

# THE HENDRY COUNTY SCHOOL DISTRICT



## 2022-2023 Student Code of Conduct



Michael Swindle  
Superintendent of Schools  
[www.hendry-schools.org](http://www.hendry-schools.org)

# Hendry County School Board Members

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The School Board of Hendry County Florida prohibits any policy or procedure, which results in discrimination or harassment on the basis of race, color, national origin, ethnicity, sex (including sexual orientation, transgender status or gender identity), disability, pregnancy, marital status, age (except as authorized by law), religion, military status, or genetic information in the provision of educational opportunities or employment opportunities and benefits. It also includes all protections required by section 108.9 of Title 34, Code of Federal Regulations (Boy Scouts Act). The Hendry County School District (HCSD) equity officer may be contacted at 863-674-4550 for individuals who wish to file a discrimination or harassment complaint or for individuals with disabilities requesting accommodations under the Americans with Disabilities Act.

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## MESSAGE FROM THE SUPERINTENDENT



Dear Parents,

I am excited to welcome you to the 2022-2023 school year! The goal of the Hendry County School District is to provide every student with a world-class education so that every student will be prepared for college, career, and life upon graduation. As we work towards that goal, I know that our work can only be strengthened when parents and our school community come together to ensure the success and well-being of every student.

I am asking parents to join us this year as we strive to maintain a safe, welcoming, and positive environment. Parental involvement plays a critical role in the academic success of our students and in ensuring every school campus in our school district is a safe place. A critical way that parents can support a safe school environment is by supporting the expectations and policies outlined in the Student Code of Conduct. By taking the time to review this Code of Conduct with your student, you can help reiterate the rules and guidelines our students must adhere to as valued members of our Hendry County Schools family.

It is my mission to create at each one of our schools, an environment of mutual respect and civility. This environment will serve as the foundation necessary for our teachers to do their job effectively and for our students to learn. As such, I want to eliminate bullying, harassment, and disrespectful behaviors from our schools. In order to this, I will need your help. I am asking that you remind your student that any such behaviors will not be tolerated. In addition, we will take a strong stance against egregious violations of the code such as major acts of violence and drug violations. Violations of this nature will result in severe disciplinary consequences up to and including expulsion.

By reinforcing the high student expectations and supporting the consequences for misbehavior with your student, you will have done your part as a parent to make our 7,300 student-strong school district a safe place for everyone. Our amazing team of teachers, support staff, and administrators will work hard each day to ensure your student is respected, treated fairly, and held to high academic and character standards. We look forward to a successful school year with your involvement and support.

Sincerely,

Mr. Michael Swindle  
Superintendent of Schools

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## **A. Introduction**

The Hendry County School District (HCSD) firmly believes that a positive school culture promotes equal educational opportunity and establishes the framework for a safe learning environment. In accordance with the mandate required by Florida Law, all students attending Hendry County Public Schools will be provided access to the Code of Student Conduct handbook. The Code of Student Conduct, herein referred to as the Code as well, consists of a set of policies, rules and laws by which order is established and maintained for the benefit of all. Discipline within a school must have the qualities of objectivity, consistency and equity. It is the responsibility of all school personnel, students, parents, external stakeholders and the greater community to ensure the school environment encourages a climate that promotes learning.

The Code of Student Conduct is intended to be an instructive document based on interventions and supports for students; however, when consequences are warranted, they must be implemented based on a system of progressive discipline. Minor infractions and first offenses have less serious consequences than major infractions and repeat offenses. Factors such as age; grade level; social, emotional and intellectual development; and overall student rights and responsibilities must also be considered. Disciplinary issues will be resolved by every means possible prior to exclusion from school. Equitable and reasonable procedures will be followed to assure students of their rights.

The Code of Student Conduct is intended to outline a range of appropriate responses for inappropriate behaviors with consideration of the following:

- Poor academic achievement is not an act of misconduct; therefore, the Code must not be used to discipline students for poor academic achievement or failure.
- A parent's failure to appropriately support the education of the parent's child cannot be considered misconduct on the part of the child.
- The Code of Student Conduct applies to all students; however, discipline for students with disabilities must be administered in accordance with federal and state laws.
- In working within the Code of Student Conduct, school administration and staff must be sensitive to cultural differences that a student may exhibit.
- The Code of Student Conduct applies to the actions of students that causes substantial disruption during the following times:
  - Waiting for school transportation or being transported to and from school at public expense,
  - Attending school,
  - Participating in school-sponsored activities, and
  - Participating in school-sponsored off-campus activities.

The School Board of Hendry County recognizes that the Code of Student Conduct must be consistent with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). Students eligible for services under IDEA or Section 504 will be disciplined in accordance with these acts and are governed by the Code of Conduct specifications that apply to students covered under IDEA and Section 504. The HCSD establishes guidelines for the conduct and discipline of students. The superintendent must recommend, based on these policies, a Code for adoption by the HCSD annually, in accordance with state law. At the beginning of every school year, the Code will be discussed at school with students, teachers, administrators and others. This document is available in Spanish for elementary and secondary teachers, school personnel, students, and parents and guardians. Copies of these documents are available in Spanish on the HCSD website and at each school, and other HCSD offices in the district. Throughout this document, when the word "parent" or "parents" is used, it also refers to either one or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent (section [s.] [1000.21\(5\)](#), Florida Statutes [F.S.]).

The Code of Student Conduct contains HCSD policies and other documents pertaining to the rules and regulations of the HCSD in accordance with s. [1006.07\(2\)](#), F.S. References to the HCSD policies are incorporated throughout this document (refer to the HCSD's Policy Manual <http://www.neola.com/hendry-fl/>). The HCSD reserves the right to revise this document, policies and procedures during the course of the school year. For the current version of any of these documents, please visit the HCSD website at <http://www.hendry-schools.org/>.

### **1. District Mission, Vision, Belief Statements and Guiding Principles**

#### **a. Mission**

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To provide all students the opportunity to achieve at high academic levels, equipping them to successfully pursue college or career goals or life goals.

**b. Vision**

To create a district where students want to learn, parents want to send their children, teachers want to teach and employees want to work through a commitment to:

- Academic Achievement – Student academic engagement at the highest-level reflecting college and career readiness.
- Instructional Effectiveness – Teachers and leadership creating a climate of rigor, relevance and high expectations based on state and national standards.
- Collaboration – Working with parents and community stakeholders to create a working partnership for academic excellence and student success.
- Culture – Cultural diversity respected by all and individual strengths are maximized in a safe and secure environment.

**c. Belief Statements**

The HCSD's belief statements include the following:

- Children come first in decision making.
- All children can learn.
- High expectations for all lead to success.
- A safe and caring learning environment is essential.
- Everyone deserves respect and is important to the educational process.
- Open and honest communication is essential.
- Improvement must be continuous and change must reflect best practices.
- Education should promote responsible citizenship and ethical behavior.
- Our schools are a valued investment.

**d. Guiding Principles**

The HCSD guiding principles include the following:

- The needs of our students come first.
- Decisions must reflect our belief and mission statements.
- All individuals must be treated with respect.
- All communication must be direct and honest.
- We expect professional standards to guide our actions, and we will always adhere to our code of ethics.
- Decisions must reflect effective resource management, sound fiscal practices and include a cost-benefit analysis.

