hearth.htm> or  
[www.polk-fl.net](http://www.polk-fl.net) Keywords: Hearth, homeless

## **TECHNOLOGY POLICIES**

*You may view all Technology Policies in their entirety on the web at*

<https://go.boarddocs.com/fl/polk/Board.nsf>

### **7540 -COMPUTER TECHNOLOGY AND NETWORKS**

The School Board is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of Board operations.

However, the use of the District's network and technology resources by students is a privilege, not a right.

Further, safeguards shall be established so that the Board's investment in both hardware and software is achieving the benefits of technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media to interact with others online; interacting with the other individuals in chat rooms or on blogs; and recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of District policy, and learning appropriate responses if they are victims of cyberbullying.

#### **7540.03 - STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning to incorporate the vast, diverse, and unique resources available through the Internet. The School Board provides technology resources (as defined in Bylaw 0100) to support the educational and professional needs of its students and staff. With respect to students, District technology resources afford them the opportunity to acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board provides students with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The District's computer network and Internet system do not serve as a public access service or a public forum and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of District technology resources by principles consistent with applicable local, State, and Federal laws, the District's educational mission and articulated expectations of student conduct as delineated in the Code of Student Conduct. This policy and its related administrative procedures and the Code of Student Conduct govern students' use of District technology resources and students' personal communication devices when they are connected to the District computer network, Internet connection, and/or online educational services/apps or when used while the student is on Board-owned property or at a Board-sponsored activity (see Policy 5136).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its technology resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using District technology resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the District's computer network and/or Internet connection).

First, the Board may not be able to technologically limit access, through its technology resources, to only those services and resources that have been authorized for the purpose of instruction, study, and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted procedures and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act (CIPA). At the discretion of the Board or the Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using District technology resources, if such disabling will cease to protect against access to materials that are prohibited under the CIPA. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Superintendent may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.

Parents are advised that a determined user may be able to gain access to services and/or resources on the Internet that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents may find inappropriate, offensive, objectionable, or controversial. Parents of minors are responsible for setting and conveying the standards that their children should follow when using the Internet.

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the dangers inherent with the online disclosure of personally identifiable information;
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying, and other unlawful or inappropriate activities by students online; and,
- D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors.

Staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the online activities of students while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of District technology resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media, including in chat rooms, and cyberbullying awareness and response. All users of District technology resources (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying procedures.

Students will be assigned a school e-mail account that they are required to utilize for all school-related electronic communications, including those to staff members, peers, and individuals and/or organizations outside the District, with whom they are communicating for school-related projects and assignments unless the parent/guardian elected to opt-out on the "EMAIL & SUPPLEMENTAL DIGITAL RESOURCE OPT-OUT FORM". Further, as directed and authorized by their teachers, they shall use their school-assigned e-mail account when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

Students are responsible for good behavior when using District technology resources - i.e., behavior comparable to that expected of students when they are in classrooms, school hallways, and other school premises and school-sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Board does not approve any use of its technology resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying procedures.

Students may only use District technology resources to access or use social media if it is done for educational purposes in accordance with their teacher's approved plan for such use.

Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District technology resources that are not authorized by this policy and its accompanying procedures

The Board designates the Superintendent and school administrators as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying procedures as they apply to students' use of District technology resources.

### **5136 – Wireless Communication Devices**

"Wireless communication device" (WCDs) as used in this policy are defined in Bylaw 0100.

The School Board is aware that WCDs are used by students and parents to communicate with each other. However, the use of WCDs on school grounds must be appropriately regulated to protect students, staff, and the learning environment. This policy sets forth the District's policy with respect to WCDs.

Pursuant to State law, students shall not operate a motor vehicle owned or leased by the District on or off school property, or personal motor vehicle on District property, while manually typing or entering multiple letters, numbers, symbols, or other characters into a



wireless communication device or while sending or reading messages on such a device, for the purpose of non-voice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, instant messaging, and snap chatting.

At the discretion of the principal, students may use WCDs before and after school, during their lunch break, in between classes as long as they do not create a distraction, disruption, or otherwise interfere with the educational environment, during after school activities (e.g., extra-curricular activities), or at school-related functions. Use of WCDs, except those approved by a teacher or administrator, at any other time is prohibited and they must be powered completely off (i.e. not just placed into vibrate or silent mode) and stored out of sight.

WCDs intended and actually used for instructional purposes (e.g., taking notes, recording classroom lectures, writing papers) will be permitted, as approved by the classroom teacher or the building principal. However, the use of a WCD to engage in non-education-related communications is expressly prohibited.

Students may not use WCDs on school property or at a school-sponsored activity to access and/or view Internet web sites that are otherwise blocked to students at school.

Students may use WCDs while riding to and from school on a school bus or other Board-provided vehicles or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the bus driver, classroom teacher sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated.

During after school activities, WCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor.

Under certain circumstances, a student may keep his/her WCD "on" with prior approval from the building principal.

Except as authorized by a teacher, administrator, or IEP Team, students are prohibited from using WCDs during the school day, including while off-campus on a field trip, to capture, record, or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member, or other person. Using a WCD to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. Students who violate this provision and/or use a WCD to violate the privacy rights of another person may have their WCD confiscated and held until the end of the school day or until a parent/guardian picks it up, and may be directed to delete the audio and/or picture/video file while the parent/guardian is present. If the violation involves potentially illegal activity, the confiscated WCD may be turned over to law enforcement. The prohibitions herein also include using a WCD or any other device to covertly listen-in or make a recording (audio or video) of any meeting or activity in school. This includes placing a WCD or other device with one- or two-way audio and video communication technology (i.e., technology that allows a person to listen to live conversations and sounds taking place in the location where the device is located), within a student's book bag or other property of the student or on the student's person without express written consent from an administrator, IEP Team, or Section 504 Team.

"Sexting" is prohibited at any time on school property or at school functions. As set forth in State law, sexting is the knowing transmission or distribution to another minor by a computer or similar device any photograph or video of any person that depicts nudity and is harmful to minors. Sexting also includes possessing a photo of any person that was transmitted or distributed by another minor that depicts nudity. Such conduct not only is potentially dangerous for the involved students, but can lead to unwanted exposure of the messages and images to others, and could result in criminal violations related to the transmission or possession of child pornography. Such conduct will be subject to discipline and possible confiscation of the WCD.

WCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a WCD is absolutely prohibited.

Students shall have no expectation of confidentiality with respect to their use of WCDs on school premises/property.

Students may not use a WCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated. See Policy 5517.01 – Bullying and Harassment. In particular, students are prohibited from using WCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, national origin, sex (including sexual orientation/transgender identity), disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails, or other materials of a sexual nature (i.e., sexting) in electronic or any other form. As set forth in State law, sexting is the knowing transmission or distribution to another minor by a computer or similar device any photograph or video of any person that depicts nudity and is harmful to minors. Sexting also includes possessing a photo of any person that was transmitted or distributed by another minor that depicts nudity and is harmful to minors. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a WCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using WCDs to receive such information.

Possession of a WCD by a student at school during school hours and/or during extra-curricular activities is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the WCD. The building principal may also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the WCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the WCD may be turned over to law enforcement. A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian or turned over to law enforcement. School officials will not search or otherwise tamper with WCDs in District custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 – Search and Seizure. If multiple offenses occur, a student may lose his/her privilege to bring a WCD to school for a designated length of time or on a permanent basis.

A person who discovers a student using a WCD in violation of this policy is required to report the violation to the building principal.

Students are personally and solely responsible for the care and security of their WCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of WCDs brought onto its property.

Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office.

# **Rights and Responsibilities**

## **Part I**

**CODE OF STUDENT CONDUCT'S PURPOSE (SECTION 1.01):** The School Board of Polk County, Florida, as the governing Board of the School District of Polk County, and the public schools of Polk County exist for the purpose of meeting the educational needs of Polk County's citizens, both youth and adult. The Code of Student Conduct was developed to inform students and parents of acceptable student behavior and the disciplinary alternatives for modifying unacceptable behavior.

The aim of the district is to build effective environments in which positive behavior is encouraged so that academic success can be achieved. Each school shall have in place a school-wide behavior management system based upon proactive, educative, and reinforcement-based strategies. This plan is to be shared with parents, students and staff continuously throughout the school year.

**Teachers are to have a consistent proactive behavior management system within the classroom. Rules/expectations are to be displayed, modeled taught, and reviewed. Teachers are to inform/communicate with parents and students the rules/expectations of the class. In creating safe and more effective schools our aim is to prevent inappropriate behavior through teaching and reinforcing appropriate behaviors.**

**Successful School Management:** One important objective of successful school management is the creation of a safe and non-disruptive environment in which an equal educational offering can be extended to each student. Acceptable student behavior is a key element in the creation and maintenance of such an environment. An integral part of the overall learning process is making positive efforts within a safe and orderly environment to correct students' behavioral mistakes as well as academic mistakes. Schools will attempt to provide a range of interventions that are systemically applied to students based on their demonstrated level of need and addresses the role of the environment as it applies to the development and improvement of appropriate behavior.

- A. **Student Discipline:** Student discipline, when properly administered, reinforces the educational process in a positive manner. Student discipline must be administered in a manner that teaches acceptable social skills and instills within the student a lasting respect for authority.
  1. **Due Process:** Student discipline that is properly administered can demonstrate the principles of procedural and substantive due process which are the basic building blocks of an orderly society governed by laws rather than by the whims of man.
  2. **Procedures:** In order to assure these concepts, the School Board has provided procedures throughout this handbook which shall be strictly adhered to in all student discipline matters resulting in suspension, expulsion, or assignment to a special placement or an individually designated program.
- B. **Health, Safety, and Welfare:** The School Board has the responsibility to provide for the health, safety, and welfare of all students and employees.
  1. **Learning Atmosphere:** The School Board, with the cooperation of students and parents, has the responsibility to provide a proper atmosphere for learning provided by competent administrators and teachers who are enthusiastic, understanding, and fair.
  2. **Criminal Liability for Disruption of Educational Institutions:** Pursuant to Section 877.13, Florida Statutes, it is unlawful for any person to disrupt or interfere with the administration or functions of any educational institution, School Board, or activity on School Board property.
- C. **Management of Students Behaviors:**
  1. **School Board:** The School Board is authorized to adopt rules and regulations for the control and discipline of students and shall decide all cases in which expulsion is recommended.
  2. **Code of Student Conduct:** The *Code of Student Conduct* handbook outlines the rights and responsibilities of the School Board and students with regard to the conduct of students while attending school or a school-sponsored activity, while on school property or a school bus, or at a designated school bus stop. The Code also includes discipline and appeal procedures as well as consequences for violations of the Code of Student Conduct.
    - a. **Instruction and Distribution:** Specific instruction about the Code of Student Conduct is provided to all students, and this handbook is distributed to all students for delivery to their parents at the beginning of each school year continuously throughout the school year.
    - b. **Acknowledgment:** Both parents and students have the responsibility to become familiar with the Code of Student Conduct and to complete and return the Acknowledgment Form (Appendix B) of this document.

- D. **Revisions:** With the exception of administrative revisions mandated by law, the *Code of Student Conduct* is reviewed every year by a district-wide committee.
- E. **Superintendent:** The Superintendent has authority to review and modify recommendations for disciplinary actions:
1. **Stay Order:** The Superintendent shall have authority to grant a stay whereby the student shall remain in school pending conclusion of the appeal process.
  2. **Alternative Education Program:** The Superintendent or designee shall have authority to administratively assign a student attending regular school or a suspended or expelled student to an Alternative Education Program.
  3. **Expulsion:** The Superintendent has authority to make recommendations for expulsion to the School Board. When School Board action on a recommendation for expulsion of a student is pending, the Superintendent may extend the suspension assigned by the principal beyond ten (10) school days if such suspension period expires before the next regular or special meeting of the School Board.
- F. **Principal:** The principal or designee may develop school rules and may delegate such responsibility for the management of student behavior and direction of students to school administrators, instructional staff, and/or bus drivers or attendants as the principal or designee may consider appropriate.
1. **General Welfare of the School Community:** The principal's authority to control students and administer discipline includes all facilities, transportation, and extracurricular activities or functions provided by the Polk County School District. Such authority shall not be confined to the school campus if the act of the student directly affects the education and general welfare of the school community.
  2. **Disciplinary Actions:** Refer to Part III, Discipline and Appeal Procedures, Section 3.01, Disciplinary Actions.
- G. **Teacher:** Each teacher or other members of the school staff are given authority under state law to establish classroom rules of conduct with interventions and consequences for infractions of classroom rules, and to have violent, abusive, uncontrollable, or disruptive students removed from the classroom according to procedures as outlined in the Teacher Collective Bargaining Agreement.

**STUDENT RIGHTS AND RESPONSIBILITIES (SECTION 1.02):**

Student rights are not waived or relinquished by a child being enrolled in a public school. In order to progress successfully through Polk County Schools, students must be afforded those rights and responsibilities required by law. **NOWHERE IS IT STATED OR IMPLIED IN THE CODE OF STUDENT CONDUCT THAT THE SCHOOL SHOULD RELINQUISH AUTHORITY AND RESPONSIBILITY.**

***Access to Education***

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"> <li>Students have the right to a free public education that is not to be denied except by procedural due process. This right applies equally to students beyond the age of compulsory attendance, married students, pregnant students, or students who have children.</li> </ul>	<ul style="list-style-type: none"> <li>Students have the responsibility to attend school regularly and to use their educational opportunities to their fullest potential.</li> </ul>

***Knowledge and Observation of Rules of Conduct***

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"> <li>Students and parents have the right to a clear explanation of the Code of Student Conduct in understandable language.</li> <li>Students have the right to know the consequences of their misconduct.</li> </ul>	<ul style="list-style-type: none"> <li>Students and parents have the responsibility to become familiar with the Code of Student Conduct and to observe all school and classroom rules.</li> <li>Students have the responsibility to observe the rules and are expected to follow an accepted standard of behavior so as not to interfere with the educational process. Failure to comply with the rules will result in the forfeiture of privileges in addition to the penalties set forth herein.</li> </ul>

***Respect for Persons and Property***

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"> <li>Students have the right to privacy of personal possessions unless the principal has reasonable suspicion that such possession or possessions are injurious to health or otherwise are prohibited by law or school policy.</li> </ul>	<ul style="list-style-type: none"> <li>Students have the responsibility to make certain personal possessions are not prohibited by law or district policy and do not disrupt the educational process.</li> <li>Students have the responsibility for neither taking nor damaging the property of fellow students, school personnel or the school.</li> </ul>

***Participation in School Activities and Programs***

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"> <li>Students have the right and equal opportunity to participate in school activities and programs.</li> </ul>	<ul style="list-style-type: none"> <li>Students have the responsibility to choose their activities and programs and comply with the policies or rules associated with such programs.</li> </ul>

***Counseling Services***

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"> <li>Students have the right to receive appropriate counseling with regard to personal matters as well as educational programs.</li> </ul>	<ul style="list-style-type: none"> <li>Students have the responsibility to schedule appointments in advance in such a way as not to interfere with their academic responsibilities.</li> </ul>

***Due Process***

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"> <li>A student has the right not to be suspended or expelled and thereby deprived of a free education provided in the public schools without due process of the law as guaranteed to every American citizen by the Fourteenth Amendment to the Constitution of the United States of America. Due process requirements guarantee all students the right to fair notice, fair procedures, and a fair hearing.</li> </ul>	<ul style="list-style-type: none"> <li>The student and his /her parent/guardian have the responsibility to timely follow the procedures set forth herein in a respectful fashion.</li> </ul>

***Student Records and Personal Information***

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"> <li>Parents/guardians and eligible students (18 years of age or attending a post-secondary institution) have the right to inspect, review, and challenge the information contained in records directly relating to the student. This access may not be denied because of failure to pay fees or book fines.</li> <li>Parents/guardians and eligible students have the right to restrict the release of directory information. A school may release student directory information in certain situations as described in <i>Notice of Rights: Student Directory Information</i>.</li> <li>Students have the right to be protected by legal provisions that prohibit the release of personally identifiable information to unauthorized persons without the consent of the parents/guardians or eligible student.</li> </ul>	<ul style="list-style-type: none"> <li>Parents/guardians and eligible students have the responsibility to provide the school with any information that may be useful in making appropriate educational decisions. Parents/guardians and eligible students have the responsibility to meet their financial obligations as it relates to school fees.</li> <li>Parents/guardians and eligible students have the responsibility to release information to those persons or agencies who are working actively and constructively for the benefit of the student.</li> <li>Students and parents have the responsibility to provide the school with accurate and current information such as mailing address, medical information, and court orders concerning child custody, legal name changes, and other documents pertaining to the release of such information. Parents wishing to record conferences or meetings with teachers or administrators must advise all parties to such conferences or meetings in advance.</li> </ul>

***Free Speech, Expression and Assembly***

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"> <li>Students have the right to assemble in a non-disruptive manner.</li> <li>Students have the right to free speech, oral and written.</li> <li>Students have the right to not participate in the Pledge of Allegiance upon written authorization from parent.</li> </ul>	<ul style="list-style-type: none"> <li>Students have the responsibility to plan, gain approval for, and conduct assemblies consistent with educational objectives.</li> <li>Students have the responsibility to express and publicize their opinions and ideas in such a manner so as not to offend, slander or libel others, and to avoid disrupting the orderly process of the school.</li> </ul>

***Grades***

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"> <li>Students have the right to be informed of the teacher's grading criteria, which are consistent with district guidelines, at the beginning of each grading period.</li> <li>Students have the right to receive an academic grade that reflects their achievement.</li> <li>Students have the right to be notified when they are performing unsatisfactorily.</li> <li>Students have the right to receive a conduct and effort grade in each class consistent with their overall behavior and effort.</li> <li>Students have the right to achieve academic success based upon their own initiative and ability without interference from others.</li> </ul>	<ul style="list-style-type: none"> <li>Students have the responsibility to ask teachers in advance of a graded assignment for an explanation of any grading criteria or practice they may question or that needs clarification.</li> <li>Students have the responsibility to maintain reasonable standards of academic performance commensurate with their ability.</li> <li>Students have the responsibility to make every effort to improve their performance upon receipt or notification of unsatisfactory performance.</li> <li>Students have the responsibility to conduct themselves in each class in ways that are conducive to the learning process.</li> <li>Students have the responsibility to earn grades based upon their performance while guarding against cheating by other students.</li> </ul>

***Learning Atmosphere***

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"> <li>Students have the right to a healthy and safe school environment in which to learn.</li> </ul>	<ul style="list-style-type: none"> <li>Students have the responsibility and are expected to conduct themselves in such a manner so as not to interfere with the rights of others to learn.</li> </ul>

# **General Rules and Regulations**

## **Part II**



**ACADEMIC DISCIPLINE (SECTION 2.01):** No student shall receive discipline under the Code of Student Conduct for failure to complete academic assignments. Students have the responsibility and are expected to conduct themselves in such a manner so as not to interfere with the rights of others to learn.

**ALTERNATIVE EDUCATION PROGRAMS (SECTION 2.02):** The Alternative Education Programs are designed to provide educational services to those students who are unsuccessful in the normal school environment. The Alternative Education Programs described herein are those specifically related to student discipline and do not include various other alternative education opportunities provided by The School Board of Polk County, Florida.

- A. **Exceptional Students:** See Section 3.08, Discipline of IDEIA-Eligible Students.
- B. **Unsatisfactory Completion of Assignment:** Any student who fails to satisfactorily complete an Alternative Education Program assignment and has withdrawn from any school must enter the Polk County School System through the program they did not complete. This procedure may be waived if so determined by a committee assigned by the Director, Discipline.

**CHILD ABUSE (SECTION 2.03):** When child abuse and/or neglect is suspected by school personnel, the law requires that the suspected child abuse and/or neglect be reported immediately to the Florida Abuse Registry, 1-800-962-2873.

**CLUBS AND ORGANIZATIONS (SECTION 2.04):** All secret societies and kindred organizations are prohibited, forbidden, and excluded from the public schools of Polk County, Florida. No student shall be permitted to join or be connected with any such club or organization in the Polk County School system.

**STUDENT DATING VIOLENCE AND ABUSE (SECTION 2.05):** It is the policy of the Polk County School Board that all of its students have an educational setting that is safe, secure, and free from dating violence and abuse. The District shall not tolerate dating violence and abuse of any kind. Dating violence or abuse by any student is prohibited on school property, during any school related or school sponsored program or activity, or during school sponsored transportation. **Definitions**

1. **Dating Violence** is a pattern of emotional, verbal, sexual or physical abuse used by one person in a current or past intimate relationship to exert power and control over another when one or both of the partners is a student.
2. **Abuse** is mistreatment which may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and coercive behavior to gain power and maintain control over the dating partner.

**Reporting Dating Violence or Abuse**

School employees shall report to the Principal or designee suspected cases of dating violence and abuse. Students should report suspected cases of dating violence and abuse to the Principal or designee and may do so anonymously. Student victims should report any incidents of violence and abuse to the Principal or designee as soon after it occurs as possible. Nothing herein shall be construed as relieving a mandatory reporter of the obligation to report a reasonable suspicion of child abuse or neglect.

**DRESS CODE (SECTION 2.06):** Students are required to wear appropriate clothing according to the situation and the grade level involved. Inappropriate clothing and appearance are disruptive to the school program and principals will enforce adherence to this policy by those under their jurisdiction. Each school may provide for more specific dress code requirements within the scope of this district-wide dress code. The principal shall confer and obtain approval from the school's School Advisory Council (SAC) to develop and notify parents and students of the school's specific dress code before the end of the school year. *School administrators have final authority to decide if clothing complies with District rules. Dress Code is not to be used as a barrier to access education. No student may be denied attendance at school or otherwise penalized if failure to comply with dress code is due to financial hardship. Responsible timeframes may be established for compliance for financial hardship and for students new to the district.*

- A. Section 4.03, Disruptive Behavior and/or Minor Infractions: **Repeated violations of the dress code shall be treated as disruptive behavior under Section 4.03 herein. However, dress code violations shall not carry over on the student's discipline record to subsequent semesters.**

**B. General Dress Code Requirements:**

Section 1 paragraph (d) of subsection (2) of section s.1006.07, Florida Statutes requires each district school board to adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or disrupts the orderly learning environment. Each student is responsible for compliance with appropriate dress, respect for self and others, and the role appropriate dress and respect for self and others has on an orderly learning environment. Any student who violates the below dress policy is subject to the following disciplinary actions:

- a. For a first offense, a student shall be given a verbal warning and the school principal or designee shall call the student's parent or guardian.
  - b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal or designee shall meet with the student's parent or guardian.
  - c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal or designee shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.
1. **Shirts and Blouses:** Shirts or blouses shall be tucked into the waistband of the pants or skirt. Exceptions will be allowed in individual cases based upon the discretion of the principal or designee.
  2. **Pants:** Pants with belt loops shall be worn with a belt that is properly fastened. Pants shall be worn so that the waistband is worn at the waist and not below the waist. Section 1 paragraph (d) of subsection (2) of section s.1006.07, Florida Statutes requires each district school board to adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or disrupts the orderly learning environment. Each student is responsible for compliance with appropriate dress, respect for self and others, and the role appropriate dress and respect for self and others has on an orderly learning environment.
  3. **Skirts and Dresses:** The hem of girls' skirts or dresses shall be no shorter than mid-thigh as determined by the principal or designee in the exercise of his or her judgment.
  4. **Appropriate Sizes:** Students shall wear clothing of appropriate size as determined by the principal or designee exercising his or her judgment.

- C. **Unacceptable Attire:** Students are not allowed to wear clothing (including bandanas), jewelry (including body piercing jewelry and "grills"), buttons, haircuts, tattoos, or other attire or markings which are offensive, suggestive, disruptive, or indecent such as:

1. Clothing associated with gangs.
2. Clothing encouraging the use of tobacco, drugs, alcohol, or violence.
3. Clothing associated with discrimination on the basis of age, color, handicap, national origin, marital status, race, religion, or sex.
4. Clothing exposing the torso or upper thighs such as see-through garments, mini-skirts or mini-dresses, halters, backless dresses, tube tops or tank tops without over blouses or shirts, spaghetti strap garments without over blouses or shirts, bare midriff outfits, or shirts or blouses tied at the midriff.

5. Clothing not properly fastened or with tears.
  6. Clothing or outer garments traditionally designed as undergarments such as boxer shorts, bloomers, tights, hosiery, and sleepwear.
  7. Clothing or footwear that is construed by the principal or designee as hazardous or dangerous to the health of the student or others.
  8. Overalls – any bibbed pants or shorts (with an inseam).
  9. Trench Coats
  10. Hooded sweatshirts are acceptable, but hoods may not be worn during school hours.
- D. **Shorts:** All students may wear hemmed walking shorts or Bermuda shorts and female students may wear skorts, provided that such shorts or skorts are no shorter than mid-thigh as determined by the principal or designee exercising his or her judgment.
1. **Unacceptable Shorts:** Athletic shorts including spandex-style "bicycle" shorts, cut-off jeans, frayed jeans or pants, cut-off sweat pants, short shorts, running shorts, and see-through boxer-type shorts are not allowed.
  2. **Career Centers:** For safety and employment training purposes, students enrolled at the career centers will not be allowed to wear shorts.
  3. **Revocation of Shorts Privilege for Excessive Violations:** If an individual school's School Advisory Council ("SAC") determines that too many students have abused and violated the shorts policy, the SAC and principal may request that the School Board revoke the shorts privilege at that particular school so that the entire student body will not be allowed to wear shorts to school during the next semester. In such cases, the School Board may elect to prohibit wearing shorts to school at that particular school during subsequent semesters or school years or re-instate the privilege of wearing shorts to school as the School Board may deem appropriate. The principal may revoke the shorts privilege of any student who violates the provisions of the shorts policy twice in one semester.
- E. **Student Identification Badges – GRADES 6-12**  
**Student identification badges will be provided to secondary students to ensure safety and security of students and staff. Students must wear the ID card at all times around the neck area when on school grounds.**
- F. **Face Covering – GRADES K-12 (Only applicable when the wearing of a face covering is required by the District)**  
**Students must wear a face covering at all times required by the District. It must cover the nose, mouth, and fit snugly against the sides of a person's face with little or no gaps to ensure their own safety and the safety of other students and staff. Students must wear the face covering when on school grounds or district provided transportation unless the student is involved in an approved activity when a face covering would not be appropriate. All face coverings must comply with general dress code and school uniform requirements.**  
**\*\*\* Grades K-1 are in developmental stages upon the first 9 weeks of entering schools.**

### STUDENTS GRADES K-8

- A. **Scope:** This policy shall apply to all students in **kindergarten through eighth grade** except for students attending the following schools or centers:
1. Gause Academy.
  2. Teen Parent Program.
  3. Roosevelt Academy.
- B. **Magnet Schools:** Magnet school student uniform requirements shall take precedence over the uniform dress code described herein.
- C. **Basic Uniform Clothing:** At each school to which this uniform dress code applies, the principal shall confer with the school's SAC to develop and publish a school dress code that will contain the following basic uniform requirements as to the styles and colors of clothing.
1. **Girls' Basic Uniform:** The basic uniform clothing for girls in **kindergarten through eighth grade** shall consist of a long or short-sleeved navy blue or white collared blouse or polo shirt with a dark blue, black or khaki (tan) skirt, walking shorts, slacks, skorts, jumper, or similar clothing. The skirt, shorts, slacks, skorts, and jumpers may be of denim, corduroy, or twill fabric.
  2. **Boys' Basic Uniform:** The basic uniform clothing for boys in kindergarten through eighth grade

**PART II**

**GENERAL RULES AND REGULATIONS**

shall consist of a long or short-sleeved navy blue or white collared shirt, such as a polo, oxford or dress shirt, and a dark blue, black or khaki (tan) pair of long pants, or walking shorts. The pants or shorts may be of denim, corduroy, or twill fabric.

3. **Additional Uniform Alternatives:** In addition to the basic uniform clothing specified in paragraphs a. and b. above, at the discretion of the principal, a school may include in the school's uniform dress code the following alternatives:
  - a. One additional specified color may be allowed for the collared shirt or blouse. Colored trim, stripes, or decorations will not be allowed. A small logo is acceptable.
  - b. Skirts, shorts, slacks, skorts, and jumpers must be a solid color (traditional blue jean colors are acceptable) with no stripes, decorations, or embroidery. One specified plaid will be allowed. A small logo is acceptable.
4. **Considerations:** In selecting such alternatives, if any, the principal and SAC shall take into consideration the availability, affordability, and practicality of the alternative.
5. **School T-Shirts:** In addition to the shirts and blouses described in subparagraphs a., b., and c. above, each school may include in its uniform dress code the option of allowing students to wear a school-sponsored T-shirt (which may have a crew neck rather than a collar).
- D. **Outer Garments:** The uniform dress code shall not prohibit students from wearing coats, jackets, sweaters, or other appropriate outer garments when necessary due to weather conditions or for other legitimate reasons. Sweatshirts or sweaters of appropriate school color may be worn over appropriate uniform shirt or blouse. Trench coats are not appropriate nor are they allowed for grades K-12.
- E. **District-wide Dress Code:** All other aspects of student dress and appearance not covered by this uniform dress code policy shall be governed by the remaining provisions of this section and any related school rules pertaining to student appearance.
- F. **Financial Considerations:**
  1. **Financial Hardships:** No student shall be denied attendance at school or be otherwise penalized for failing to wear clothing that complies with the uniform dress code if such failure is due to financial hardship.
  2. **Assistance:** Each school's principal and SAC shall develop procedures and criteria to offer assistance to students who would have or are having difficulty complying with their school's uniform dress code due to financial hardships and shall develop a program to provide for donations of clothing or financial assistance, consignment shops, or reuse of uniform clothing or similar program that would alleviate such financial hardships.
- G. **New Students:** Students entering the Polk County Public School System during the school year shall be granted a grace period of one (1) month before being required to comply with the uniform dress code.
- H. **Alternative Education Programs:** Students in **grades kindergarten through eighth** assigned to an Alternative Education Program shall be required to dress in accordance with the uniform dress code in effect at the school in which they were enrolled before their assignment to the Alternative Education Program.
- I. **Exceptions:** Exceptions to the uniform dress code shall be permitted when:
  1. A student wears a uniform of a nationally recognized youth organization, such as the Boy Scouts or Girl Scouts, on regular meeting days.
  2. A student wears a button, armband, or other accouterment to exercise the right of free speech guaranteed by the United States and Florida Constitutions, unless the button, armband, or other accouterment signifies or is related to gangs, gang membership, or gang activity, or would otherwise violate the dress code policy.
  3. A student wears a costume or special clothing necessary for a school play or other school-sponsored activity as permitted by the principal.
  4. The wearing of clothing in compliance with the uniform dress code violates a student sincerely held religious belief or by reason of a student's disability or medical condition.
- J. **Breach of Conduct, Section 4.03:** Repeated violations of the uniform dress code shall be treated as disruptive behavior under Part VI, Section 4.03, Disruptive Behavior and/or Minor Infractions.

**PART II** **GENERAL RULES AND REGULATIONS**

**DRUG-FREE SCHOOLS (SECTION 2.07):** The School Board is responsible for maintaining an environment in which students are protected from drugs and drug-related activities. The community rightfully expects the school to exercise this responsibility to prevent drug problems from arising.