**2. Respect and Civility Code**

The HCSD recognizes that the education of children is a process that involves a partnership among a child's parents, teachers, school administrators, and other school and HCSD personnel. Further, the HCSD promotes mutual respect, civility and orderly conduct among HCSD employees, parents and the public. School and HCSD personnel will treat all visitors on HCSD property with courtesy and respect. The HCSD and its employees will not conduct business with those who use obscenities, or otherwise speak in a demanding, loud, insulting, or threatening manner. The HCSD is committed to maintain, to the extent possible and reasonable, a safe, harassment-free environment, which is free of disruptive, demeaning, intimidating, threatening or aggressive behaviors, for students, families and staff. The priority is to maintain orderly and administrative processes in keeping schools and administrative offices free from disruptions and preventing unauthorized persons from entering school and HCSD grounds. Volatile, hostile or aggressive actions and words will not be tolerated, and individuals who engage in these activities may face penalties up to, and including, criminal prosecution.

s. [871.01](#), F.S.s. [1001.41](#), F.S. s. [1006.145](#), F.S.

**3. Respect for School Property**

The HCSD believes that the schools should help students learn to respect property and develop a feeling of pride in community institutions. Each student has the responsibility for the proper care of school property and the school supplies and equipment assigned for use.

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Students who cause damage to school property will receive disciplinary measures, and their parents will be financially liable for such damage to the extent of the law. The HCSD may impose fines for the loss, damage or destruction of school equipment, apparatus, musical instruments, library material and textbooks and for damage to school buildings. Failure to pay fees and fines may result in the denial of participation in the graduation ceremony. In the event the above course of action does not result in the fee being collected, the Board authorizes the Superintendent to take the student and/or his/her parents to Small Claims Court for collection in accordance with Board Policy 6152. The HCSD may report any student whose damage to school property has been serious or chronic in nature to the appropriate juvenile authorities in accordance with School Board policy 5513

#### **4. Rights of Students and Parents**

##### **a. Student Rights**

The HCSD recognizes that students possess not only the right to an education but the rights of citizenship as well. Federal and state laws prohibit the HCSD from adopting any policy or rule, or from entering into any agreement that infringes upon or waives the rights of freedoms afforded to students by the United States Constitution. In providing students the opportunity for an education to which they are entitled, the HCSD must attempt to offer nurture, counsel and custodial care appropriate to their age and maturity. The HCSD must, at the same time, guarantee that no student is deprived of the basic right to equal treatment and equal access to the educational program, due process, a presumption of innocence, free expression and association, and the privacy of one's own thoughts.

In addition to the rights guaranteed to each student, there are certain expected responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the procedures and rules of the HCSD. The HCSD realizes that, as students differ in age and maturity, so too they differ in ability to handle both the rights of citizens and the concomitant responsibilities. The exercise of each right must be granted; therefore, with due regard for the degree of responsibility possessed by the student and the student's need for the continuing guidance and control of those responsible for the student's education. Since a student who has reached the age of majority possesses the full rights of an adult, the student may authorize those school matters previously handled by the student's parents, but the student also assumes the responsibility for performance in school, attendance and compliance with school rules. All, kindergarten through grade 12 (K-12) students in Florida are entitled to a uniform, safe, secure, efficient and high-quality system of education. Parents are responsible to ready their children for school; however, neither the State of Florida nor the HCSD can be a guarantor of any individual student's success.

##### **(i) Pledge of Allegiance**

Students are required to participate in reciting the Pledge of Allegiance to the flag with the right hand over the heart, "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Upon written request by the student's parent, the student may be excused from reciting the pledge. 1003.44.F.S

##### **b. Parent Rights**

##### **(i) Parent Access at School**

Each parent has the right to pick up, visit and meet with the parent's student at school, without interference of or the need for consent from the other parent, unless the school has received a certified copy of an enforceable court order that provides to the contrary. The HCSD will abide by enforceable "no contact orders," which have been provided to the school. The principal may restrict the time, location, frequency and length of parent visitations at school, based on legitimate pedagogical or scheduling reasons.

##### **(ii) Educational Decisions**

Both parents have an equal right to make decisions about the education and welfare of their student, unless the school has a certified copy of an enforceable court order that specifies that one of the parents, or someone else, has the sole right to make educational or welfare decisions for the student.

. [1002.20](#), F.S. s.[1006.07\(2\)\(c\)](#), F.S.  
HCSD 5780

## **5. Responsibilities of Stakeholders**

The HCSD expects all stakeholders to demonstrate mutual respect for the rights of others:

### **a. Students**

The responsibilities of students include the following:

- Attend school daily, be prepared for class and complete assignments to the best of their ability;
- Follow the handbook and school-based rules;
- Model and practice the expected behaviors and universal guidelines;
- Notify school staff about any dangerous behavior, bullying or activity that occurs on school grounds or off school grounds when it may result in disruption of the educational setting;
- Accept and respect individual differences and people;
- Bring only those materials to school that are allowed;
- Keep parents informed of school-related issues; and
- Ask school personnel or other trusted adults for help in solving problems.

### **b. Parents**

The responsibilities of parents include the following:

- Read the Code of Conduct with their child;
- Notify the school immediately of any changes in address, telephone number or email address (unlisted telephone numbers will be held in confidence when requested);
- Make certain the child attends school regularly and on time;
- Notify the school of absences or tardies in a timely manner;
- Monitor the child's academic and behavioral progress;
- Talk to the child about school and behavioral expectations;
- Teach the child to dress neatly and appropriately for school as it is a place to work and learning;
- Visit the child's school as necessary;
- Get to know the people at the child's school by going to teacher conferences and school-parent activities like Parent Teacher Association and School Advisory Council meetings;
- Play an active role and support the child's educational experience; and
- Teach and model for the child to respect the rights and property of others.

### **c. Teachers**

The responsibilities of teachers include the following:

- Teach and review the Code of Conduct;
- Use well-planned, creative and engaging instructional plans daily;
- Set expectations, teach, model and reinforce positive behavior;
- Use appropriate classroom management strategies to maintain a learning environment that supports academic success;
- Provide students with meaningful and relevant feedback on their behavioral and academic progress;
- Maintain a safe and orderly classroom by using prevention and intervention strategies;
- Provide corrective feedback and re-teach appropriate behaviors when a student demonstrates misconduct;
- Use professional judgment to prevent minor incidents from escalating.
- Keep parents informed of students' academic progress and behavior through regular communication;
- Refer students in need of additional support to the Problem Solving and Student Support Team; and request additional training or staff development as needed.

### **d. Administrators**

The responsibilities of administrators include the following:

- Distribute the Code of Conduct to school stakeholders;
- Implement the handbook in a fair and consistent manner;

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- Implement all HCSD policies in a fair and consistent manner;
- Maintain a safe and orderly school by using prevention and intervention strategies;
- Provide students with meaningful and relevant positive feedback on their behavioral and academic progress;
- Communicate policies, expectations and concerns, and respond to complaints or concerns from students and parents in a timely manner;
- Use professional judgment to prevent minor behavioral incidents from escalating;
- Monitor, support and sustain the effective implementation and maintenance of school wide positive behavioral interventions and supports (PBIS);
- Define, teach, model, reinforce and support appropriate student behaviors to create positive school environments;
- Provide meaningful opportunities for parent participation and involvement;
- Identify appropriate training and resources as needed to implement positive behavior interventions and supports (PBIS); and
- May require uniforms to be worn by the student body or impose other dress-related requirements if these requirements are necessary for the safety or welfare of the student body or school personnel.
- Conduct routine emergency drills and provide documentation to the district monthly.

**e. Additional School-Based Staff**

The responsibilities of additional school-based staff include the following:

- Maintain a safe and orderly school environment by modeling and supporting appropriate student behaviors;
- Provide students with meaningful and relevant positive feedback on their behavioral progress;
- Provide appropriate corrective feedback and re-teach appropriate behaviors when a student demonstrates misconduct;
- Monitor, support and sustain the effective implementation and maintenance of a positive school culture and learning environment; and
- Use professional judgment to prevent minor incidents from escalating.

**f. HCSD Staff**

The responsibilities of the HCSD staff include the following:

- Create and implement policies and procedures that encourage safe and orderly schools for all students, school staff and administrators;
- Protect the legal rights of students, parents, school staff and administrators;
- Provide appropriate training and resources to implement PBIS at each school;
- Assist parents who are unable to resolve issues at the school level;
- Utilize individual school discipline data to identify and allocate professional development services for school staff and administrators; and
- Review and revise the Code of Conduct annually.

## **B. Attendance**

### **1. Policy**

Research shows that regular attendance in school is vital to academic success. All absences, whether excused or not, impact student academic achievement. Good attendance is defined as having less than nine days absent (for any reason) during the entire school year. This policy is to encourage regular school attendance and punctuality by establishing requirements for student attendance, outlining guidelines or procedures for attendance monitoring and reporting, and establishing procedures supporting chronically absent and habitually truant students as required by state laws, rules and regulations. The educational program offered by the HCSD is predicated on the presence of the student and requires continuity of instruction and classroom participation. Attendance must be required of all students enrolled in the schools during the days and hours that the school is in session. School attendance is the responsibility of parents and students. Absences must be reported to the school attendance office by the parent or adult student within 48 hours, excluding weekends and holidays. In accordance with state law, the superintendent must require, from the parent of each student of compulsory school age or from an adult student who has been absent from school or from class for any reason, a statement of the cause for such absence. Parents may submit up to three parent notes per quarterly grading period to excuse up to three days total for absences for personal illness of the student. One note per day of excused absence. After three parent notes for personal illness of the student (totaling 3 days excused per quarterly grading period), the HCSD reserves the right to verify such statements and to investigate the cause of each single absence. In addition, educators have the responsibility to encourage regular attendance of students, maintain accurate attendance records, and follow reporting procedures prescribed by the superintendent. Absences and tardies will be recorded by the schools in the automated student attendance recordkeeping system.

Provision must be made for promoting school attendance through adjustment of personal problems, education of parents, and enforcement of the compulsory attendance laws and related child-welfare legislation.

All students must be counted in attendance in the following circumstances:

- Present in assigned classes,
- Participating in a school-approved programs and extra-curricular functions on or off campus, and
- Present for in-school suspension.

#### **Excused Absences**

Absences at all grade levels must be excused for the following verified reasons:

- Illness of the student, a student who is continually ill and repeatedly absent must be under the supervision of a physician to receive an excused absence;
- Death in the family;
- Emergency in the family;
- Religious holidays of the specific faith of the student;
- Subpoena by any law enforcement agency; and
- Other justifiable reasons approved by the principal or designee upon prior request of the parent.

Absences must be considered unexcused, unless excused for one of the abovementioned verified reasons. The final authority for determining acceptability of the reason for the absence will rest with the principal. Teachers must record absentees each period of the school day and report absences as required by the school. Parents should be contacted each time their child has an unexcused absence, or an absence for which the reason is unknown, to prevent the development of patterns of nonattendance. When a student has at least five unexcused absences or absences for which the reasons are unknown, within a calendar month, or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher must report to the school principal that the student may be exhibiting a pattern of nonattendance. The principal must, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies. Additionally, the principal must notify the HCSD school superintendent and the HCSD contact for home education programs that the referred student is exhibiting a pattern of nonattendance. If an initial meeting does not resolve the problem, the child study team must implement the following:

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- Frequent attempts at communication between the teacher and the family,
- Evaluation for alternative education programs, and
- Attendance contracts.

The child study team may, but is not required to, implement other interventions, including referral to other agencies for family services or recommendation for filing a truancy petition. Each school should establish procedures to ensure good attendance, such as an attendance recognition program. Contact the school principal for additional information.

## **2. Make-Up Work**

For excused absences, the student must have a reasonable amount of time, one day for each day absent from school, to complete make-up work. Principals may grant extensions to the make-up time limit for extenuating circumstances. For unexcused absences, each principal must establish site-specific policies that encourage both regular attendance and high academic achievement, and must review and modify these policies from time-to-time as required to maintain and improve their effectiveness.

## **3. Discipline**

No student will be suspended out-of-school for unexcused tardiness, lateness, absence or truancy, but the student may be assigned to detention or assigned an alternative consequence. Any student who fails to attend any regularly scheduled class, and has no excuse for the absence, should be referred to the appropriate administrator. Disciplinary action should include notification to parents. A student's grade in any course is based on performance in the instructional setting and must not be reduced for reasons of conduct. If a student violates the attendance rule or other rules of the school, the student should be disciplined appropriately for the misconduct, but grades should be based upon what the student can demonstrate the student has learned.

The Superintendent must develop administrative procedures that result in the following:

- Provide the student and parents the opportunity to challenge the attendance record prior to notification and that such notification complies with applicable HCSD rules;
- Require a school session that is in conformity with the rules of the HCSD;
- Govern the keeping of attendance records in accordance with the rules of the HCSD;
- Identify the habitual truant, investigate the cause of the behavior, and consider modification of the student's educational program to meet particular needs and interests;
- Require that students whose absence has been excused have an opportunity to make up work they missed and receive credit for the work, if completed;
- Require that any student who, because of a specifically identifiable physical or mental impairment, exceeds or may exceed the HCSD's limit on excused absence is referred for evaluation for eligibility either under IDEA or Section 504, or other appropriate accommodation.

## **4. Habitual Truancy**

Whenever any student has a total of 15 unexcused absences from school within a 90-day-calendar period, with or without the knowledge or consent of the parent, the student will be considered habitually truant. The HCSD authorizes the superintendent to inform the student and parents of the record of excessive absences as well as the HCSD's intent to notify the Department of Highway Safety and Motor Vehicles (DHSMV). The superintendent is authorized to file a truancy petition under s. [984.151](#), F.S., if a student has accrued at least 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month; 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. [1003.26\(1\)\(b\)](#); or more than 15 unexcused absences in a 90-calendar-day period.

## **5. Late Arrival and Early Dismissal**

From time to time, compelling circumstances require that a student be late to school or dismissed before the end of the school day. Parents must follow the same process to obtain an excuse for tardiness or to obtain permission for early dismissal, as they do to obtain an excuse for an absence. A pattern of nonattendance for instructional activities is established by tardiness, early sign outs or absences for all or any part of the day.

### **a. Late Arrival or Tardiness**

Students reporting late to school or class when the day or class period begins are considered tardy. Excessive tardiness must be addressed on a case-by-case basis to determine if there is a pattern of nonattendance. When a



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secondary student misses 50 percent or more of the identified instructional class period because of late arrival or tardiness, the student must be considered absent. The discipline a secondary student receives for being tardy shall be based on the number of tardies to class the student has accumulated each nine-week grading period. Upon the third and sixth tardy to class within a quarter, a student shall be assigned a lunch detention. Upon the ninth tardy to class and subsequent tardy, a student shall be assigned a day of in-school detention. High school may impose additional consequences for students who drive to school and are excessively late to school up to and including permanent revocation of the student's privilege to drive to school.

**b. Early Dismissal**

Excessive early sign outs will be addressed on a case-by-case basis to determine if there is a pattern of nonattendance. Unless excused under the provisions of this policy, accumulated early dismissals will be recorded as unexcused absences consistent with s. [1003.02\(1\)\(b\)](#), F.S., and this policy. When a secondary student misses 50 percent or more of the identified instructional class period because of early dismissal, the student must be considered absent. Administrators reserve to have early departures from school to be recorded as unexcused absences and to meet with parents when there is a pattern of excessive early checkouts.