- A. **Florida Law:** The use, possession, or distribution of illicit drugs or alcohol is unlawful and harmful.
  - 1. **Students:** Students are subject to the laws regarding the use, possession, and distribution of illicit drugs or alcohol on school campus as well as elsewhere and have the responsibility to obey these laws.
  - 2. **Employees/Failure to Report a Violation:** Failure by any employee to report a known violation shall be in violation of Florida law and the expressed policy of this Board and would constitute an act of gross insubordination and willful neglect of duty.
- B. **Policy:** It is the expressed policy of this Board that the use, possession, distribution, or overt act in connection with any controlled substance, counterfeit controlled substance, alcoholic beverage, or model glue, as defined by law, by any student enrolled in the Polk County Public School System would result in immediate disciplinary action as outlined in Part V, Section 5.10, Drugs, and will also be referred to the appropriate lawenforcement agency.
- C. **Searches:** See Glossary

**EXTRACURRICULAR ACTIVITIES & ATHLETICS (SECTION 2.08):**

Students will exhibit satisfactory conduct in order to retain eligibility to participate in extracurricular activities in Polk County Public Schools. Students attending an Alternative School cannot participate in extracurricular activities.

**Disciplinary Actions – Extracurricular Activities/Athletics**

For In-School Suspension: Students may not participate in extracurricular game activities during in-school suspension. Practice is acceptable.

For Out-of-School Suspension: Students assigned to out of school suspension shall be excluded from participating in all extracurricular activities from the date of the offense until completion of the disciplinary action, and the student has attended a regular school day. For the purpose of continuity, suspension shall begin the day the referral is finalized and the consequences issued by the appropriate administrator.

For Level III or Level IV Offenses: Students who commit a level III or IV offense shall be excluded from participating in all extracurricular activities from the date of the offense until completion of the disciplinary action, and the student has attended a regular school day

Students entering Polk County Public Schools from another school district or charter school must complete any disciplinary actions from the previous school district before the student is eligible to participate in any interscholastic school activity within Polk County Public Schools.

**Special Note: Athletic Policies**

A student not currently suspended from interscholastic extracurricular activities, or suspended or expelled from school, pursuant to a district school board’s suspension or expulsion powers provided in law, including ss. 1006.07, 1006.08, and 1006.09, is eligible to participate in interscholastic extracurricular activities.

A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets the criteria in s. 1006.15 (3)(h).

A student’s eligibility to participate in any interscholastic extracurricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to s.1006.20 (2)(b).

If a player quits or is dismissed for disciplinary reasons from a team, he/she shall not be permitted to try out for the next season’s sport at the same school until the season ends in the initial sport from which the athlete quits. For example: Quits football to try out for basketball. A season is defined as the first day of practice through the school’s last FHSAA play-off game. (Sideline cheer Included.)

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

- School attendance policy that may prevent a student from participating
- Alcohol/drug related behavior
- School/classroom discipline issues
- Principal discretion
- Social media issues
- Bullying
- Sportsmanship
- Dress code policy
- Four year limit of eligibility
- Age limit – 19 years, 9 months (seniors) or 19 years on or after Sept. 1<sup>st</sup> (all others)
- Physical evaluation (EL2) and Consent and Release from Liability Certificate (EL3)
- Any other district policy which would remove or prevent a student from participating in extracurricular activities.

### **High School Eligibility**

**Academic Requirements:** 2.0 grade point average required for academic eligibility. A high school student must have a cumulative 2.0 GPA on a 4.0 unweighted scale, or its equivalent, at the conclusion of each semester to be academically eligible during the next semester (s. 1006.15 (3)(a)1, Florida Statutes). Final grades previously earned by the student from another school shall not be converted using the scale in calculating GPA. The grades from all courses required for graduation that a student takes, including those taken by the student before he/she begins high school, must be included in the calculation of the student's cumulative GPA at the conclusion of each semester. For public school students, this includes the courses listed in s. 1003.4282, Florida Statutes.

Academic eligibility/ineligibility is for one semester. A student who is academically eligible at the beginning of a semester will continue to be academically eligible for that entire semester. Likewise, a student who is academically ineligible at the beginning of a semester will continue to be academically ineligible for that entire semester, except as provided in by-law 9.4.5.1.2. The student's academic eligibility for each successive semester will depend upon his/her cumulative GPA at the conclusion of the previous semester. 9.4.1.3 Attendance during previous two consecutive semester required. A student cannot be academically eligible if he/she has not attended school and received grades for all courses taken during the previous two consecutive semesters. (*FHSAA By-Laws.*)

All district high schools shall be members of the Florida High School Athletic Association Inc. (FHSAA) and shall be governed by the rules and regulations adopted by FHSAA. Students who participate in athletics shall meet eligibility requirements by FHSAA and the school board.

### **Special Note: Athletic Student Transfer Eligibility**

A student who transfers is immediately eligible as long as all other eligibility requirements are met. Students may not participate in the same sport in the same year at more than one school (unless one of the exceptions are met):

1. Children of active duty military whose move resulted from military orders
2. Children relocated due to foster care placement or McKinney-Vento Act
3. Children who move due to a court-ordered change in custody due to separation, or serious illness or death of custodial parent
4. Good cause policy in district or charter (district placement)
  - a) Special assignment by Regional Superintendent, School Office, or Office of School Culture and Climate
  - b) Move to a new residence following the marriage of the student. The student immediately establishes a new residence that makes it necessary to attend a different school
  - c) Reassignment by District School Board or Charter School Board
  - d) Transfer of school within the first 20 days – i.e.: acceptance into a previously applied for magnet program
  - e) Any athletic appeal which will require the Office of Athletics Review Committee to intervene and make a decision on a case led by the Senior Coordinator of Athletics. All decisions will be given within 10 school days from the date of the appeal
  - f) Affidavit of residency will require county athletic approval
  - g) Academy transfer before the season begins

**FALSE ACCUSATIONS AGAINST STAFF (SECTION 2.09):** Principal or the principal's designee will follow progressive discipline depending on the intent and severity of the false accusations. The principal or the principal's designee may recommend the expulsion or assignment to an alternative program of any student or group of students found to have **intentionally** conspired to make false accusations or made false accusations that jeopardize the professional reputation, employment, or professional certification of a teacher or other member of the school staff.

**HARASSMENT/DISCRIMINATION/BULLYING (SECTION 2.10):** The Board vigorously enforce its prohibition against harassment based on race, color, national origin, sex (including sexual orientation, transgender status or gender identity), religion or disability (including HIV, AIDS or sickle cell trait), pregnancy, marital status, age (except as authorized by law), military status, ancestry or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes") and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of unlawful harassment and in those cases where legally prohibited harassment is substantiated, the Board will take immediate steps to end the harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

The Board will not tolerate harassment/discrimination by any of its employees or students, or nonemployee volunteers who work under the control of school authorities as described in Board Policy 5517.01. Discrimination and harassment threaten the safety, security, and well-being of not only those against whom such actions are directed, but everyone who has an interest in our schools. For these reasons, the School Board has adopted this policy as its commitment to requiring and ensuring that all School Board activities will take place without harassment or discrimination being directed against any person.

Any substantiated violation of this policy will be deemed a serious violation and shall be addressed accordingly. All administrators, managers, and supervisors are expected and required to ensure that this policy is fully implemented and vigorously enforced.

- A. **Definition: *Discrimination*** is conduct which deprives the victim of the proper opportunity to participate in employment, educational programs or activities, School Board or school-sponsored activities, or in any other activities offered or provided by the School Board on account of race, color, national origin, sex, disability,
- B. **Definition: *Harassment*** is a form of discrimination. It is conduct directed by a person or persons against another person on the basis of race, color, national origin, sex, disability, pregnancy, marital status, age, religion, military status, language spoken, homelessness, or genetic information which are classes protected by State and/or Federal law which is severe, persistent, pervasive, and objectively offensive to the point that the prohibited conduct impairs the victim's participation in his/her employment, educational programs, school-sponsored activities, or any other activities offered or provided by the School District as more specifically defined below.



- C. **Sexual Harassment:** Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, or physical conduct of a sexual nature when:
1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment, an individual's education, or participation in any School Board function.
  2. Submission to or rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting that individual.
  3. Such conduct interferes with an employee's work performance or student's academic performance, or creates an intimidating, hostile, or offensive work or school environment.
  4. Harassment/Discrimination, as defined above, may include, but is not limited to, the following:
    - a. Verbal, nonverbal, graphic, electronically- transmitted and written 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 concerning one's employment or academic record.
  5. It is harassment/discrimination for a School Board employee or nonemployee volunteer to use his or her authority to solicit sexual favors or attention from subordinates or students, including but not limited to incidents when the subordinate's or student's failure to submit will result in adverse treatment, or when the subordinate's or student's acquiescence will result in preferential treatment.
- D. **Racial Harassment:** Racial harassment consists of verbal or physical conduct that denigrates or shows hostility or aversion toward any person based upon race when such conduct has the purpose or effect of creating an intimidating, hostile or offensive work or school environment; or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or any school activity. Racial harassment, as defined above, may include, but is not limited to, the following conduct which is based upon race:
1. Epithets and slurs.
  2. Negative stereotyping.
  3. Threatening, intimidating, or hostile acts.
  4. Electronically transmitted, written or graphic material that shows hostility or aversion toward an individual group.
  5. It is racial harassment for a School Board employee, nonemployee volunteer or student to create or be responsible for a racially hostile environment—*i.e.*, harassing conduct that is sufficiently severe, pervasive or persistent so far as to interfere with or limit the ability of an employee or student to participate in or benefit from services, activities, or privileges provided by the District.

E. **Disability Harassment:** Disability harassment is oral or physical conduct, or any act as relating to an individual's disability that is sufficiently severe, pervasive, or persistent so as to limit or interfere with the ability of the individual to participate in or benefit from District programs or activities; harassment that has the effect of unreasonably interfering with an employee's performance or creating an intimidating, hostile, or offensive working or school environment. Disability harassment, as defined above, may include, but is not limited to conduct directed at the characteristics of a person's disabling condition such as:

1. Imitating manner of speech.
2. Interfering with necessary equipment.
3. Negative stereotyping.
4. Threatening, intimidating, or hostile acts.
5. Electronically transmitted, written or graphic material that shows an aversion or hostility towards an individual or group with disabling attributes.
6. It is disability harassment when a School Board employee, nonemployee volunteer or student seeks to involve a student or employee with a disability in antisocial, dangerous, or criminal activity where the student or employee, because of disability, is unable to comprehend fully or consent to the behavior.

F. **Procedures:**

1. Any student who alleges harassment/discrimination by another student or employee may use the District's complaint procedure found in the School Board Policy or the Equity Handbook or may complain directly to his or her principal or teacher.
2. Filing of a complaint or otherwise reporting harassment/discrimination will not affect the student's status, extracurricular activities, future grades, or work assignments.
3. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the Board's legal obligations to investigate all allegations of harassment/discrimination and take corrective action when such conduct has occurred.
4. In determining whether alleged conduct constitutes harassment/discrimination, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred will be investigated. The principal or designee has the responsibility of investigating complaints of harassment/discrimination and reporting his or her findings to the Superintendent or designee and should seek the assistance of the Superintendent or designee in resolving complicated factual situations.
5. A substantiated charge of harassment/discrimination against a student shall subject that student to disciplinary action, including but not limited to suspension or expulsion, consistent with other provisions contained herein as determined by the Superintendent or designee. Such disciplinary actions shall be subject to the applicable appeal procedures set forth in Part III, Discipline and Appeal Procedures.

**Bullying:** Three criteria are necessary for an incident to be bullying:

1. Any behavior that is unwanted, offensive, threatening, intimidating, insulting, causes discomfort or humiliation, or interferes with the individual's school performance which results in the victim feeling stressed, injured, or threatened
2. The behaviors are repeated
3. There is an imbalance of power between the bully and the victim.

The behavior can take the form of:

- **Physical aggression** including but not limited to hitting; pushing; spitting, stalking, destruction of property, etc.
- **Verbal aggression** including, but not limited to name calling, teasing, making remarks that are insulting, intimidating, threatening, publicly humiliating, disrespecting or demeaning a person's race, religion, disability, appearance, or sexual orientation.
- **Emotional (relational) aggression** including but not limited to spreading rumors.

- **Sexual aggression** including but not limited to any unwanted sexual advances or actions intended to make the other person uncomfortable, embarrassed, or humiliated, and might include obscenities or gestures, exposure, or physical contact
- **Cyberbullying/Cyberstalking** includes, but is not limited to using the internet, interactive and digital technologies or mobile phones to communicate words, images, or language, directed at specific persons that has the harmful effects described above (1)

**INVESTIGATIONS AT SCHOOL (SECTION 2.11):**

*All notification calls shall be documented. When parents cannot be reached, school administrators will call all telephone numbers listed on the student's emergency information card in an effort to notify the parent. Repeated efforts must occur to notify parent.*

**Criminal** - If a student is a suspect in a criminal investigation by a law enforcement agency that may result in arrest or criminal charges, an administrator will exhaust all efforts to contact the parent before the police officer begins questioning. If the parent cannot be located, the law enforcement agency may go ahead with questioning. If contacted, the law enforcement agency may allow the parent to be present during questioning.

**Administrative** - If a student is suspected of violating the Code of Student Conduct, school officials can question the student without first contacting the parent. Students do not have a right to have parents present or a right to an attorney when questioned.

**Victim or Witness** - If a student is a victim or a witness, the law enforcement agency or administrative investigators are allowed to question the student without first contacting the parent. If the investigation involves child abuse, the official conducting the investigation will decide who can be present during the interview.

When the initial interview with the student is conducted at school, the Department of Children and Families (DCF) or law enforcement agency may allow a school staff member who is known by the student to be present if: (a) the school staff member could enhance the success of the interview by his/her presence, **and** (b) the student requests or consents.

If a student needs to be interviewed Department of Children and Families (DCF) or law enforcement agency can interview him/her. The DCF agent or law enforcement officer must sign an Interview/Release to DCF/ Law Enforcement form.

***NOTE: Parents shall not be notified in cases where such legal authorities are investigating allegations of child abuse or neglect by the parent and/or guardian.***

**Removal of Student from School Property** - If a student is being **interviewed as a witness**, the law enforcement agency cannot remove the student from school property without a subpoena or first obtaining the consent of the parent. If **subject to arrest**, with or without a warrant, the officer can remove the student without parental consent or the consent of school officials. The administrator will try to notify the parent before the student is removed or as soon after removal as possible.

If a student needs to be taken into **protective custody**, the Department of Children and Families (DCF) or law enforcement agency can remove him/her. Anytime a student is taken from school by DCF or the officer, the officer must sign a Release to DCF/ Law Enforcement form.

***NOTE: All DCF/ law enforcement officers must be properly identified before access is given to students or student records.***

**MEDICATION (SECTION 2.12):** Students are not allowed personal possession of any medication while at school.

- A. **Definition:** Medications (over-the-counter or prescription) used in the treatment of a physical condition and/or illness, which shall include but not be limited to all forms of pills, tablets, capsules, lozenges, liquids, creams, *etc.*, that may be taken internally or applied to the body.
- B. **Requirements:** An adult must bring all medications to school that are to be administered to students by school personnel. Medication must be in the original labeled container prepared by a pharmacist (prescription) or the manufacturer (nonprescription) accompanied by a completed Authorization for Medication form. The physician/mid-level practitioner and the parent/guardian must complete this form.
- Drug-Free Schools:** Students found to be in personal possession of medications while at school may be in violation of Part VII, Section 5.10 - Drugs. If a student brings medication on school premises and takes an overdose with the intent to commit suicide, the student should be referred to the medical and mental health services available in the community rather than being subjected to a violation of the Code of Student Conduct.
- C. **Exception:** Students requiring inhalers, Epi-pens or pancreatic enzymes may carry their inhaler/Epi-pen/pancreatic enzymes if the physician documents it on the Authorization for Medication form. Additional requests will be handled on a case-by-case basis. Lip balm, sunscreen, and saline for contact lenses are not considered to be medications and may be carried by the student without an Authorization for Medication form.

**NO CONTACT ORDER (SECTION 2.13):** A circuit court judge may deny a respondent/perpetrator contact with the petitioner/victim, or siblings of the petitioner/victim, if they attend the same school or ride the same school bus. If a No Contact Order is issued, the respondent/perpetrator will be given the option of attending another school (transportation at expense of the parents) or attending an Alternative Education Program. If the petitioner/victim/sibling contact is on the bus, the respondent/perpetrator will be transported at the expense of the parents.