**c. Academic Time**

Students are not to be sent home or refused admission to school or class because of tardiness. Students who arrive late for any class period must be allowed to proceed to their classes after obtaining proper documentation of their tardiness.

**d. School Rule or Policy**

Any school creating a late arrival or early dismissal rule or policy must submit the proposed school rule or policy to the deputy superintendent for review and approval prior to the implementation of the rule or policy.

s. [984.151](#), F.S.s. [1002.20](#), F.S., s. [1003.02](#), F.S., s. [1003.21](#), F.S., s. [1003.23](#), F.S., s. [1003.24](#), F.S., s. [1003.26](#), F.S., s. [1003.27](#), F.S., Rule [6A-1.044](#), F.A.C., Rule [6A-1.09512](#), F.A.C., Rule [6A-1.09513](#), F.A.C., Rule [6A-1.09514](#), F.A.C.  
HCSD 5200, HCSD 5223, HCSD 5225, HCSD 523

## **C. Dress Code and Uniforms**

It is a fundamental function of the HCSD to create and maintain a positive educational environment by devoting attention to learning, increasing school safety, encouraging good behavior and discipline, and minimizing disruptions and distractions. The HCSD believes that appropriate attire and grooming contribute to a productive and effective learning environment. Thus, all students are expected to be groomed and dressed appropriately for age, grade level, school and school activities. Student attire or grooming that substantially or potentially disrupts the educational environment or school program, creates a distraction that interferes with the educational process or classroom activity, or presents a health or safety hazard to the students or school community is not permitted. The determination of what constitutes a disruption of a school program, excessive maintenance of school property, a distraction of students from a classroom activity, or a safety or health hazard must be made by the principal or designee. The principal or designee must have final authority to decide if a student's attire complies with a dress code or uniform dress code, and must use reasonable discretion in interpreting and implementing the provisions of this policy. The dress and uniform codes as described must be applicable for the HCSD. The HCSD recognizes that individual students have a right to free expression and that right must be balanced with the HCSD's responsibility to provide classrooms and campuses that are safe, secure and orderly, and an educational environment that is supportive of the school system's academic goals and educational responsibilities. In support of these goals and expectations, the HCSD establishes the following dress codes for HCSD students.

### **1. Definitions**

- **Attire:** Clothing, headwear, jewelry, book bags, accessories or other articles of personal appearance.
- **Backpack:** A bag with shoulder straps that allow it to be carried on one's back. Other bags, such as for athletic equipment and musical instruments must be approved.
- **Dress Code:** A set of parameters that describes acceptable and unacceptable student apparel to ensure the health and safety of all students and creates a positive learning environment; and refers to the Districtwide Student Dress Code and the School-Specific Dress Code.

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- Districtwide Student Dress Code: A set of parameters as determined by the HCSD that describes acceptable and unacceptable attire to ensure the health and safety of all students and creates a positive learning environment.
- School-Specific (Standard) Dress Code: A set of parameters determined by the immediate school site that describes acceptable and unacceptable student attire and appearance, including, but not limited to, clothing, makeup, tattoos and jewelry.
- Higher Standard (Uniform) Dress Code: Distinctive clothing styles or specific colors worn by students as a means of identifying them as members of a school community and determined by the local school site.

## **2. Clothing Assistance**

No student will be denied attendance at school or otherwise denied an education for failing to wear clothing that complies with the Districtwide, the School-Specific (Standard), or the Higher Standard (Uniform) Dress Code, whichever is applicable, if such failure is because of financial hardship. Each principal and School Advisory Council must develop procedures and criteria to offer assistance to students who would have or are having difficulty complying with their school's Higher Standard (Uniform) Dress Code because of financial hardships. Parents may request such assistance from the principal or designee. The identity of the family or child must not be disclosed.

s. [1006.07\(2\)\(d\)](#), F.S. HCSD 5511

## **D. Conduct and Behavior**

### **1. Overview**

Every student, Pre-K through adulthood, has the right to be educated in a safe, respectful and welcoming environment. Every educator has the right to teach in an atmosphere free from disruption and obstacles that impede learning. This will be achieved through implementation of a consistent Code of Conduct and through the implementation of a schoolwide PBS plan in all schools. The schoolwide PBS plan emphasizes teaching students to behave in ways that contribute to academic achievement and school success and support a school environment where students and school staff are responsible and respectful. The schoolwide PBS plan includes teaching school rules, reinforcing appropriate student behavior, using effective classroom management and PBS strategies by providing early intervention for misconduct and appropriate use of consequences. The HCSD schools are established for the benefit of all students. The educational purposes of the schools are accomplished best in a positive school climate that teaches, models and reinforces student behavior that is socially acceptable and conducive to the learning and teaching process. There must also be a consistent continuum of consequences for ongoing student misconduct across the HCSD. The HCSD supports the administrative staff and teachers in taking all necessary and reasonable steps to implement the Code of Conduct and administrative policies to maintain appropriate student behavior. Important among these policies and directives are those in the areas of conduct, involving behavioral interventions and supports, enhancing the climate for learning, and policies governing suspensions and expulsions.

s. [1006.07](#), F.S.

s. [1006.13](#), F.S.

HCSD 5500

### **2. Bullying and Harassment**

It is the policy of the HCSD to maintain an educational and work environment that is free from all forms of harassment and bullying of any kind. This commitment applies to all HCSD operations, programs and activities. All students, administrators, teachers, staff and all other school personnel share responsibility for avoiding, discouraging and reporting any form of unlawful harassment and bullying. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the HCSD. The HCSD will vigorously enforce its prohibition against discriminatory harassment on the basis of race; color; national origin; sex (including sexual orientation, transgender status and gender identity); disability (including human immunodeficiency virus [known as HIV], acquired immune deficiency syndrome [known as AIDS], and sickle cell trait); pregnancy; marital status; age (except as authorized by law); religion; military status; ancestry; or genetic information, which are classes protected by state and federal law (collectively, "protected classes"); and encourages those within the HCSD community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The HCSD will investigate all allegations of unlawful harassment or bullying, and in those cases where unlawful harassment or bullying is substantiated, will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment or bullying will be subject to appropriate disciplinary action. For acts of harassment against

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Federally identified protected categories, and acts of harassment, including sexual harassment, which do not meet the definition of bullying, refer to applicable Board Policies for procedures.

The HCSD will offer counseling services to any person found to have been subjected to unlawful harassment or bullying, and, where appropriate, the person who committed the unlawful harassment or bullying. Conduct that constitutes bullying or harassment, as defined in HCSB Policy 5517.01, and in s. [1006.147](#), F.S., is prohibited.

**a. Expected Behavior**

The HCSD expects students to conduct themselves as appropriate for their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment. The HCSD believes that standards for student behavior must be set cooperatively through interaction among the students, parents, staff and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for one's self and others, as well as for HCSD and community property on the part of students, staff and community members.

The HCSD expects students to attend all classes daily and be on time, come prepared to class, and be respectful to all individuals and property. Students are also expected to refrain from profane or inflammatory statements or obscene gestures. It is also expected that students will conduct themselves in a safe and responsible manner, and abide by school and classroom rules. Since students learn by example, school administrators, faculty, staff and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment. It is the intent of the HCSD that students will have the greatest amount of freedom allowable under the law, commensurate with the school's and the HCSD's responsibilities for the health, safety and welfare of all students.

Students have the right to the following:

- Study all subjects under competent instructors in an atmosphere free from bias and prejudice and receive an education in a threat-free atmosphere.
- To be given due-process in discipline matters.
- Access educational activities in an atmosphere free from any type of harassment.
- Appropriate counseling for personal and educational programs, and
- A standard procedure for the resolution of grievances.

The HCSD upholds that bullying or harassment of any student or school employee is prohibited under the following circumstances:

- During any education program or activity conducted by a public K-12 educational institution;
- During any school-related or school-sponsored program or activity;  
On a school bus of a public K-12 educational institution;
- Through the use of data or computer software that is accessed through a computer, computer system or computer network of a public K-12 education institution within the scope of the HCSD, meaning regardless of ownership, any computer, computer system or computer network that is physically located on school property or at a school-related or school-sponsored program or activity; and
- Through the use of data or computer software that is accessed at a non-school-related location, activity, function or program or through the use of technology or an electronic device that is not owned, leased or used by the HCSD or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school.

**b. Definitions**

**(i) Bullying**

Bullying, which includes cyberbullying, means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It can be a violation of criminal law.

Bullying is defined as any unwanted and repeated written, verbal or physical behavior, including any threatening, insulting or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with an individual's school performance or participation; and may involve, but is not limited to, the following:

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- Teasing,
- Threats,
- Intimidation,
- Stalking,
- Cyberstalking,
- Cyberbullying,
- Physical violence,
- Theft,
- Sexual, religious or racial harassment,
- Public humiliation, and
- Destruction of property.

**(ii) Cyberbullying**

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by a wire, radio, electromagnetic system, photo electronic system or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications.

Cyberbullying includes the creation of a web page or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

**(iii) Cyberstalking**

Cyberstalking means to engage in a course of conduct to communicate or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose (s. [784.048\(1\)\(d\)](#), F.S.).

**(iv) Harassment**

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that does any of the following:

- Places a student or school employee in reasonable fear of harm to the student's person or damage to the student's property;
- Has the effect of substantially interfering with a student's educational performance, opportunities or benefits; or
- Has the effect of substantially disrupting the orderly operation of a school.

**(1) Sexual Harassment (Board Policy 2266)**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender. Prohibited acts that constitute sexual harassment may take a variety of forms. The following are examples of the kinds of conduct that may constitute sexual harassment:

- Unwelcome sexual propositions, invitations, solicitations and flirtations;
- Physical or sexual assault;
- Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;

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- Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendos; unwelcome suggestive or insulting sounds or whistles; and obscene telephone calls;
- Sexually suggestive objects, pictures, videotapes, audio recordings or literature placed in the work or educational environment that may embarrass or offend individuals;
- Unwelcome sexual propositions, invitations, solicitations and flirtations;
- A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort or humiliation to another;
- Verbal, nonverbal or physical aggression; intimidation; or hostility based on sex or sex stereotyping that does not involve conduct of a sexual nature; and
- Inappropriate boundary invasions by an HCSD employee or other adult member of the HCSD community into a student's personal space and personal life.

**(2) Sexual Cyber Harassment**

Pursuant to state law, "sexual cyber harassment" means to publish a sexually explicit image of a person that contains or conveys personal identification information of the depicted person to an Internet website without the depicted person's consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Sexual cyber harassment may be a form of sexual harassment.

**(3) Race or Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile or offensive working or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets or negative references relative to racial customs.

**(4) Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile or offensive working or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing or surnames, or involves religious slurs.

**(5) National Origin Harassment**

Prohibited national origin harassment occurs when unwelcome physical, verbal or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile or offensive working or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames or ethnic slurs.

**(6) Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile or offensive working or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects or appearances, or the like.

**(7) Bullying and Harassment**

The definitions of bullying and harassment also encompass the following:

- Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.

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- Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
  - Incitement or coercion;
  - Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system or computer network within the scope of the HCSD school system; or
  - Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

**c. Consequences**

Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Conduct. The determination as to whether a particular action or incident constitutes a bullying or harassment violation will be based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.

All students will be offered due process and the right to appeal. After the initial report and preliminary investigation, the student who has been named as committing a bullying offense will be provided an informal hearing held with the person who is investigating the complaint. At this hearing, the participant will be informed of the charges, the names of the witnesses and a brief summary of the facts supporting the charges, and the participant must be given the opportunity to refute the charges and present the participant's side of the story. If it is determined that a violation has occurred, the parent and the participant will be notified in writing of the decision, conditions, penalty or action that will be imposed. Discipline measures may include loss of privilege, in-school or out-of-school suspension, change of schedule, or any other measure as deemed appropriate depending on the seriousness of the occurrence and the age and maturity level of the student.

The HCSD will also take immediate steps to impose disciplinary actions on individuals engaging in any of the following prohibited acts:

- Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated;
- Filing a malicious or knowingly false report or complaint of unlawful harassment; and
- Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting or investigating unlawful harassment charges comprises part of one's supervisory duties.

**d. Reporting Procedure**

At each school, the principal or designee is responsible for receiving complaints alleging bullying or harassment violations. All school employees are required to report alleged violations of this policy to the principal or designee. All other members of the school community, including students, parents, volunteers and visitors are encouraged to report any act that may be a violation of this policy anonymously or in person to the principal or designee.

The principal of each school must establish and prominently publicize to students, staff, volunteers and parents, how to file a report of bullying or harassment either in person or anonymously and the steps taken as a result of this report. A report of bullying or harassment may be filed by the victim or witness to the bullying or harassment, and anyone with credible information that an act of bullying or harassment has taken place. A school employee, school volunteer, student, parent or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the HCSD policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

Any written or oral reporting of an act of bullying or harassment must be considered an official means of reporting such an act. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

**e. Investigation of a Report of Bullying or Harassment**



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The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities must also include alleged incidents of bullying or harassment committed against a student while the student is in route to school aboard a school bus or at a school-bus stop.

The procedures for investigating bullying or harassment at each school in the HCSD include the following:

- The principal or designee selects a designee or designees, employed by the school and trained in investigative procedures, to initiate the investigation. A designee may not be the accused perpetrator (harasser or bully) or victim.
- Documented interviews of the victim, alleged perpetrator and witnesses are conducted privately, separately and are confidential. Each individual (victim, alleged perpetrator and witnesses) is to be interviewed separately and at no time should the alleged perpetrator and victim be interviewed together.
- The investigator must collect and evaluate the facts including, but not limited to, the following:
  - Alleged incident that occurred;
  - How often the conduct occurred;
  - Whether there were past incidents or past continuing patterns of behavior;
  - The relationship between the parties involved;
  - The characteristics of parties involved (e.g., grades and ages);
  - The identity and number of individuals who participated in bullying or harassing behavior;
  - Where the alleged incident occurred;
  - Whether the conduct adversely affected the student's education or educational environment;
  - Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
  - The date, time and method in which the parents of all parties involved were contacted.
- Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes the following:
  - Recommended remedial steps necessary to stop the bullying or harassing behavior and
  - A written final report to the principal.
- A maximum of 15 school days is the limit for the initial filing of incidents and completion of the investigative procedural steps. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying or harassment, and the investigative procedures that follow.

**(i) Harassing Conduct**

If, during an investigation of a reported act of bullying or harassment, the principal or designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion or disability, the principal or designee will report the act of bullying or harassment to one of the compliance officers, who must investigate the allegation in accordance with this policy.

**(ii) Compliance Officers**

The following individuals serve as compliance officers for the HCSD:

Dr. Angela Staley and Mrs. Lynnette White  
25 Hickpochee Avenue  
LaBelle, FL 33935  
863-674-4550 (Dr. Staley )  
863-674-4164 (Mrs. White)

**f. Scope of Investigation**

A principal or designee will assign a designee or designees who are trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the HCSD. Computers without web-filtering software or computers with web-filtering software that is disabled must be used when complaints of cyberbullying are investigated.