**SEARCHES (SECTION 2.14)** A student's locker, vehicle, purse, backpack, computer, personal communication device, and other personal possessions may be searched if there is a reasonable belief any of them contain drugs, weapons, contraband, or other items not permitted on campus. Any search will be conducted in accordance with School Board Policy 5771 – Search and Seizure. Trained sniff-screening dogs are allowed in the schools to prevent drugs and weapons. The routine checks by dogs are not considered a search by law. These are safety precautions to provide a safe and healthy school in which to learn. Strip searches of students by school personnel are prohibited. Nothing in this provision shall be construed to obstruct a law enforcement officer in the performance of his/her duty.

**STUDENT TRANSPORTATION (SECTION 2.15):**

- A. **Rules and Regulations Governing Behavior for Students who Ride a School Bus:** A student's violation of School Board transportation policies, including Part IV, Breaches of Conduct, Section 4.06, School Bus Safety Rules and Part V, Serious Breaches of Conduct, Section 5.27, Serious Misconduct on a School Bus, and disruptive behavior on a school bus or at a designated school bus stop may be grounds for suspension of the student's *privilege* of riding on a school bus, in-school suspension, out-of-school suspension, expulsion, or any other appropriate disciplinary action recommended by the principal and approved by the School Board, and may also be reported to law enforcement officials with the possibility of criminal penalties being imposed.

**TARDIES (SECTION 2.16):** A tardy is the absence of any student at the **start of class**. Excused and unexcused tardies will be defined the same as excused and unexcused absences. Students cannot be suspended out of school for unexcused tardies.

**TECHNOLOGY USE:** See Technology Policies pages xiii-xvi

**TEXTBOOKS AND LIBRARY OBLIGATIONS (SECTION 2.17):** An obligation is defined as school property lost by a student. It is not a fine assessed by a school for late fees. (School Board Policy 6152 – STUDENT FEES, FINES, AND CHARGES B. “School Fees” do not include library fines.) Late fees are not transferable and should be removed at the end of the school year by each school.

(School Board Policy 2520 – INSTRUCTIONAL MATERIALS AND EQUIPMENT) Failure to provide payment for the damage or loss may result in the suspension of the student from participation in extra-curricular activities, or the debt may be satisfied by the student performing community service activities at the school site as determined by the school principal.

Parent/student will be offered the following for satisfying

- Replace a library book with a book in the same condition. The title must be approved by the library media specialist.
- Replace the same textbook title and edition from an outside source through purchase, a receipt is required to verify the purchase
- Allow the student to work off the obligation at the rate of \$5.00/hour outside of instructional time

**DISCIPLINE  
AND  
APPEAL PROCEDURES**

**PART III**

**DISCIPLINARY ACTIONS - SECTION 3.01**

A student who is accused of misbehavior or a breach of this Code of Student Conduct will be presented to the principal or designee by the person having knowledge of the misbehavior or breach of conduct.

**A. Written Referral:** Violations shall be presented in written form and should be specific, indicating details of the incident which have been seen, heard, or experienced.

**B. Student Notification:** The student will be placed on notice of the violation by the principal or designee and afforded an opportunity to explain.

**C. Initial Conference:** An initial conference shall be conducted by the principal or designee at each level of discipline.

1. **Charges and Evidence:** The principal or designee shall confer with the student, explain the charges and evidence against the student, and allow the student an opportunity to present his or her side of the story prior to taking disciplinary action.
2. **Parental Assistance:** A good faith effort shall be made by the principal or designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions that require immediate suspension or in the case of a serious breach of conduct as defined under Part V, Serious Breaches of Conduct.

**D. Parental Notification:**

It is the parent/guardian's responsibility to maintain current phone/contact/email information throughout the school year. It is the parent/guardian's responsibility to inform the school of any changes. Changes can be made by calling the school or going to Parent Portal on the district website: [www.polk-fl.net](http://www.polk-fl.net).

1. **By Telephone:** The principal or designee shall make a good faith effort to notify the parent by telephone of the student's misconduct and the proposed disciplinary action. *All notification calls shall be documented. When parents cannot be reached, school administrators will call all telephone numbers listed on the student's emergency information card in an effort to notify the parent. Repeated efforts must occur to notify parent.* If the parent has provided the school with an email address you may send an email, but also must follow up with phone call and written notification.
2. **By Written Notice:** Regardless of whether there has been communication with the student's parent by telephone, the principal or designee shall, within twenty-four (24) hours of taking disciplinary action, send written notice to the parent describing the disciplinary action imposed and the reasons thereof. For Levels 1 through 3, the notice may be forwarded to the parent via the student; however, for Levels 4 through 8, the parent shall be notified by written notice via U.S. regular mail.

**PROGRESSIVE DISCIPLINE - SECTION 3.02**

**When deciding what disciplinary action should be taken, the principal or designee shall consider the student's age, exceptionality, previous conduct, probability of a recurring violation, intent, attitude, severity of the offense, current supports in place/implemented and, whenever possible, shall impose disciplinary action in a progressive manner.** Progressive discipline requires that the levels are to be used in a progressive manner moving sequentially through the Levels, unless the severity of the incident warrants a higher level. In creating safer and more effective schools, our aim is to prevent inappropriate behavior through teaching and reinforcing appropriate behaviors. Schools will attempt to provide a range of interventions that are systemically applied to students based on their demonstrated level of need and addresses the role of the environment as it applies to the development and improvement of appropriate behavior.

Progressive discipline utilizing corrective strategies that consider the student's age, exceptionality, previous conduct, probability of a recurring violation, intent, attitude, and severity of the offense shall be utilized in all instances.

All corrective strategies used by school site-administrators must be in compliance with School Board rules and policies. Inherent in these rules and policies is the philosophy of fairness and consideration for actions that are in the best interest of students.

The aim of the district is to build effective environments in which positive behavior is encouraged more than problem behavior so that academic success can be achieved. Each school shall have in place a school wide behavior management system based upon proactive, educative, and reinforcement based strategies. This plan is to be shared with parents, students, and staff continuously throughout the school year.

Teachers are to have a consistent proactive behavior management system within the classroom. Rules/expectations are to be displayed, taught, and reviewed. Teachers are to inform/communicate with parents and students the rules/expectations of the class.

**A. Levels 1 through 6:** The principal or designee has authority to impose disciplinary action beginning at Levels 1 through 6.

**B. Levels 7 and 8:** The principal or designee may recommend the following levels of discipline for those offenses deemed by the principal or designee to seriously disrupt the educational process:

1. **Level 7 - Alternative Education Program:** A recommendation for assignment to the Alternative Education Program is subject to the approval of the Superintendent or designee. Any student who violates the Code of Student Conduct while attending the Alternative Education Program may be subject to more severe disciplinary actions than those outlined in Part IV, Breaches of Conduct, and Part V, Serious Breaches of Conduct, of the Code of Student Conduct, including expulsion.
2. **Level 8 – Expulsion:** A recommendation to expel a student from the Polk County School District is subject to the approval of the Superintendent, who upon granting approval would then present a recommendation to the School Board for final approval.

**C. Referral to Law Enforcement:** The administrator is responsible for ensuring that acts that pose a threat to school safety and/or criminal acts are reported to law. The administrator shall notify the Director, Discipline or Regional Assistant Superintendent if police are called to the school campus and must attempt to notify the parent of the involved student and document such attempts to notify the parent.



**LEVELS OF DISCIPLINE ALL STUDENTS SECTION 3.03**

- A. **Level 1 – Parental Assistance:** The teacher shall communicate with the student and the student’s parent in an attempt to solve the discipline problem.
- B. **Level 2 – Office Intervention:** The principal or designee may intervene to address student disciplinary matters in situations where the teacher’s efforts in the classroom and with the parents are deemed unsuccessful by such administrator in resolving the student’s misconduct.
- C. **Level 3 – Detention or Work Detail Programs:** Detention is a form of discipline whereby the student is placed in a controlled educational setting before, during, or after school hours. Detention served in the classroom will be at the discretion of the teacher. Work detail is a form of discipline involving a manual work program and requires parental consent. If the parent does not wish his or her child to participate in a work detail program or if the student fails to participate in a work detail assignment, the principal may impose an alternative method of discipline including an out-of-school suspension.
- D. **Level 4 – In-School Suspension:** In-School Suspension is a form of discipline involving the student’s temporary removal from his or her regular school program and placement in an Alternative Education Program at the student’s regularly assigned school and denial of the privilege of participating in school activities. This program may include work detail (manual work on the part of the student and requires parental consent). In-School Suspension is not offered at all Polk County Schools.
- E. **Level 5 – Out-of-School or Bus Suspension – Short-Term:** Out-of-School Suspension – Short-Term is a form of discipline involving the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, or from the school bus for a period not to exceed three (3) school days.
1. **Notice of Suspension:** The principal or designee will determine the facts and if a suspension is justified, shall make a good faith effort to contact the parent by telephone.
    - a. **Requirements:** If the parent cannot be contacted, the student is not to be sent home during the school day.
    - b. **Parental Notice:** The principal or designee shall complete the Notice of Out-of-School or Bus Suspension form and give a copy of the notice to the student for delivery to the parent, and forward a copy of the notice by United States regular mail to the parent within twenty-four (24) hours of the decision to suspend the student.
- F. **Level 6 – Out-of-School or Bus Suspension - Long Term:** Out-of-School Suspension - Long Term is a form of discipline involving the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, or from the school bus, for a period not to exceed ten (10) school days. The principal or designee shall follow the procedures set forth above (Level 5).
- G. **Level 7 – Alternative Education Programs (Grades Kindergarten through Fifth):** The Alternative Education Program is a form of discipline involving assignment and transfer to an Alternative Education Program designed to meet the needs of students who violate the Code of Student Conduct. Students in grades K-5 may only be assigned to an alternative education program for an expellable offense as outlined in the *Code of Student Conduct*. Students **may** be assigned to such a program for the duration of the expulsion. Students assigned to Alternative Education Programs will be denied participation in extracurricular activities sponsored by any school or by the District (except extracurricular activities in the assigned Alternative Education Program). Curricular or co- curricular participation in district activities may be approved on a case by case basis by superintendent.

**LEVELS OF DISCIPLINE ALL STUDENTS SECTION 3.03**

**Level 7 – Secondary Alternative Education Programs (Grades Sixth through Twelfth):** The Secondary Alternative Education Programs are a form of discipline designed to meet the needs of students who violate the Code of Student Conduct. Students assigned to Alternative Education Programs will be denied participation in any activities sponsored by any school or by the District. These activities include but are not limited to Prom, Grad Night, field trips, athletics, Band, Chorus, academic competitions or commencement (except extracurricular activities at the assigned Alternative Education Program).

1. **Out-of-School Suspension:** When a student is assigned to a Secondary Alternative Education Program, an out-of-school suspension shall first be imposed to temporarily remove the student from the school and to allow the assignment to be processed.
  2. **Terms:** The term of assignment to a Secondary Alternative Education Program shall either be short term, 45 school days or long term, 90 school days. The length of the term shall be determined by the school or representative from the office of discipline based upon the student's previous discipline history and severity of the offense. In addition, the proximity to a change of grading periods shall also be taken into consideration for a student's return to his or her regular school.
  3. **Release Criteria:** A student's attendance, participation, and progress (as evidenced by Expectations/Criteria for Release) while assigned to the Secondary Alternative Education Program will be reviewed by the Site Administrator to determine if the student has met criteria. The site administrator will schedule and conduct an exit meeting/staffing with the zoned school (to include but not limited to: alternative school staff, zoned school staff, parents and the student recommended for release). The Superintendent may release a student from the Secondary Alternative Education Program before the normal length of stay.
- I. **Level 8 - Expulsion from School:** Expulsion is a form of discipline involving the removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities for the balance of the semester or school year plus an additional semester or school year, if appropriate.
1. **Parental Notice:** Upon review and/or investigation of an incident which could result in a student being expelled from school or school bus transportation, the principal or designee shall complete and sign the Notice of Suspension and Recommendation for Expulsion form and give a copy of the notice to the student to be delivered to the parent and forward a copy by United States regular mail to the parent within twenty-four (24) hours of the notice of suspension.
  2. **Superintendent's Approval:** The principal or designee shall send a copy or an electronic copy of the Notice of Suspension and Recommendation for Expulsion to the Superintendent of Schools or designee; for review and approval within twenty-four (24) hours of the violation or as soon as possible thereafter.
  3. **Report of Previous Alternative Measures:** The copy of the Notice of Suspension and Recommendation for Expulsion shall include or be accompanied by a detailed written report by the principal or designee on the alternative measures taken prior to the recommendation for expulsion.
  4. **Basis for Extension:** If, and only if, School Board action on an expulsion recommendation is pending and the ten (10) day suspension period would expire before the next regular or special meeting of the School Board, the Superintendent may extend the suspension through the date of the next regular or special meeting of the School Board.
  5. **Educational Status:** The student who is the subject of the expulsion recommendation shall remain on suspension or, if applicable, be assigned to an Alternative Education Program or other program or granted a Stay (pursuant to Section 3.06) as deemed appropriate by the Superintendent, until the School Board takes final action on the expulsion recommendation at its next regular or special meeting.
  6. **Alternative Educational Disciplinary Program for Expelled Students:** The expelled student may be eligible to attend an Alternative Education Program for Expelled Students. Any student expelled from any other school, school district, or school system must have the expulsion rescinded by that district prior to entering the Polk County School System and must enter through one of the Alternative Education Programs for Expelled Students.
    - a. **Final Order:** The parent shall be notified that his or her child may be eligible to participate in the Alternative Education Program for Expelled Students (unless expelled without services) upon receipt of a copy of the Final Order adopted by the School Board.
  7. **Early Reentry Program for Expelled Students:** The School Board, in its sole discretion and acting upon the recommendation of the Superintendent, may rescind a previous expulsion.

**ADVERSE IMPACT SUSPENSION FOR FELONIES COMMITTED OFF CAMPUS - SECTION 3.04**

An out-of-school suspension may be imposed against a student who is formally charged by the State Attorney or other prosecuting attorney with a felony, or with a delinquent act which would be a felony if committed by an adult, for an incident which allegedly occurred on property other than public school property if that incident is shown in an administrative hearing (described below) to have an adverse impact on the educational program, discipline, or welfare of the school where that student is enrolled. Students formally charged by the State Attorney's office with a felony shall be suspended from extra-curricular and co-curricular activities until adjudication is determined or the charges are dropped or reduced.

**NOTE:** A student arrested for an off-campus felony cannot be suspended pursuant to this section unless and until the student is formally charged by the State Attorney or other proper prosecuting attorney.