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The trained designee or designees will provide a report on the results of the investigation with recommendations for the principal to decide if an act of bullying or harassment falls within the scope of the HCSD. The following provisions will apply:

- If it is within the scope of the HCSD, move to investigation procedures for bullying or harassment.
- If it is outside the scope of the HCSD, and determined not a criminal act, inform parents of all students involved.
- If it is outside the scope of the HCSD, and determined a criminal act, refer to appropriate law enforcement.

**g. Parent Notification**

The principal or designee must promptly report, by telephone, personal conference or in writing, the occurrence of any incident of bullying or harassment as defined in the and Code of Conduct to the parents of all students involved on the same day an investigation of the incident has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of FERPA ([20 U.S.C. § 1232g](#)). If the bullying or harassment incident results in the perpetrator being charged with a crime, the principal or designee must, by telephone or in writing by first class mail, inform parents of the victim involved in the bullying or harassment incident about the [Unsafe School Choice Option](#) (Elementary and Secondary Education Act of 1965 as amended through the Every Student Succeeds Act, P.L. 115-224, Title IX, Part E, Subpart 2, Section [8532](#)), which states, "... a student who becomes a victim of a violent criminal offense, as determined by state law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school." Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone or in writing.

**h. Counseling Referral**

An HCSD referral procedure will establish a protocol for intervening when bullying or harassment is suspected or when a bullying or harassment incident is reported. The procedure must include the following:

- A process by which the teacher or parent may request informal consultation with school staff (specialty staff, e.g., school counselor and school psychologist) to determine the severity of concern and appropriate steps to address the concern (the involved students' parents may be included);
- A referral process to provide professional assistance or services that includes the following:
  - A process by which school personnel or parent may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services; parent involvement is required at this point.
  - If a formal discipline report or formal complaint is made, then the principal or designee must refer the student to the student support team or the school crisis intervention team for determination of counseling support and interventions; parent involvement is required at this point.
- A school-based component to address intervention and assistance, as determined appropriate by the intervention team, includes the following:
  - Counseling and support to address the needs of the victim of bullying or harassment;
  - Research-based counseling or interventions to address the behavior of the student who does the bullying or harassing (e.g., empathy training and anger management); or
  - Research-based counseling or interventions that include assistance and support provided to parents, if deemed necessary or appropriate.

**i. Training and Instruction**

The HCSD ensures that schools sustain healthy, positive and safe learning environments for all students. It is important to change the social climate of the school and the social norms regarding bullying and harassment. This requires the efforts of everyone in the school environment—teachers; administrators; counselors; school nurses; other non-instructional staff, (e.g., bus drivers, custodians, cafeteria workers, and school librarians); parents; and students.

Students, parents, teachers, school administrators, counseling staff and school volunteers must be given instruction at a minimum on an annual basis on the HCSD's policies and regulations against bullying and



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harassment. The instruction must include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying and harassment in schools.

The HCSD provides a list of authorized programs including, but not limited to, the following:

- Positive Behavior Support/Positive Behavioral Interventions and Supports (PBS/PBIS)
- Monique Burr Foundations for Children, Inc.'s Child Safety Matters
- Skill streaming: The Child and the Adolescent
- Aggressors, Victims, and Bystanders
- Project Wisdom
- Common Sense K-12 Digital Citizenship
- Creating a Safe and Respectful Environment in Our Nation's Classrooms (for teachers)
- Creating a Safe and Respectful Environment on Our Nation's School Busses (for bus drivers)
- Salvaging Sisterhood
- Drug Abuse Resistance Education (known as D.A.R.E.)
- Safe Schools
- Suite 360
- Seven Habits of Highly Effective Teens

Decisions to include additional instructional programs or activities, not previously listed in the Code of Conduct, will be made on a case-by-case basis and authorized by individual school principals and student services.

s. [110.1221](#), F.S.

s. [1002.20](#), F.S.

HCSD 5517

s. [784.049](#), F.S.

s. [1006.13](#), F.S.

HCSD 5517.01

s. [1000.05](#), F.S.

s. [1006.147](#), F.S.

HCSD 5517.02

### **3. Teen Dating Violence and Abuse**

The HCSD strictly prohibits any act of dating violence and abuse committed by one student against another on school property, during a school-sponsored activity or during a school-sponsored transportation.

#### **a. Definition**

Dating violence and abuse is defined as emotional, verbal, sexual or physical abuse of a student who is in a current or was in a past dating relationship by the other person in that dating relationship. Abuse may include insults; coercion; social sabotage; sexual harassment; stalking; threats; and acts of mental, physical or sexual abuse. It may also be a pattern of demeaning, coercive, and/or abusive actions that amounts to emotional or psychological abuse. Dating violence and abuse may also include abuse, harassment and stalking via electronic devices such as cell phones and computers, as well as harassment through a third party.

It is important to understand the three roles related to teen dating violence to include the following

- The Abuser—A person who physically, sexually, verbally or emotionally hurts a dating partner.
- The Victim—A person who is hurt physically, sexually, verbally or emotionally by a dating partner.
- The Bystander—A person who is aware that someone is being abused in a dating relationship. The bystander may become aware of the abuse through the abuser's or victim's actions or words or through second-hand information.

#### **b. Reporting Procedure**

Any student who is the victim of an act of dating violence and abuse, or has cause to believe that there is immediate danger of becoming the victim of an act of dating violence and abuse, should report the matter to the principal or to any member of the school staff. Any HCSD employee who receives a report of an act of dating violence and abuse, who directly observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse must report such observations or suspicions to the principal.

Any resident of the community or other member of the school community, including students, parents, volunteers and visitors, who observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse is encouraged to report the matter to the principal. These reports can be made either in person or anonymously.

#### **c. Investigating Reports**

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Upon receiving a report of alleged dating violence and abuse, the principal must promptly conduct an investigation of the allegation. As part of the investigation, the principal must contact the parents of the alleged victim or the alleged perpetrator, if the alleged victim or alleged perpetrator is under the age of 18, to inform them of the report. The investigation of the report should include interviews of the alleged victim, the individual accused of perpetrating the dating violence and abusive behavior, and any other person who may have witnessed the alleged act or who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

The HCSD reserves the right to investigate a report of dating violence and abuse regardless of whether the student who is allegedly the victim of the dating violence and abuse wants to pursue the matter.

**d. Consequences**

At the conclusion of the investigation the principal will determine whether the allegation of dating violence and abuse was substantiated. If the principal determines that a student has committed an act of dating violence and abuse, that violation of this policy must result in disciplinary action in accordance with the Code of Conduct, which may include suspension, assignment to another school or program, or recommendation for expulsion. All disciplinary action must be taken in accordance with state law and applicable HCSD policy. When imposing discipline, the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved, must be considered. Suspensions for acts of teen violence and abuse may be appealed in accordance with the procedures set forth in the Code of Conduct.

Further, the Department of Children and Families must be notified if the student who is found to have perpetrated the act of dating violence and abuse is 18 years of age or older and the student who was the victim of the act of dating violence and abuse is a minor.

In those cases, where teen dating violence and abuse is not substantiated, the principal may consider whether the alleged conduct nevertheless warrants disciplinary action in accordance with the Code of Conduct or other HCSD policies.

**e. Support and Reasonable Accommodations**

If requested during or after the investigation, the principal must make reasonable accommodations for the student who is allegedly experiencing dating violence and abuse including, but not limited to, the following:

- Class schedule changes;
- Protection that will enable safe entrance and exit from school, as well as movement within the school; and
- Referrals for outside support or counseling.