- A. **Notice of Adverse Impact Hearing:** Prior to an adverse impact suspension and alternative education assignment being imposed, the principal shall immediately notify the student's parent, in writing, of the specific charges against the student and of the student's right to a hearing as provided under Section 1006.09(2), Florida Statutes.
1. **Legal Requirements:** The notice of hearing shall also stipulate a date and time for the hearing which shall be not less than two (2) school days nor more than five (5) school days from the postmarked or hand-delivered date of said notice. If applicable, the notice shall also advise the parent of the conditions under which a waiver of suspension may be granted.
  2. **Attendance at Hearing:** The student, the parent, the student's representative or attorney, and any witnesses required by the student or the principal may attend the hearing.
  3. **Temporary Suspension:** Pending said hearing; the student may be temporarily suspended by the principal. Such suspension shall not exceed five (5) school days.
  4. **Hearing Officer:** The Director, Discipline, or designee shall serve as the hearing officer and shall not be bound by rules of evidence or any other courtroom procedure and no transcript of the Adverse Impact Hearing shall be required.
  5. **Recommendation:** Following said hearing, the Director, Discipline, shall submit a decision to the principal and to the student's parent within five (5) days.
    - a. **Judicial Proceeding:** If it is determined that the student's presence would not have an adverse impact, the student shall remain in his or her school pending the outcome of the judicial proceeding.
    - b. **Educational Services:** If it is determined that the student's presence would have an adverse impact, the student shall remain on suspension. Such suspension shall not affect the delivery of educational services to the student, and the student shall be immediately enrolled in a daytime Alternative Education Program or Adult School Program if the student has reached sixteen (16) years of age pending the outcome of the judicial determination.
- B. **Judicial Determination:**
1. **Not Guilty:** If the student is found not guilty the suspension and assignment to an Alternative Education Program shall be terminated immediately.
  2. **Guilty:** If the student is found guilty of a felony, the Superintendent shall have the authority to determine if a recommendation for expulsion shall be made to the School Board in accordance with the expulsion procedures as outlined in Part III, Discipline and Appeal Procedures, Section 3.03, Levels of Discipline.
- C. **Crime of Violence:** If such delinquent act or violation of law involves a crime of violence or a crime in which a deadly weapon was used, the arresting authority shall immediately notify the Superintendent or designee.
1. **Confidential Information:** Except to the extent necessary to protect the health, safety, and welfare of other students and staff, the information shall be held confidential and exempt from the provisions of the Public Records Act and shall not be disclosed except to appropriate school personnel.
  2. **Permanent Records:** The information furnished by the law enforcement agency shall not be placed in the student's permanent record and shall be removed from all school records no later than nine (9) months after the date of the arrest.

**SUBSEQUENT OFFENSES - SECTION 3.05**

In determining whether to apply the discipline levels described in Part IV, Breaches of Conduct, or Part V, Serious Breaches of Conduct, for subsequent offenses, the principal or designee may consider the following:

- A. **Part IV Offenses:** If a student commits any new violation described in Part IV, Breaches of Conduct, and if that student has previously, in the same school year, committed any violation listed in Part IV described above or Part V, Serious Breaches of Conduct, then such new violation may be deemed a subsequent offense regardless of whether that particular new violation had been previously committed by that student.
- B. **Part V Offenses:** If a student commits any new violation described in Part V, Serious Breaches of Conduct, during the same school year, and if that student has previously committed a violation listed in Part V, then such new violation may be deemed a subsequent offense regardless of whether that particular new violation had been previously committed by that student.
- C. **Students Assigned to an Alternative Education Program:** Any student who violates the Code of Student Conduct while attending an Alternative Education Program may be subject to more severe disciplinary actions than those outlined in Part IV, Breaches of Conduct, and Part V, Serious Breaches of Conduct, including expulsion (with or without services).

**STAY ORDER - SECTION 3.06**

If the parent does not agree with the disciplinary action Level 7 and 8 and intends to appeal such action, the parent may file a written request directed to the Superintendent for a stay order.

- A. **Grant:** If the stay is granted, the student shall remain in school pending conclusion of the appeal proceedings.
- B. **Deny:** If the stay is denied, the student shall remain on suspension or assignment to an Alternative Education Program; however, the parent may proceed with the appeal proceedings.

**DUE PROCESS LEVEL 7 & 8 SECTION 3.07**

If the parent does not agree with the disciplinary action imposed, the parent may appeal as follows:

- A. **Step 1 - Principal's Meeting - Levels 7 & 8:** The written notice of disciplinary action shall inform the parent of the right to an appeal meeting to be conducted by the principal within five (5) days of the notice (if requested by the parent).
  - 1. **Request for Meeting:** If the parent does not attend the Principal's meeting or if the parent does not request a Step 2 hearing, it shall be assumed that the parent is in agreement with the disciplinary action imposed.
  - 2. **Attendance:** The student and parent must attend the meeting and may have one (1) person in attendance at the meeting to represent them. Any adult witness directly involved in the incident may also be present at the meeting and any student witnesses may submit a written statement with the permission of his or her parent.
  - 3. **Written Recommendation:** The principal or designee will affirm, cancel, or modify the disciplinary action and shall provide the parent with a written explanation of his or her decision within three (3) days of the meeting.
- B. **Step 2 – Administrative Hearing - Levels 7 and 8:** If placement in an Alternative Education Program (Level 7) or Expulsion (Level 8) has been recommended and the parent does not agree with the decision at Step 1, the parent may continue the appeal as follows:
  - 1. **Written Request:** The parent may request an administrative hearing to be conducted by the Director, Discipline, or his designee. Such requests should be in writing or phone directed to the Director, Discipline, and must be received within two (2) days of the Step 1 Principal's Meeting.
  - 2. **Notice of Hearing:** Upon receipt of such request, the Director, Discipline, or designee shall contact the parent and arrange a time and date for said Step 2 hearing which shall be conducted within a reasonable period of time subsequent to such request. Such notice shall be confirmed via telephone in writing or electronic notice and provided to the parent.

3. **Written Recommendation:** The Director, Discipline, or designee shall review the prior recommendation, receive written and oral statements presented by the student, parent, and witnesses, and shall affirm, cancel, or modify the principal's recommendation. Such decision shall be documented in written form and provided to the parent by hand delivery or U.S. regular mail.
- C. Step 3 – School Board Review - Level 8:** If expulsion has been recommended and the parent does not agree with the decision at Step 2, the parent may continue the appeal as follows:
1. **Written Request:** The parent may request a hearing to be conducted by a licensed attorney appointed by the School Board to serve as a hearing officer. Such requests should be in writing, directed to the Superintendent or designee, and must be received within two (2) days of the Step 2 hearing.
  2. **Notice of Hearing:** Upon receipt of such request, the parent and hearing officer shall be contacted to coordinate a time and date for said hearing. Such notice shall be confirmed in writing and provided to the parent and the Principal by hand delivery, U.S. regular mail or electronic notice if available.
  3. **Hearing:** The hearing officer shall review the prior proceedings and receive written and oral statements presented by the student, parent, and witnesses.
  4. **Recommended Order:** The hearing officer shall submit his or her recommendation to the School Board Attorney in the form of a Recommended Order. District personnel shall provide the parent with a copy of the Recommended Order by hand delivery or U.S. regular mail.
    - a. **Notice of Final Action:** The parent will also be notified that the Recommended Order will be placed on the agenda for the next scheduled School Board meeting for final action by the School Board, and shall also be informed of the time and date of said meeting.
    - b. **Hearing - Sections 120.569 and 120.57, Florida Statutes:** The parent will also be notified of the right to request the School Board to review the proceedings as provided in Sections 120.569 and 120.57, Florida Statutes, and of the right to an open or closed forum. Such request must be in writing and filed with the School Board Attorney no later than one (1) day prior to the scheduled School Board meeting.
  5. **Final Order:** A Final Order shall be presented to the School Board for approval. Action taken by the School Board shall conclude the appeal procedures at the administrative level and any further appeal must be filed with the District Court of Appeal, Second District, Lakeland, Florida.
    - a. **Parental Notification:** A copy of the Final Order adopted by the School Board shall be forwarded to the parent by U.S. regular mail.
    - b. **Alternative Education Program for Expelled Students:** The parent will also be notified that his or her child may be eligible to participate in one of the Alternative Education Programs for Expelled Students.

**DISCIPLINE OF IDEIA-ELIGIBLE STUDENTS - SECTION 3.08**

Under the Individuals with Disabilities Education Improvement Act (IDEIA), students who have been identified as a student with a disability and are receiving Exceptional Student Education services are subject to additional disciplinary guidelines that are different than those for nondisabled students. The following procedures are designed to **supplement** the disciplinary procedures for nondisabled students found in the Code of Student Conduct. The disciplinary guidelines contained herein are for explanatory purposes only and are not intended to impose any obligations on Polk County Schools other than those contained in federal or state law. In the event that this document conflicts with state or federal law, the state or federal law shall control. Except as set forth herein, students with disabilities may not be excluded from educational programming on the basis of behavior that is a manifestation of their disability(ies). In addition, students with disabilities cannot be excluded from school without following the specific "change in placement" procedures as provided under the law. **Students with disabilities cannot be removed from school until all of the procedures set forth below have been followed.**

It is the responsibility of the LOCAL EDUCATIONAL AGENT (LEA) at all IEP meetings to ensure that the rights of students and parents are not violated. It is important that the opinions of all team members involved are considered in the decision-making process.

**GENERAL REQUIREMENTS FOR ALL SUSPENSIONS/EXPULSIONS OF IDEIA ELIGIBLE STUDENTS:**

**Administrators may not suspend students with disabilities for more than ten (10) school days (consecutively or cumulatively) in a school year without following the procedures set forth below.** The law provides that suspension or expulsion of a student for more than ten (10) consecutive school days in a school year is a "change of placement" that can only be made by following the procedures set forth in the IDEIA. The IDEIA also provides for significant procedural safeguards for students who are suspended for more than ten (10) cumulative school days.

- A. Accurate Record: An accurate record must be maintained as to the number of days that students with disabilities are suspended from school during each school year and each school must input the required suspension data on the appropriate Genesis screen.**
- B. Alternatives to Suspension:** Administrators and deans must also consider alternatives to out-of-school suspension for students. This list includes but is not limited to the following:
1. Modifications to the IEP including Positive Behavioral Intervention Plan (PBIP) in current placement; change of current placement for additional services
  2. Parental assistance
  3. Office intervention
  4. Referral to guidance or other student services
  5. Behavior agreement with student and/orparents
  6. Detention
  7. Work detail
  8. In-school suspension

When suspension for ten (10) school days or less is contemplated or warranted under school policy, the requirement for an informal conference, as is held with nondisabled students, must be followed. The following steps must be taken before the short-term suspension of a student with a disability can occur:

- A. Previous Suspension History:** The principal/designee must obtain the previous suspension history of the student for the school year to determine the number of days the student has already been suspended during that school year.
- B. Determination of Suspension:** If it is found that the student is guilty of the offense, a short-term suspension may be warranted. However, the process for imposing a suspension will be different **depending upon the number of days the student has already been suspended during the school year.**
1. **Suspensions of Less than the Ten (10) Day Maximum:** If suspension of the student has not already exceeded ten (10) days for the school year, the student may be suspended for the remaining days. At this juncture, the student and the student's parent(s)/guardian(s) must be informed in writing of the disciplinary action that will be taken and all other procedures must be followed as required for short-term suspension of nondisabled students.
  2. **Suspensions of More than the Ten (10) Day Maximum:** Beginning on the eleventh (11) consecutive/cumulative school day of removal in a school year, the School District must provide services to a student with a disability, consistent with the following:

The School District must provide services to such a student to the extent necessary to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

- C. **IEP Review:** A review of the student's IEP must occur if a suspension that will result in an excess of ten (10) days during the school year is contemplated. The IEP review meeting is convened as any other IEP meeting would be and all appropriate procedures must be followed for convening the Team.
1. **Prior Written Notice must be Provided to the Parents:** Reasonable written notice of the meeting must be provided to the parent(s)/guardian(s). Because disciplinary IEP meetings may need to be held more quickly than a typical IEP meeting, "reasonable notice" could include telephone contact with the parent(s)/guardian(s) to obtain their agreement to attend, followed immediately with the written notice.
  2. **Manifestation Determination:** A manifestation determination must be made any time disciplinary procedures result in a change of placement. The IEP team must make a determination as to whether the behavioral incident at issue was a manifestation of the student's disability. This is required because a student with disabilities cannot be excluded from school for more than ten (10) cumulative/consecutive days in a school year on the basis of behavior that is caused by his/her disability or be subject to a series of removals which constitutes a pattern because the removals cumulate to more than ten (10) school days in a school year.  
  
A manifestation determination, consistent with the following requirements, will be made within ten school days of any decision to change the placement of a student with a disability because of a violation of the Code of Student Conduct.
    - a) In conducting the review, the school district, the parent, and relevant members of the IEP team will:
      - i. Review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
      - ii. Determine whether the conduct in question was the direct result of the school district's failure to implement the IEP or whether the conduct in question was caused by, or had a direct and substantial relationships to the student's disability
    - b) If the school district, the parent, and relevant members of the student's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the student's disability. Immediate action to remedy those deficiencies must be taken.
    - c) If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
      - i. Conduct a functional behavioral assessment (FBA), unless the school district had conducted a FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
      - ii. If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
      - iii. Return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.
- D. **Prior Written Notice of the IEP Team's Recommendations must be Provided to the Parents:** At the IEP meeting, the opportunity for parent participation in the decision-making process is essential. However, if the parents do not attend, a copy of any minutes and other documentation created by the IEP team shall be provided to the parents. In addition, documentation sufficient to provide written notice of the IEP team's decisions must be provided to the parents, along with the Procedural Safeguards form. Once the parents have received notice of the IEP team's decisions and the Procedural Safeguards, the IEP team's recommendations may be implemented.

**PART III DISCIPLINE AND APPEALPROCEDURE**

**INTERIM ALTERNATIVE EDUCATION SETTING (IAES):**

Students with disabilities may be removed to an IAES for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student at school or on school premises, or to a school function, carries or possess a weapon, knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, or has inflicted serious bodily injury upon another person.

**NOTE:** First offense for drugs or controlled substance must comply with Section 5.10 –DRUGS of the Code.

- A. Procedures: On the date on which the decision is made to make a removal to an IAES the school must notify the parent of the decision and provide the parent a copy of the notice of procedural safeguards. A manifestation/IEP meeting must be held within ten (10) school days of the removal.
- B. Prior Written Notice of the IEP Team's Recommendations Must Be Provided to the Parents:  
At the IEP meeting, the opportunity for parent participation in the process is essential. However, if the parents do not attend, a copy of any minutes and other documentation created by the IEP shall be provided to the parents. Documentation sufficient to provide written notice of the IEP team's decisions must be provided to the parents, along with the Procedural Safeguards form. The appropriate Prior Written Notice Form must be provided to the parents.

**APPEALS:**

In most cases, it is expected that school officials and parents, through the IEP team process, will be able to resolve change in placement issues. However, when parents disagree with the IEP team decision, and files an appeal, the student remains in the IAES determined by the IEP team pending the decision of the appeal or until the expiration of the time period specified by school personnel.

**504 DISCIPLINE PROCEDURES - SECTION 3.09**

**504 DISCIPLINE PROCEDURES:**

Students covered under Section 504 of the Rehabilitation Act of 1973 cannot be denied services based solely on their disabilities. Such a student may not be suspended from school for more than ten (10) consecutive school days or a series of suspensions within a school year that exceeds ten (10) cumulative days (if it is determined that a pattern of exclusions creates a change of placement) without following the change of placement procedures. A student with a 504 Plan must have a Manifestation Determination Meeting before being reassigned to an alternative site for a disciplinary incident.

- A. The school-based 504 Team should review all pertinent data and hold a manifestation determination meeting regarding the student prior to any disciplinary removal for more than ten (10) days.
  - 1. If the behavior is caused by the disability, the student may not be removed for more than ten (10) consecutive school days (unless the behavior is drug related).
  - 2. If the behavior was not a manifestation of the disability, the student may be disciplined the same way the student without disabilities is disciplined.
- B. For a student who is currently engaged in the illegal use of drugs, school personnel may take the same disciplinary action as is taken for students without disabilities. No manifestation determination is required.



# **BREACHES OF CONDUCT**

## **PART IV**

**When deciding what disciplinary action should be taken, the principal or designee shall consider the student's age, exceptionality, previous conduct, probability of a recurring violation, intent, attitude, severity of the offense, current supports in place/implemented and, whenever possible, shall impose disciplinary action in a progressive manner.**

**Schools will provide a continuum of services to address the problem. These interventions are systemically applied, match the problem, sufficient intensity to address the need.**

**The goal of all consequences is to change the behavior. If a strategy is not changing the behavior, a new strategy is needed.**

The following described acts or violations in this Part IV shall constitute Breaches of Conduct and include acts or conduct occurring at school or at school-sponsored activities, or on school property, a school bus or at a designated school bus stop if witnessed by a bus driver and/or bus attendant, and shall not be confined to acts or conduct occurring on the school campus if such act or conduct directly affects the educational process or welfare of the school community.

When deciding what disciplinary action should be taken, the principal or designee shall consider the student's age, exceptionality, previous conduct, probability of a recurring violation, intent, attitude, severity of the offense, current supports in place/implemented and, whenever possible, shall impose disciplinary action in a progressive manner.

Progressive discipline requires that the levels are to be used in a progressive manner moving sequentially through the Levels, unless the severity of the incident warrants a higher level. In creating safer and more effective schools, our aim is to prevent inappropriate behavior through teaching and reinforcing appropriate behaviors. Schools will attempt to provide a range of interventions that are systemically applied to students based on their demonstrated level of need and addresses the role of the environment as it applies to the development and improvement of appropriate behavior

<b>ABUSIVE LANGUAGE OR CONDUCT IN THE PRESENCE OF OTHERS - SECTION 4.01</b>	
<p>A student who uses or engages in abusive, profane, obscene, or vulgar language or conduct in the presence of another person or possesses sexually explicit pictures, literature, or material at school, is guilty of unacceptable conduct punishable as follows: <b>NOTE:</b> The district will not tolerate abusive/profane language at any age or at any grade level.</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>1. Parental Assistance</li> <li>2. Office Intervention</li> <li>3. Detention or Work Detail Programs</li> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> </ol>
<b>CHEATING - SECTION 4.02</b>	
<p>In addition to the academic ramifications for cheating, a student who participates in using, copying, or providing another student with any test, test answers or answer keys or another person's work representing it to be his or her own work, is guilty of unacceptable conduct punishable as follows:</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>1. Parental Assistance</li> <li>2. Office Intervention</li> <li>3. Detention or Work Detail Programs</li> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> <li>8. Expulsion from School</li> </ol>
<b>DISRUPTIVE BEHAVIOR AND/OR MINOR INFRACTIONS - SECTION 4.03</b>	
<p>A student who engages in unacceptable behavior or conduct which is disruptive to the educational process, including deliberately pushing, pulling, shoving, or striking another student, unless said behavior constitutes a fight, battery, or other serious breach of conduct, engaging in unsuitable, intimate, sexually suggestive behavior (inappropriate public display of affection) with another individual on the bus, campus, or other school-sponsored activities, or who violates policies determined by the principal to be minor in nature, including repeated dress code violations and inappropriate use of laser pointers, is guilty of unacceptable conduct punishable as follows:</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>1. Parental Assistance</li> <li>2. Office Intervention</li> <li>3. Detention or Work Detail Programs</li> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> </ol>

<b>FAILURE TO RETURN SCHOOL BOARD PROPERTY - SECTION 4.04</b>	
A student is responsible for taking care of and returning school property entrusted to his or her care such as textbooks, library books and other educational materials or equipment, in a timely manner.	Failure to return or damage to such property may result in the student or parent being required to reimburse the school for the value of the property or the student may receive monetary credit toward such reimbursement by participating in a work detail program as described in Part III, Discipline and Appeal Procedures, Section 3.03, Levels of Discipline, at the rate of five dollars (\$5) per hour.

<b>GAMBLING - SECTION 4.05</b>	
A student who participates in games of chance or skill for money or profit is guilty of unacceptable conduct punishable as follows:	<b>Levels:</b> <ol style="list-style-type: none"> <li>1. Parental Assistance</li> <li>2. Office Intervention</li> <li>3. Detention or Work Detail Programs</li> <li>4. In-School Suspension</li> </ol>

<b>PHYSICAL ATTACK - SECTION 4.06</b>	
An actual and intentional striking of another person against his/her will, or the intentional causing of bodily harm to an individual.	<b>Levels:</b> <ol style="list-style-type: none"> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> </ol>

<b>SCHOOL BUS SAFETY RULES - SECTION 4.07</b>	
<p>A student who refuses to obey school bus safety rules by not standing in a safe location while waiting for the bus at a designated bus stop; each student passenger on a school bus that is equipped with safety belts or restraint system shall wear a properly adjusted and fastened safety belt at all times while the bus is in operation; placing his or her head, hand, arm, foot, or leg out of the bus window; not crossing in front of the bus when access to the opposite side of the road is necessary; throwing objects inside or from or at a bus; talking at a railroad crossing; moving from seat to seat while the bus is in motion or refusing to sit in a seat assigned by the principal, bus driver, or attendant; eating or drinking while on the bus; tampering with the emergency door and/or using it for ordinary loading and unloading; talking other than ordinary conversation, (classroom conduct is to be observed); disregarding driver's instructions; bringing animals, pets, <i>etc.</i>, onto the bus, not standing back from the edge of the pavement when conditions are foggy; failing to move away from the bus as soon as students unload; delaying the bus in any way including late arrival is guilty of unacceptable conduct punishable as follows:</p> <p><b>NOTE:</b> Discipline issues that occur at the bus stop may only be addressed by the school if witnessed by the bus driver or bus attendant.</p>	<b>Levels:</b> <ol style="list-style-type: none"> <li>1. Parental Assistance</li> <li>2. Office Intervention</li> <li>3. Detention or Work Detail Programs</li> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Transportation Privilege Revoked</li> </ol>

<b>SKIPPING CLASS/UNAUTHORIZED AREA - SECTION 4.08</b>	
A student who, during school hours, enters or remains in a building or area on the school campus where the student is enrolled without authorized permission or who, during school hours, skips any portion of a class or an entire class or classes, without authorized permission, but remains on campus, is guilty of unacceptable conduct punishable as follows:	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>1. Parental Assistance</li> <li>2. Office Intervention</li> <li>3. Detention or Work Detail Programs</li> <li>4. In-School Suspension</li> </ol>
<b>STUDENT TRANSPORTATION, IMPROPER USE OF - SECTION 4.09</b>	
A student who improperly uses any means of transportation on a school campus is guilty of unacceptable conduct punishable as follows:	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>1. Parental Assistance</li> <li>2. Office Intervention</li> <li>3. Detention or Work Detail Programs</li> <li>4. In-School Suspension</li> </ol>
<b>TARDY - SECTION 4.10</b>	
Punctuality is necessary for the student to take full advantage of available educational opportunities. Tardies will not be carried over into the next semester. Students who are tardy are subject to the following:	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>1. Parental Assistance</li> <li>2. Office Intervention</li> <li>3. Detention or Work Detail Programs</li> <li>4. In-School Suspension</li> </ol>
<b>TOBACCO PRODUCTS/NICOTENE DISPENSING PRODUCTS - SECTION 4.11</b>	
A student who is in possession of tobacco products while on a school campus is guilty of unacceptable conduct punishable as set forth below. Tobacco products are defined as all types of tobacco and/or nicotine, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, any other matter or substance that contains tobacco, possession of papers used to roll cigarettes, electronic "vapor" or other substitute forms of cigarettes, clove cigarettes, e-cigarettes and other nicotine dispensing devices, to include matches and lighters. School administration/designee shall confiscate and destroy any tobacco products found in a student's possession while on the school campus and make referral to law enforcement as appropriate:	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>1. Parental Assistance</li> <li>2. Office Intervention</li> <li>3. Detention or Work Detail Programs</li> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> </ol>

# **SERIOUS BREACHES OF CONDUCT**

## **PART V**

**When deciding what disciplinary action should be taken, the principal or designee shall consider the student's age, exceptionality, previous conduct, probability of a recurring violation, intent, attitude, severity of the offense, current supports in place/implemented and, whenever possible, shall impose disciplinary action in a progressive manner.**

**Schools will provide a continuum of services to address the problem. These interventions are systemically applied, match the problem, and have sufficient intensity to address the need.**

**The goal of all consequences is to change the behavior. If a strategy is not changing the behavior, a new strategy is needed.**

**The following described acts or violations in this Part V shall constitute Serious Breaches of Conduct and include acts or conduct occurring at school or on school property, a school bus or at a designated school bus stop if witnessed by a bus driver and/or bus attendant, and shall not be confined to acts or conduct occurring on the school campus if such act or conduct directly affects the educational process or welfare of the school community.**

When deciding what disciplinary action should be taken, the principal or designee shall consider the student's age, exceptionality, previous conduct, probability of a recurring violation, intent, attitude, severity of the offense, current supports in place/implemented and, whenever possible, shall impose disciplinary action in a progressive manner.

Progressive discipline requires that the levels are to be used in a progressive manner moving sequentially through the Levels, unless the severity of the incident warrants a higher level. In creating safer and more effective schools, our aim is to prevent inappropriate behavior through teaching and reinforcing appropriate behaviors. Schools will attempt to provide a range of interventions that are systemically applied to students based on their demonstrated level of need and addresses the role of the environment as it applies to the development and improvement of appropriate behavior.

**OPTIONAL AT DISCRETION OF PRINCIPAL**

Any student suspended for fighting, battery, assault, or other confrontation may be furnished a Conflict Resolution Student Study Packet at the time of the suspension. The study packet may be obtained from the Mark Wilcox Center. This study packet must be satisfactorily completed by the student during the suspension and returned to the administrator or dean responsible for the initial disciplinary action. If the student satisfactorily completes the study packet prior to the end of the suspension period, the suspension may be reduced by the administrator or dean subsequent to a meeting with the student and parent. The parent has the responsibility to request the meeting.

**ABUSIVE LANGUAGE OR CONDUCT DIRECTED AT A SCHOOL BOARD EMPLOYEE – SECTION 5.01**

A student who uses or engages in abusive, profane, obscene, or vulgar language or conduct directed at a School Board employee, is guilty of a serious breach of conduct punishable as follows:  
**NOTE:** The district will not tolerate abusive/profane language at any age or at any grade level.

- Levels:**
1. Parental Assistance
  2. Office Intervention
  3. Detention or Work Detail Programs
  4. In-School Suspension
  5. Out-of-School or Bus Suspension – Short-Term
  6. Out-of-School or Bus Suspension - Long Term
  7. Alternative Education Programs

**ARSON - SECTION 5.02**

A student who willfully, by fire or explosion, damages or attempts to damage any building, structure, vehicle, or other property owned or maintained by the School Board is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:

- Levels:**
6. Out-of-School or Bus Suspension - Long Term
  7. Alternative Education Programs
  8. Expulsion from School

Violations of this section *may be* referred to mental health services identified by the school district pursuant to s.1012.584(4).

<b>ASSAULT - SECTION 5.03</b>	
<p>A student who intentionally threatens, by word or act, to strike or cause bodily harm to another person, has the capability to carry out such threat, and causes the other person to have a well-founded fear that he or she is about to be struck or about to suffer such bodily harm is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:</p> <p>Violations of this section <b><i>may be</i></b> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> <li>8. Expulsion from School</li> </ol>
<b>BATTERY-AGGRAVATED/FELONY - SECTION 5.04</b>	
<p>A student who intentionally strikes another person against the will of the other person or intentionally causes great bodily harm to another person is guilty of a serious breach of conduct which must be reported to the proper law enforcement agency and is punishable as follows:</p> <p>Violations of this section <b><i>may be</i></b> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>First Offense Levels:</b></p> <ol style="list-style-type: none"> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> <li>8. Expulsion from School</li> </ol>
<b>BOMB AND EXPLOSIVE - SECTION 5.05</b>	
<p>A student who is in possession of a bomb, explosive device, or substance or materials intended for use in a bomb or explosive device or substance while at school or a school sponsored activity, on School Board property or a school bus (unless the material or device is being used as part of a legitimate school-related activity or science project conducted under the supervision of an instructor with the knowledge and consent of the principal), is guilty of a serious breach of conduct punishable as follows:</p> <p>Violations of this section <b><i>will be</i></b> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>Level:</b></p> <ol style="list-style-type: none"> <li>8. Expulsion from School (for not less than one full year)</li> </ol>
<b>BOMB THREAT - SECTION 5.06</b>	
<p>Any student who reports a bomb or explosive at any school building, on school property or a school-sponsored activity where no bomb exists, will be guilty of a serious breach of conduct and is punishable as follows:</p> <p>Violations of this section <b><i>may be</i></b> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>Level:</b></p> <ol style="list-style-type: none"> <li>8. Expulsion from School (for not less than one full year)</li> </ol> <p>Nothing in this rule shall be construed as penalizing any student who, in good faith, makes a report concerning illegal activity, even if such report later proves to be unfounded.</p>

**BULLYING (HARASSMENT) – SECTION 5.07**

Three criteria are necessary for an incident to be bullying:

1. Any behavior that is unwanted, offensive, threatening, intimidating, insulting, causes discomfort or humiliation, or interferes with the individual's school performance which results in the victim feeling stressed, injured, or threatened
2. The behaviors are repeated
3. There is an imbalance of power between the bully and the victim.

The behavior can take the form of:

- **Physical aggression** including but not limited to hitting; pushing; spitting, stalking, destruction of property, etc.
- **Verbal aggression** including, but not limited to name calling, teasing, making remarks that are insulting, intimidating, threatening, publicly humiliating, disrespecting or demeaning a person's race, disability, appearance, or sexual orientation
- **Emotional (relational) aggression** including but not limited to spreading rumors and/or social exclusion.
- **Sexual aggression** including but not limited to any unwanted sexual advances or actions intended to make the other person uncomfortable, embarrassed, or humiliated, and might include obscenities or gestures, exposure, or physical contact
- **Cyber bullying/Cyberstalking** includes, but is not limited to using the internet, interactive and digital technologies or mobile phones to communicate words, images, or language directed at specific persons that has the harmful effects described above (1).
- **Harassment** is any threatening, insulting or dehumanizing gesture, use of data, computer software, or written, verbal or physical conduct directed against a student that:
  1. Places a student in reasonable fear of harm to his or her person or damage of his or her property.
  2. Has the effect of interfering with a student's educational performance opportunities or benefits and/or
  3. Has the effect of disrupting the orderly operation of a school.

**Levels:**

1. Parental Assistance
2. Office Intervention
3. Detention or Work Detail Programs
4. In-School Suspension
5. Out-of-School or Bus Suspension – Short-Term
6. Out-of-School or Bus Suspension - Long Term
7. Alternative Education Programs
8. Expulsion from School

**Note: The consequence for this offense should reflect the severity of the misconduct.**

**Note: The School Board has no duty to regulate or review off-campus Internet messages, statements, postings or acts. However, the School Board reserves the right to regulate, review, investigate and discipline students for cyber bullying or other disciplinary violations when such Internet statements, postings or acts are made while on school campus or made off-campus and such statements threaten violence against another student or otherwise disrupts the learning environment or orderly conduct of the school, school business or school activities.**



**BURGLARY - SECTION 5.08**

A student who enters or remains in a building, structure, conveyance, or vehicle owned or maintained by the School Board with the intent to commit theft, vandalism, or some other criminal offense therein, is guilty of burglary unless the premises are at the time open to the public or the student is legally authorized to enter or remain in such building, structure, conveyance, or vehicle. However, the fact that the premises may be open to the public or that the student may be authorized to enter or remain will not excuse any other offense, violation, or other breach of conduct committed by that student while therein. Burglary is a serious breach of conduct that shall be reported to the proper law enforcement agency and is punishable as follows:

**Levels:**

5. Out-of-School or Bus Suspension – Short-Term
6. Out-of-School or Bus Suspension - Long Term
7. Alternative Education Programs
8. Expulsion from School

**COMPUTER MISUSE - SECTION 5.09**

The inappropriate use of a computer includes, but is not limited to, violation of the Bring Your Own Device Policy found in Preface, pages xiii-xvi, in this Code of Student Conduct. Violations of this policy will be punishable as follows:

**Levels:**

1. Parental Assistance
2. Office Intervention
3. Detention or Work Detail Programs
4. In-School Suspension
5. Out-of-School or Bus Suspension – Short-Term
6. Out-of-School or Bus Suspension - Long Term
7. Alternative Education Programs
8. Expulsion from School

**DRUGS - SECTION 5.10**

Also refer to Medication under Part II, General Rules and Regulations, Section 2. 11, Medication.