Students should provide the principal with a copy of an order of protection that has been issued by the court. The principal must then contact the student whose behavior is to be regulated by that order of protection and initiate a Stay Away Contract that is consistent with the terms of that order and provides penalties for known violations of the contract. Further, the principal must notify law enforcement immediately

**f. Other Consequences**

The HCSD will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- Retaliating against a person who has made a report or filed a complaint alleging dating violence and abuse, or who has participated as a witness in an investigation of such an allegation.
- Filing a malicious or knowingly false report or complaint of dating violence and abuse.
- Disregarding, failing to investigate adequately or delaying investigation of allegations of dating violence and abuse, when responsibility for reporting and investigating allegations of dating violence and abuse comprises part of one's supervisory duties.

**g. Privacy and Confidentiality**

The HCSD will respect the privacy of the complainant, the individual against whom the complaint is filed, and the witnesses as much as possible, consistent with the HCSD's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations. All records generated under the terms of this policy and its related administrative procedures must be maintained as confidential to the extent permitted by law.

**h. Education and Training**

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In support of this policy, the HCSD promotes preventative educational measures to create greater awareness of dating violence and abuse. The superintendent must require that the HCSD's comprehensive health curriculum in grades 7-12 include a component about dating violence and abuse that is age appropriate and includes the content required by state law.

Further, the superintendent must provide appropriate training to all members of the HCSD staff related to dating violence and abuse, and the implementation of this policy.

s. [1003.42\(2\)\(n\)](#), F.S.

s. [1006.148](#), F.S.

HCSD 5517.03

#### **4. Student Hazing**

Hazing activities of any type are inconsistent with and disruptive to the educational process and prohibited at any time in school facilities, on school property or off school property if the misconduct is connected to activities or incidents that have occurred on school property. No administrator, faculty member or other HCSD employee will encourage, permit, authorize, condone or tolerate any hazing activities. No student will plan, encourage or engage in any hazing.

##### **i. Definition**

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:

- A. initiation into any organization operating under the sanction of a District school; or
- B. admission into or affiliation with any organization operating under the sanction of a District school.
- C. affiliation with any organization operating under the sanction of a District school; or
- D. the perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of a District school.

"Hazing" includes, but is not limited to, pressuring, coercing or forcing a student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding or exposure to the elements, or forced consumption of any food, liquor, drug or other substance.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. Permission, consent or assumption of risk by an individual subjected to hazing does not lessen the prohibitions contained in this policy.

Administrators, faculty members and other HCSD employees must be alert to possible situations, circumstances or events that might include hazing. Administrators, staff members and volunteers must not intentionally ignore hazing or potential hazing activities. If hazing or planned hazing is discovered, the students involved must be informed by the discoverer of the prohibitions contained in this policy and must be ordered to end all hazing activities or planned activities immediately.

Students, administrators, faculty members and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with state law.

##### **j. Reporting Procedure**

The HCSD designates the principal as the person responsible for receiving all complaints of hazing. Any student or student's parent who believes the student has been or is the victim of harassment should immediately report the situation to the school principal. Complaints against the principal should be filed with the superintendent. Complaints against the superintendent should be filed with the HCSD chair. All school employees are required to report alleged violations of this policy and alleged acts of hazing to the principal. School employees must report the alleged violations and acts to the principal within 24 hours.

All other members of the school community, including students, parents, volunteers and visitors, are encouraged to report any act that may be a violation of this policy to the principal.

Written and oral reports must be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report. All hazing incidents are reported immediately to the superintendent in accordance with procedures set forth herein.

##### **k. Consequences**

Students found to have engaged in acts of hazing as defined herein must be subject to disciplinary action in accordance with this document.

##### **l. Reports to Law Enforcement (Grades 9-12)**

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An alleged act of hazing involving any student in grades 9-12 must be reported to the local law enforcement agency if the alleged act meets the following criteria:

- A person who commits an act of hazing upon another person who is a member of or an applicant to any type of student organization, if the person knew or should have known the act would result in serious bodily injury or death of such other person and the act results in the serious bodily injury or death of such other person or
- A person who commits an act of hazing upon another person who is a member of or applicant to any type of student organization, if the person knew or should have known the act would create a potential risk of physical injury or death to such other person and the act creates a potential risk of physical injury or death of such other person.

**m. Referral to a Certified School Counselor**

Individuals who are alleged victims or perpetrators of hazing must be referred to a certified school counselor whose responsibility it will be to address any counseling needs of the victim or perpetrator deemed necessary by the certified school counselor, which may include, but is not limited to, counseling and support to address the needs of the victim and the perpetrator, interventions to address the behavior of students who perpetrated the hazing, and interventions, which include assistance and support, for victims of hazing.

s. [1001.43\(1\)\(a\)](#), F.S.

s. [1006.135](#), F.S.

HCSD 5516

s. [1006.09](#), F.S.

**5. Disorder and Demonstration**

The HCSD recognizes the right of each student to attend school for the purpose of receiving an education. The disruption of the educational program of the schools by disorder or any other purposeful activity will not be allowed. For purposes of this policy, disorder is any deliberate activity by an individual or a group, whether peaceful or violent, that interferes with the normal operation of the school. The HCSD, having the responsibility for providing an educational program for the students of this HCSD, has the authority to preserve order for the proper functioning of that program.

Students will not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of the schools.

s. [1001.43](#), F.S.

HCSD 5520

HCSD 5780

s. [1006.145](#), F.S.

**6. Substance Abuse Prevention**

The use of illegal substances and drugs, including alcohol, is harmful to students and detrimental to the educational process. The HCSD recognizes that the misuse of drugs is a serious problem with legal, physical and social implications for the whole school community. Illegal use, possession or sale of controlled substances, as defined in Chapter [893](#), F.S., by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed (s. [1006.07\(2\)\(e\)](#), F.S.).

**a. Definition of Drugs**

The meaning of "drugs" includes the following:

- All dangerous controlled substances as so designated and prohibited by state law;
- All chemicals that release toxic vapors;
- All alcoholic beverages;
- Anabolic steroids; and
- Any substance that is a "look alike" to any of the above.

**b. Consequences**

The HCSD prohibits the use, possession, concealment or distribution of any drug or any drug-related paraphernalia as the term is defined by law, or the misuse of a product containing a substance that can provide an intoxicating or mood-altering effect on school grounds, on school vehicles, at any school-sponsored event or on any school-sponsored transportation.

Students found in possession of controlled, illegal substances (including alcohol), pills, or any other drug or substances represented to be a controlled or illegal substance will be dealt with severely. Consequences may

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include, but are not limited to, counseling services, suspension or law enforcement intervention. Students selling or distributing illegal substances to others will face probable expulsion from school.

]]Section [1006.09\(2\)\(a\)-\(b\)](#), F.S., provides that any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under Chapter [893](#), F.S., may be entitled to a waiver of the discipline or expulsion as follows:

- If the student divulges information leading to the arrest and conviction of the person who supplied the controlled substance to the student, or if the student voluntarily discloses the student's unlawful possession of the controlled substance prior to arrest or
- If the student commits oneself or is referred by the court in lieu of sentence to a state-licensed drug-abuse program and completes the program.
- A student may be disciplined or expelled for unlawful possession or use of any substance controlled under chapter 893 upon the third violation of this provision.

The HCSD further establishes a drug-free zone within 1,000 feet of any facility used by the HCSD for educational purposes.

s. [1001.43](#), F.S.

s. [1006.07](#), F.S.

HCSD 5530

## **7. Tobacco-Free Environment**

The HCSD is committed to providing students, staff and visitors with a tobacco-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second-hand smoke, are well established.

For purposes of this policy, "use of tobacco" means all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substance that contains tobacco, and the possession of papers used to roll cigarettes.