- A. **Sale, Distribution, or Possession with Intent to Sell or Distribute:** A student who sells or distributes, or attempts or conspires with someone else to sell or distribute, or possesses with intent to sell or distribute an intoxicating or controlled beverage, narcotic, any mood modifying prescription drug, over-the-counter mood modifying drug or any mood modifying substance or drug, or other controlled substances as defined by Florida law, or sells, distributes, or possesses with intent to sell or distribute any substance represented as any of those mentioned above or solicits someone else to purchase or receive such substances is guilty of a very serious breach of conduct which shall be referred to the proper law enforcement agency and could result in criminal penalties. In all such cases the student shall be recommended for expulsion.
- B. **Use or Possession:** A student who uses or is under the influence of or is in possession of or solicits for an intoxicating or controlled beverage, narcotic, any mood modifying prescription drug, over-the-counter mood modifying drug or any mood modifying substance or drug, or controlled substances as defined by Florida law, or represents any substance as any of those mentioned above, or accepts or is in possession of any substance believed by the student to be or represented to be any of those mentioned above, or is in possession of drug paraphernalia is guilty of a very serious breach of conduct which shall be referred to the proper law enforcement agency and could result in criminal penalties. For purposes of this section, drug paraphernalia is defined as all equipment, products, and materials of any kind which are used, intended for use, or designed for use in injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined by Florida law. In determining whether a particular item is drug paraphernalia, the school administrator should consider related evidence to determine whether a student intends to use the item as drug paraphernalia rather than for a legitimate purpose.

**DRUGS - SECTION 5.10****ELEMENTARY STUDENTS GRADES K-5 (Section 5.10, Items 1-3)**

1. **First Offense:** The student shall receive an out-of-school suspension - long term {four (4) to ten (10) school days} and will complete a substance abuse assessment. If the assessment is refused, the principal shall assign the student to an Elementary Alternative Education Program (Level 7). Over-aged fifth grade elementary students may be considered for Polk County's Drug/Alcohol Education and Assessment Program.
2. **Second Offense During the Same School Year:** The principal shall assign students who are repeat offenders (during the same school year) to the Elementary Alternative Education Program. It is important to note that repeated offenses require more severe disciplinary action.
3. **Subsequent Offenses During the Same School Year:** Any subsequent offenses shall result in Level 8 - Expulsion. Before reentering the school system following completion of the expulsion, the student must first complete a substance abuse assessment.

**SECONDARY STUDENTS GRADES 6-12 (Section 5.10, Items 1-3)**

1. **First Offense:** The student shall receive an out-of-school suspension - long term for ten (10) days and be reassigned to an alternative program for one (1) or two (2) semesters. If this is a first offense and s/he was not charged with a felony offense, the student and his/her parent will be offered an opportunity to participate in the Polk County Schools' drug/alcohol education and assessment program in lieu of being reassigned to an alternative program. In addition, if the students' parent agrees that s/he will complete this program, the student's suspension will be reduced to five (5) days. The program specialist must provide proof that the student and parent successfully completed the program within the allocated period of time. Failure to successfully complete the program will result in the student's immediate assignment to an alternative school program after serving the remainder of the 10-day suspension.  
If the offense constitutes a felony, the student shall be assigned to an Alternative Education Program.
  2. **Second Offense During Secondary School Career:** The principal shall assign secondary students who are repeat offenders to an alternative education program. It is important to note that repeated offenses require more severe disciplinary action. Both drug offenses must occur at the secondary level. A drug offense which occurred during elementary school may not be considered a first offense.
  3. **Third Offense During School Career:** Upon a student's third violation of Section 5.10 B any time during his/her school career, the student shall be assigned to an Alternative Education Program. Furthermore, the student may be subject to a recommendation of expulsion and will be referred to the office of the Director of Discipline.
- C. **Exception:** If a student brings medication on school premises and takes an overdose with the intent to commit suicide, the student should be referred for medical and/or mental health services rather than being subjected to a violation of the Code of Student Conduct.

**ALL STUDENTS (Item D ONLY)**

- D. **Non-mood Modifying Drugs:** A student, who uses, is in possession of, solicits, sells, or distributes a non-mood modifying over-the-counter drug or medication, including herbal medications, without meeting the requirements of Part II, General Rules and Regulations, Section 2. 11, Medication, herein is in violation of the Code of Student Conduct and shall be punished as described below. If the drug, medication, or substance is represented as or implied to be one which is mood modifying, the case shall be processed under paragraphs A or B of this section.



**FALSE ALARM - SECTION 5.12**

A student who activates a fire alarm system in any school building or on school property or reports a fire where no fire exists is guilty of causing a false alarm which is a serious breach of conduct which may require referral to the proper law enforcement agency and is punishable as follows:

**Levels:**

4. In-School Suspension
5. Out-of-School or Bus Suspension – Short-Term
6. Out-of-School or Bus Suspension - Long Term
7. Alternative Education Programs
8. Expulsion from School

**FALSE INFORMATION - SECTION 5.13**

A student who knowingly and intentionally reports or gives false or misleading information, either oral or written, which may injure another person's character or reputation or disrupt the orderly process of the school, is guilty of a serious breach of conduct punishable as follows:

**Levels:**

1. Parental Assistance
2. Office Intervention
3. Detention or Work Detail Programs
4. In-School Suspension
5. Out-of-School or Bus Suspension – Short-Term
6. Out-of-School or Bus Suspension - Long Term
7. Alternative Education Programs
8. Expulsion from School

**FELONY CHARGES (OFF CAMPUS) - SECTION 5.14**

If a student is formally charged by the State Attorney or other proper prosecuting attorney with a felony or delinquent act which would be a felony if committed by an adult for an incident which allegedly occurred on property other than public school property, the student may be temporarily suspended from his or her regular school, and immediately assigned to a daytime Alternative Education Program in accordance with the procedures outlined in Part III, Discipline and Appeal Procedures, Section 3.04, Adverse Impact Suspension for Felonies Committed Off Campus.

Violations of this section *may be* referred to mental health services identified by the school district pursuant to s.1012.584(4).

Please refer to **SECTION 3.04**. Adverse Impact Suspension for Felonies Committed Off Campus.

<b>FIGHTING WITH INJURY OR PHYSICAL INTERVENTION - SECTION 5.15</b>	
<p>A student who deliberately engages in or provokes a physical fight or violent confrontation with a person, who is not a School Board employee, that results in personal injury or requires physical restraint, is guilty of a serious breach of conduct punishable as follows:</p> <p>Violations of this section <i>may be</i> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> <li>8. Expulsion from School</li> </ol>

<b>FIGHTING WITHOUT INJURY OR PHYSICAL INTERVENTION - SECTION 5.16</b>	
<p>A student who deliberately engages in or provokes a physical fight or violent confrontation with a person, who is not a School Board employee, that does not result in personal injury or require physical restraint, is guilty of a serious breach of conduct punishable as follows:</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>1. Parental Assistance</li> <li>2. Office Intervention</li> <li>3. Detention or Work Detail Programs</li> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> </ol>

<b>FIGHTING WITH MULTIPLE PARTICIPANTS - SECTION 5.17</b>	
<p>Fighting with two or more persons engaged in mutual fighting.</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> <li>8. Expulsion from School</li> </ol>

<b>GANG ACTIVITY - SECTION 5.18</b>	
<p>A student who takes part in a “gang related incident” as defined in Section 874.03, Florida Statutes, or engages in oral, written, or visual communications or other behavior that promotes or encourages (1) participation in a “gang-related” incident; or (2) membership in a “criminal street gang” as defined by Section 874.03, as such conduct is construed by the principal or designee in consultation with the school resource officer or other law enforcement officer, is guilty of a serious breach of conduct punishable as follows:</p> <p>Violations of this section <i>may be</i> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> <li>8. Expulsion from School</li> </ol>

**FIREARMS, WEAPONS, AND DANGEROUS OBJECTS - SECTION 5.19**

- A. **Firearms:** Any student who brings a firearm to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a firearm at school, at any school function, or on any school-sponsored transportation, shall be expelled for at least one (1) full year and must be referred to local law enforcement. **This provision also applies to firearms located in vehicles on property owned or leased by the District.** Firearms are defined as any weapons (whether operable or inoperable), including starter guns, which will fire a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or silencer, any destructive device, or any machine gun. Firearms also include any weapons which are designed to or may readily be converted to such purpose.

**Level 8 {minimum of one (1) calendar year} and referred to mental health services identified by the school district pursuant to s.1012.584(4).**

- B. **Weapons:** Any student who brings a weapon to school, to any school function, or on any school sponsored transportation, or any student who possesses or exhibits a weapon at school, at any school function, or on any school-sponsored transportation, shall be expelled for at least one (1) full year and must be referred to local law enforcement. **This provision also applies to weapons located in vehicles on property owned or leased by the School District.** Weapons are defined as dirks, metallic knuckles, slungshots, slingshots, billies, tear gas guns, chemical weapons or devices, knives, electronic weapons or devices, dart-firing stun guns or other deadly weapons as defined by Florida law, **except** firearms and common pocketknives with a blade of four (4) inches or less. Students that simulate a firearm or weapon while playing or wearing certain clothing or accessories is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system.

**Level 8 {minimum of one (1) calendar year} and referred to mental health services identified by the school district pursuant to s.1012.584(4).**

C. **Dangerous Objects:**

1. *With Intent to Do Harm or for Self-Defense:* Any student who brings a dangerous object to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a dangerous object at school, at any school function, or on any school-sponsored transportation with the intent of doing harm to others or for self-defense, will be recommended for expulsion. Dangerous objects include, but are not limited to, common pocketknives with a blade of four (4) inches or less, ice picks, razor blades, box cutters, air guns or spring guns of any sort (whether operable or inoperable), tasers, pepper spray or mace under 1.7 ounces, AirSoft guns, fireworks, *etc.*

**Level 8 {minimum of one (1) calendar year} and referred to mental health services identified by the school district pursuant to s.1012.584(4).**

2. *Without Intent to Do Harm or for Self-Defense:* Any student who brings a dangerous object to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a dangerous object at school, at any school function, or on any school sponsored transportation, **without the intent of doing harm to others or for self-defense**, is guilty of a serious breach of conduct punishable as follows:

**FIREARMS, WEAPONS, AND DANGEROUS OBJECTS - SECTION 5.19**

<p><b>A. Firearms:</b></p> <p><b>B. Weapons:</b></p> <p><b>C. Dangerous Objects:</b></p> <p><b>1. With Intent to Do Harm or for Self-Defense:</b></p> <p><b>2. Without Intent to Do Harm or for Self-Defense:</b></p> <p>Violations of this section <b><i>will be</i></b> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>Level:</b></p> <p>8. Expulsion from School {<b>minimum of one (1) calendar year</b>}</p> <p><b>Level:</b></p> <p>8. Expulsion from School {<b>minimum of one (1) calendar year</b>}</p> <p><b>Level:</b></p> <p>8. Expulsion from School</p> <p><b>Levels:</b></p> <p>4. In-School Suspension</p> <p>5. Out-of-School or Bus Suspension – Short-Term</p> <p>6. Out-of-School or Bus Suspension - Long Term</p> <p>7. Alternative Education Programs</p> <p>8. Expulsion from School</p>
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**HAZING - SECTION 5.20**

<p>There shall be no type of hazing in any club, organization or class within the school. Hazing is defined as any action or situation that endangers the mental or physical health or safety of a student at a school for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a school. Hazing includes,-but is not limited to:</p> <p>(a) pressuring, coercing, or forcing a student into violating state or federal law, consuming any food, liquor, drug, or other substance or participating in physical activity that could adversely affect the health or safety of the student.</p> <p>(b) any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.</p>	<p><b>Levels:</b></p> <p>4. In-School Suspension</p> <p>5. Out-of-School or Bus Suspension – Short-Term</p> <p>6. Out-of-School or Bus Suspension - Long Term</p> <p>7. Alternative Education Programs</p> <p>8. Expulsion from School</p>
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<b>INDECENT EXPOSURE OR CONDUCT - SECTION 5.21</b>	
<p>A student who exposes or exhibits his or her sexual organs, or exposes his or her buttocks, in the presence of others in a lewd or indecent manner and not in the course of the student's appropriate use of a restroom, dressing room, or shower facilities, or who intentionally and willingly engages in behavior which is considered lewd, indecent or obscene is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> <li>8. Expulsion from School</li> </ol>
<b>INSUBORDINATION - SECTION 5.22</b>	
<p>A student who refuses to carry out reasonable and lawful directions of authorized school personnel is guilty of a serious breach of conduct punishable as set forth below. For purposes of this subsection, truancy, skipping, or leaving the school campus without permission is not to be construed as insubordination once on campus.</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension - Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> </ol>
<b>INTERFERENCE WITH THE EDUCATIONAL PROCESS - SECTION 5.23</b>	
<p>A student who is guilty of willful disobedience, open defiance of the authority of the principal or any member of the school staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school or the school's educational process is guilty of a serious breach of conduct punishable as follows:</p> <p>Violations of this section <i>may be</i> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> <li>8. Expulsion from School</li> </ol>
<b>LEAVING CAMPUS WITHOUT PERMISSION - SECTION 5.24</b>	
<p>A student who leaves the school campus intentionally without authorized permission is guilty of a serious breach of conduct which shall not be construed to be truancy and is punishable as follows:</p> <p>Note: Progressive Discipline must be followed for violations in this section.</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> </ol>
<b>OTHER SERIOUS VIOLATIONS OF THE LAW - SECTION 5.25</b>	
<p>A student who commits an act, not specified in this Code, that constitutes a misdemeanor or felony as defined by Florida Statute is guilty of a serious breach of conduct punishable as follows:</p> <p>Violations of this section <i>may be</i> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> <li>8. Expulsion from School</li> </ol>



**PERSONAL COMMUNICATION DEVICES (PCD) - SECTION 5.26**

Students may use their personal communication devices (PCD) to wirelessly access the District’s technology resources (guest or business networks, servers, printers, smart boards, etc.) while they are on-site at any District facility. For purposes of this policy a "personal communication device" includes computers, tablets, (i.e., iPad-like devices) electronic readers or e-readers (i.e., Kindle-like devices), cell phones, smartphones, and/or other web-enabled devices of any type. Access to the business/guest network shall require authentication. Sharing access information is strictly prohibited.

The use of personal communication devices must be consistent with the established standards for appropriate use as defined in Policy **7540.03** – Student Network and Internet Acceptable Use and Safety. This policy can be found on page xiii-xvi in this Code of Student Conduct or online at [www.polk-fl.net](http://www.polk-fl.net) Keyword: Tech Policies.

The district is currently operating under a phased implementation for Bring Your Own Device (BYOD) under the authority of the school principal. The initial phase is underway in high schools and middle schools with the goal for elementary schools to follow. Please check with your student’s school concerning the availability of BYOD and required permission form.

The owner of a PCD bears all responsibility and assumes all risk for loss, damage or misuse of said property while it is on Board property. Cell phones and other wireless communication devices are small and easily lost. There is also a high incidence of theft of these devices. The School Board of Polk County will not be responsible for wireless communication devices lost by or stolen from students.

Possession of a PCD by a student at school during school hours is a privilege that may be forfeited by any student who fails to abide by the terms of School Board Policy **5136** – Personal Communication Devices or otherwise abuses this privilege. The use of a PCD for non-educational purposes including but not limited to recording staff and/or students without permission or knowledge, or recording fights is strictly prohibited. No student may have in his or her possession any wireless communication device or any other item that records, stores, or transmits data during any standardized testing or EOC.

Violations of this policy may result in disciplinary action and/or confiscation of the PCD. The building principal will also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). If the PCD is confiscated, it will be released/returned to the student’s parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the PCD may be turned over to law enforcement. A confiscated device will be marked in a removable manner with the student’s name and held in a secure location in the building’s central office until it is retrieved by the parent/guardian or turned-over to law enforcement. School officials will not search or otherwise

**Levels:**

1. Parental Assistance
2. Office Intervention
3. Detention or Work Detail Programs
4. In-School Suspension
5. Out-of-School or Bus Suspension – Short-Term
6. Out-of-School or Bus Suspension - Long Term
7. Alternative Education Programs(secondary)
8. Expulsion from School

**NOTE: The consequence for this offense should reflect the severity of the misconduct.**

<p>tamper with PCDs in District custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with School Board Policy <b>5771</b> – Search and Seizure</p>	
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**ROBBERY - SECTION 5.27**

<p>A student who takes money or other property belonging to another person from another person by the use of force, snatching, violence, assault, or threatened use of force or violence is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:</p> <p>Violations of this section <i>may be</i> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>Level:</b></p> <ol style="list-style-type: none"> <li>6. Out-of-School or Bus Suspension – Long Term</li> <li>7. Alternative Education Programs</li> <li>8. Expulsion from School</li> </ol>
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**SERIOUS MISCONDUCT ON A SCHOOL BUS - SECTION 5.28**

<p>A student who refuses to obey the bus driver's or bus attendant's reasonable instructions or creates a disturbance which would distract the bus driver from safely operating the bus, or who throws an object at or from a school bus is guilty of a serious breach of conduct punishable as follows:</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> </ol>
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**SEXUAL HARASSMENT - SECTION 5.29**

<p>A student who subjects another student and/or staff member to unwelcome conduct of a sexual nature by unwelcome sexual advances, requests for sexual favors, verbal harassment or abuse, pressure for sexual activity, repeated remarks with sexual or demeaning implications, unwelcome or inappropriate touching, or suggestions or demands for sexual involvement accompanied by implied or explicit threats is guilty of a serious breach of conduct. The procedures outlined in Part II, General Rules and Regulations, Section 2.09, Harassment/Discrimination, shall be followed for the investigation of alleged sexual harassment by the principal or designee. Please refer to the Equity Handbook and contact the Office of Equity and Compliance. If such investigation results in a determination that the student is guilty of sexual harassment, disciplinary action shall be taken as determined by the Superintendent or his/her designee consistent with discipline procedures outlined in Part III, Discipline and Appeal Procedures.</p>	<p><b>Levels:</b></p> <ol style="list-style-type: none"> <li>4. In-School Suspension</li> <li>5. Out-of-School or Bus Suspension – Short-Term</li> <li>6. Out-of-School or Bus Suspension - Long Term</li> <li>7. Alternative Education Programs</li> <li>8. Expulsion from School</li> </ol>
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<b>STUDENT CONFRONTATION WITH A SCHOOL BOARD EMPLOYEE - SECTION 5.30</b>	
<p>A student who strikes, pushes, pulls, shoves, fights, injures, or engages in a violent confrontation involving a School Board employee, is guilty of a serious breach of conduct punishable as follows:</p> <p>Violations of this section <i>may be</i> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>Level:</b></p> <p>8. Expulsion from School</p>
<b>THEFT – SECTION 5.31</b>	
<p>A student who takes from another person money or other property belonging to the other person with the intent to permanently deprive the victim of such property is guilty of a serious breach of conduct which may be reported to the proper law enforcement agency and is punishable as follows:</p>	<p><b>Misdemeanor/Petit Theft Levels:</b></p> <p>4. In-School Suspension  5. Out-of-School or Bus Suspension – Short-Term  6. Out-of-School or Bus Suspension - Long Term  7. Alternative Education Programs (secondary)</p> <p><b>Felony/Grand Theft Levels:</b></p> <p>6. Out-of-School or Bus Suspension - Long Term  7. Alternative Education Programs(secondary)  8. Expulsion from School</p>
<b>TRESPASSING - SECTION 5.32</b>	
<p>A student who enters or remains in a school building or on school property other than on the campus of the school in which the student is enrolled without authorized permission is guilty of trespassing. A student who enters or remains in any school building or on any school property after it is closed to the public without authorized permission is guilty of trespassing. Trespassing is a serious breach of conduct which may be reported to the proper law enforcement agency and is punishable as follows:</p>	<p><b>Levels:</b></p> <p>4. In-School Suspension  5. Out-of-School or Bus Suspension – Short-Term  6. Out-of-School or Bus Suspension - Long Term  7. Alternative Education Programs  8. Expulsion from School</p>
<b>VANDALISM - SECTION 5.33</b>	
<p>A student who willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti or other acts of vandalism, on school property, a school bus, or during a school function, is guilty of a serious breach of conduct which shall be reported to the proper law enforcement agency and is punishable as follows:</p>	<p><b>Levels:</b></p> <p>4. In-School Suspension  5. Out-of-School or Bus Suspension – Short-Term  6. Out-of-School or Bus Suspension - Long Term  7. Alternative Education Programs  8. Expulsion from School</p>
<b>VIOLENCE, INCITEMENT TO - SECTION 5.34</b>	
<p>A student who commits an act of violence or, by words or actions, threatens others with violence, directly or indirectly, or instigates or incites others to do violence or bodily harm or to fight is guilty of a serious breach of conduct punishable as follows:</p> <p>Violations of this section <i>may be</i> referred to mental health services identified by the school district pursuant to s.1012.584(4).</p>	<p><b>Levels:</b></p> <p>4. In-School Suspension  5. Out-of-School or Bus Suspension – Short-Term  6. Out-of-School or Bus Suspension - Long Term  7. Alternative Education Programs  8. Expulsion from School</p>

# **Forms**

## **Part VI**

## Appendix A – DIRECTORY INFORMATION OPT-OUT FORM

Student Name \_\_\_\_\_  
 (Please print) Last Name First Name MI Student ID#

\_\_\_\_\_ Date of Birth School Grade

**DIRECTORY INFORMATION OPT-OUT**

The District shall make available, upon request, certain information known as "directory information" without prior permission of the parents or the eligible student. Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

The Board designates as student "directory information": a student's name; photograph; address; telephone number, if it is a listed number; e-mail address; date and place of birth; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; grade level; enrollment status; date of graduation or program completion; awards received; and most recent educational agency or institution attended.

The primary purpose of directory information is to allow the School Board of Polk County, Florida (SBPC) to include information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

If you do not want the School Board of Polk County, Florida (SBPC) to disclose (release) directory information from your child's educational records in accordance with federal law<sup>1</sup>, please make your selection(s) below.

- DO NOT RELEASE** my child's directory information to any outside entities with the exception of colleges, universities, and military. Directory Information will still be provided in school/district publications, yearbooks and media unless specified below:
- DO NOT RELEASE** my child's directory information which includes, name and photo/video image, for use in the **YEARBOOK**.
- DO NOT RELEASE** my child's directory information which includes, name and photo/video image, for use in **MEDIA** (the various means of mass communication, including television, websites, radio, magazines, and newspaper).
- DO NOT RELEASE** my child's directory information to any military recruiter.
- DO NOT RELEASE** my child's directory information to higher education colleges and universities.

**PARENT SIGNATURE**

I understand that by completing and submitting this form, SBPC will restrict the release of this type of information from my child's educational records and that SBPC has no further obligation to contact me on a case-by-case basis to request my consent for the disclosure of directory information. You must return this form to your child's school within two (2) weeks of starting school. If not received within that timeframe, it will be assumed that the above information may be released to the extent disclosure is permissible by the Family Educational Rights and Privacy Act (FERPA). Please note that, in certain situations, federal and state law may permit or require the disclosure of the information listed above to authorized persons or entities even if you have opted out of its disclosure as directory information. Selections made will remain in effect until a change is submitted.

\_\_\_\_\_  
 Name of Parent (Please Print)

\_\_\_\_\_  
 Signature of Parent

\_\_\_\_\_  
 Date

<sup>1</sup> The *Family Educational Rights and Privacy Act* (20 U.S.C. § 1232 g.), Section 9528 of the *Elementary and Secondary Education Act* (20 U.S.C. 7908), as amended by the *No Child Left Behind Act of 2001* (P.L. No. 107-110), and the *National Defense Authorization Act for Fiscal Year 2002*, (P.L. 107) U.S.C. 503, as amended by Section 544.



Appendix C – Acknowledgment Form

<b>Student Name</b>	_____		
<b>(Please print)</b>	<b>Last Name</b>	<b>First Name</b>	<b>MI Student ID#</b>

_____	_____	_____
<b>Date of Birth</b>	<b>School</b>	<b>Grade</b>

**STUDENT ACKNOWLEDGMENT:** I have received a general overview and specific instruction of the contents of the Polk County Public School's Code of Student Conduct. I have also been informed that compliance with the Code is mandatory. The Code is located on the School Board website at [www.polk-fl.net](http://www.polk-fl.net) for review and download.  
**KEYWORD:** Student Code of Conduct

\_\_\_\_\_  
 Signature of Student

\_\_\_\_\_  
 Name of Student (Please Print)

\_\_\_\_\_  
 Name of School

\_\_\_\_\_  
 ID #

**PARENTAL ACKNOWLEDGMENT:** I/we are aware of the contents of the Polk County Public Schools' Code of Student Conduct and have been informed that compliance with the Code is mandatory.

\_\_\_\_\_  
 Signature of Parent

\_\_\_\_\_  
 Name of Parent (Please Print)

\_\_\_\_\_  
 Date

I request a printed copy of the Student Code of Conduct in: English Spanish Haitian-Creole

# SCHOOL BOARD OF POLK COUNTY

P.O. BOX 391  
BARTOW, FLORIDA 33831

(863) 534-0500

1915 SOUTH FLORAL A VENUE  
BARTOW, FLORIDA 33830

Dear Parents/Guardians,

Please review the information below concerning Parent Responsibilities and Student Standards of Conduct. It is very important that you and your child review this letter together so that you can discuss what is expected of each student concerning student conduct during their trip to and from school. Our number 1 goal is to provide safe transportation for all of our students, so we thank you for your support this school year. Please sign this form and return it to the school.

Sincerely,

Principal

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## GENERAL

Daily bus service will be provided for all pupils living in excess of two miles from school. Pupils, who are physically handicapped or if walking would subject them to hazardous walking conditions (as defined by the State and the School Board), may be provided transportation.

## STANDARDS

Acceptable classroom standards of conduct are expected of bus passengers. Drivers shall ensure that pupils observe regulations at all times.

## DISCIPLINE

A driver experiencing discipline problems with a student will notify the school principal by submitting a written referral describing the discipline problem. The principal may suspend the student's bus privileges. During a period of suspension, the School Board shall not be responsible for transporting the pupil to school.

## STUDENT CONDUCT

1. Recognize that the bus driver and/or the bus attendant are the authority on the bus; obey and be courteous to the driver, attendant and to fellow students.

2. Plan to leave home each day so that you

will arrive 10 minutes before the scheduled stop time.

3. When walking where there are no sidewalks, face the traffic, and walk on the shoulder of the road.

4. Stand away from the highway at the bus stop.

5. Never run alongside a moving bus.

6. Wait until the bus and other traffic comes to a full stop and the bus door is opened before moving toward the bus. Cross in front of the bus at a distance of at least 12 feet as directed by driver.

7. Use the handrail when boarding and departing the bus.

8. Go directly to your assigned seat and remain seated unless otherwise directed by the driver.

9. Do not carry onto the bus any glass items, reptiles, insects, pets, weapons, balloons or sharp instruments.

10. Keep the aisles clear at all times.

11. Hold books and other belongings firmly on your lap.

12. Large or heavy articles that cannot be held on your lap should be transported to school by your parents; this includes large band instruments.

13. Normal classroom behavior is expected while riding the bus.

14. Observe complete silence at all railroad crossings.

15. Do not throw objects about the bus or from a window. Keep arms and head inside the bus at all times.

16. Do not tamper with the emergency doors.

17. No eating, drinking, smoking, yelling, or fighting is allowed on the bus.

18. Leave the bus ONLY at your designated stop.

19. Take all your belongings off the bus each day. Transportation is not responsible for articles left on school buses.

20. Report any illness or injury sustained on or around the bus immediately to the driver.

## PARENTS' RESPONSIBILITIES

1. Parents are encouraged to walk with students to and from bus stops and to meet their children at the bus stop in the afternoon.

2. Parents are responsible for their children's safety when they are going to and from the bus stop. A responsible person must accompany Exceptional Education students at their bus stop both in the morning and afternoon.

3. Parents should not expect to have conferences with the school bus driver at the bus stop. If necessary, conferences can be arranged through the school and the Transportation Department.

4. Parents should make a reasonable effort to understand and cooperate with those responsible for pupil transportation. Parents are responsible for the proper conduct of their children.

5. Parents are to refrain from boarding school buses and/or attempting conferences with drivers at bus stops.

6. Parents may access their children only at designated bus stops unless the driver has authorization for a change approved by the school administrator.

## FOR PARENT OR GUARDIAN

\_\_\_\_\_

Signature: Parent or Guardian

\_\_\_\_\_

Date:

\_\_\_\_\_

Child's Name (printed):

\_\_\_\_\_

School Child Attends:

**PLEASE RETURN TO YOUR CHILD'S SCHOOL AFTER SIGNING.**



## **Voluntary School Messenger Opt-In Consent Form for General Messages**

Polk County Public Schools (PCPS) utilizes an automated parent notification system to quickly and efficiently notify parents of important school and district information. Such notices may include information regarding **school closures/delays, security alerts, absence notifications, cafeteria balances, and upcoming school activities**. Due to recent changes to the Telephone Consumer Protection Act (TCPA), parents are now **required to provide prior express consent to receive automated communications on their mobile device**. This means parents must provide express consent to receive general messages through automated calls and/or SMS text messages on their mobile device(s). Consent is not required if the call or text is for emergency purposes or if made directly from a principal, teacher, or other staff member.

### **FORMS AVAILABLE AT YOUR SCHOOL**

Please take a moment to fill out this consent form on enrollment paperwork or ask your school for a form indicating whether you desire to receive these important messages in the future. You can revoke consent to receive these messages at any time.

## Glossary

**EXCEPTIONAL STUDENT:** For purposes of this Code of Student Conduct only, all references to "exceptional" students shall not include "gifted" students unless gifted students are expressly mentioned.

**EXTRACURRICULAR ACTIVITIES:** Extracurricular activities are defined as those activities that are not part of the regular course of study such as club meetings, sport events, graduation exercises, drama performances, field trips, band and marching performances, dances, proms, *etc.*

**FACE COVERINGS:** Acceptable face coverings may include commercially produced or home-made cloth face coverings provided that they cover the nose, mouth, and fits snugly against the sides of the person's face with little to no gaps. Coverings cannot be made of mesh material or have holes. Coverings may be of any color or design as long as it does not contain markings which are offensive, suggestive, disruptive or indecent as described in unacceptable attire in the Code of Student Conduct. Gaiters, surgical/ procedural masks, N-95 masks, homemade masks are all acceptable. Plastic face shields may also be worn in conjunction with an acceptable face covering. Bandanas, mesh masks, masks with holes or ports are not acceptable.

**PARENT:** For purposes of this Code of Student Conduct, "parent" shall mean the parent or parents or the guardian or guardians of a student enrolled in the Polk County Public Schools.

**REENTRY:** Any student who is placed in a juvenile detention facility, county jail, commitment facility, or substance abuse treatment program may reenter the Polk County School System only after approval from the appropriate hearing officer.

**SCHOOL EMPLOYEE/PERSONNEL/STAFF:** For purposes of this Code of Student Conduct, "school employees," "school personnel," or "school staff members" shall mean and include school administrators, teachers, paraeducators, school resource officers, substitutes, secretaries, bus drivers and attendants, cafeteria workers, custodians, coaches, school volunteers or adult chaperones, and any other person authorized to supervise or monitor students.

**SEARCHES:** A student's locker, vehicle, purse, backpack, computer, personal communication device, and other personal possessions may be searched if there is a reasonable belief any of them contain drugs, weapons, contraband, or other items not permitted on campus. Trained sniff-screening dogs are allowed in the schools to prevent drugs and weapons. The routine checks by dogs are not considered a search by law. These are safety precautions to provide a safe and healthy school in which to learn. Strip searches of students by school personnel are prohibited. Nothing in this provision shall be construed to obstruct a law enforcement officer in the performance of his/her duty.

**STUDENT:** For purposes of this Code of Student Conduct, "student" shall mean a student or students in grades Pre-K through adult school enrolled in the Polk County Public Schools.