The HCSD prohibits the following:

- The use of tobacco within any facility owned or leased or contracted for by the HCSD;
- The use of any "nicotine-dispensing device," which includes the following:
  - Any product that employs an electronic, chemical or mechanical means to produce vapor from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product
  - Any replacement cartridge for such device, and
  - Any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or other similar device or product;
- The use of tobacco anywhere on the campus of any facility owned, leased or contracted for by the HCSD, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts and all open areas; and
- The use of tobacco in all vehicles owned or operated by the HCSD, including, but not limited to, school buses, vans, trucks, station wagons and cars.

Tobacco will be confiscated and destroyed. If confiscated, the student will receive a Tobacco Citation and will be referred for cessation services where appropriate, available through the Hendry County Health Department.

The HCSD provides evidenced-based curricula and instruction regarding the health hazards of the use of tobacco products to students as part of in-school and after-school programs and provides counseling to students regarding smoking cessation.

s. [381.84](#), F.S.

s. [386.206](#), F.S.

s. [569.11](#), F.S.

s. [386.202](#), F.S.

s. [386.212](#), F.S.

s. [877.112](#), F.S.

s. [386.204](#), F.S.

s. [569.101](#), F.S.

HCSD 5512

## **8. Zero-Tolerance Policy**

It is the intent of the HCSD to promote a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety and to encourage schools to use alternatives to expulsion or referral to law enforcement when possible. The HCSD has zero tolerance for conduct that poses a serious threat to school safety. Zero-tolerance policies must apply equally to all students.

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Section [1006.13\(3\)\(a\)-\(b\)](#), F.S., requires that students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one full year, and to be referred to mental health services identified by the HCSD and to the criminal justice or juvenile justice system:

- Bringing a firearm or weapon, as defined in Chapter [790](#), F.S., to school, to any school function or onto any school-sponsored transportation or possessing a firearm at school or
- Making a threat or false report, as defined by ss. [790.162](#) and [790.163](#), F.S., respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity.

The Superintendent will refer any student who violates this policy to the student's parents and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

**a. Definitions**

The HCSD prohibits students from openly carrying a handgun or carrying a concealed weapon or firearm, in a school safety zone; into any elementary or secondary school; into any administration building; into any HCSD meeting; and into any setting that is under the control and supervision of the HCSD for the purpose of school activities approved and authorized by the HCSD, including, but not limited to, property leased, owned or contracted for by the HCSD, a school-sponsored event or in an HCSD vehicle.

As defined in s. [790.001](#), F.S., the definitions of firearm, concealed firearm and weapon are applicable.

**(i) Firearm**

Firearm means any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime.

**(ii) Concealed Firearm**

Concealed firearm means any above-defined firearm, which is carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person.

**(iii) Weapon**

Weapon means any dirk (long dagger), metallic knuckles, billie (club), tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person.

For purposes of this policy, the term "weapon" also means any object that, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

**b. Exceptions**

Exceptions to the HCSD's prohibition from openly carrying a handgun or carrying a concealed weapon or firearm in the school safety zone of any elementary or secondary school; into any administration building; into any HCSD meeting; and into any setting that is under the control and supervision of the HCSD for the purpose of school activities approved and authorized by the HCSD, including, but not limited to, property leased, owned or contracted for by the HCSD, any school-sponsored event, or in an HCSD vehicle include the following:

- A student may carry an unloaded firearm in a case to a firearms program, class or function that has been approved in advance by the principal or site administrator as a program or class to which firearms could be carried.
- A student who is 18 years of age or older may carry an unloaded firearm in a case to a career center having a firearms training range.
- Members of the Armed Forces, National Guard, police or other licensed law enforcement officers, as well as students enrolled in the HCSD's Junior ROTC Program while under the direct supervision of HCSD staff members, may possess a firearm or weapon.
- Items pre-approved by the principal as part of a class or individual presentation or a theatrical prop used under adult supervision, if used for the purpose and in the manner approved, would be an exception to this policy. (Working firearms and any ammunition will never be approved as part of a presentation.)



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**c. Simulating a Firearm or Weapon**

In accordance with s. [1006.07\(2\)\(g\)](#), F.S., simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under this section or s. [1006.13](#), F.S. Simulating a firearm or weapon while playing includes, but is not limited to, the following:

- Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon;
- Possessing a toy firearm or weapon that is 2 inches or less in overall length;
- Possessing a toy firearm or weapon made of plastic snap-together building blocks;
- Using a finger or hand to simulate a firearm or weapon;
- Vocalizing an imaginary firearm or weapon;
- Drawing a picture or possessing an image of a firearm or weapon; and
- Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

A student may be subjected to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with the HCSD's policies for similar infractions. If a student is disciplined for such conduct, the school principal or designee must call the student's parents.

**d. Threat or False Report**

It is unlawful for any person to threaten to throw, project, place or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person. Any person convicted thereof, commits a felony of the second degree.

It is unlawful for any person to make a false report, with intent to deceive, mislead or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive or weapon of mass destruction as defined in s. [790.166](#), F.S., or concerning the use of firearms in a violent manner against a person or persons. Any person convicted thereof, commits a felony of the second degree.

s. [790.001](#), F.S.

s. [1001.43\(1\)](#), F.S.

s. [790.06](#), F.S.

s. [1006.07](#), F.S.

s. [790.115](#), F.S.

HCSD 577

s. [790.163](#), F.S.

s. [790.164](#), F.S.

**E. Search and Seizure**

The HCSD recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner. The HCSD acknowledges the need for in-school storage of student possessions and must provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the HCSD and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places must students have such an expectation of privacy as to prevent examination by a school official. The HCSD directs school principals and/or their designee(s) to conduct a routine inspection at least annually of all such storage places. School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age. This authorization to search must also apply to all situations in which the student is under the jurisdiction of the HCSD.

**Questioning of Students** - If school officials have a reasonable suspicion that a student has violated the code of conduct, or has otherwise engaged in activity that disrupts or adversely impacts the school environment, then school officials may question the student immediately, without first contacting the student's parents. Because school officials have a vested interest in protecting all students and maintaining the efficient, secure, and

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uninterrupted workings of the school environment, the student does not have the right to be accompanied by their parents, or represented by an attorney, when the student is questioned by school officials. However, to the extent that disciplinary action is taken as a result of the subject violation or acts, the student will be afforded the rights to due process, as set forth in School Board Policy and the Student Code of Conduct.

### **1. Authorized Search Conditions**

Administrators are permitted to conduct a random search of any student's locker and its contents at any time, providing proper notice has been posted in the locker areas of each building.

Search of a student's person or intimate personal belongings must be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened. Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the HCSD has established a zero-tolerance policy for alcohol use. A request for the search of a student or a student's possessions will be directed to the principal or designee who must seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal and/or their designee in the presence of the student and a staff member other than the principal or their designee. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

### **2. Use of Canines**

The HCSD authorizes the use of canines, trained in detecting the presence of drugs or devices, as a consistent proactive method to detect contraband on our school campuses. This means of detection must be used only to determine the presence of drugs in locker areas, student vehicles, and other places on school property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection and is not to be used to search individual students unless a warrant has been obtained prior to the search.

### **3. Principal Responsibilities**

The principal or designee must be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of the informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal or designee must be responsible for the custody, control and disposition of any illegal or dangerous substance or object taken from a student. The principal or designee shall notify law enforcement when appropriate.

s. [901.21](#), F.S.

s. [1006.09\(9\)](#), F.S.

s. [933.07](#), F.S.

FL Const. Art. I Sec. [12](#) HCSD 5771

## **F. Extracurricular Activity Eligibility Standards**

Section [1006.195](#), F.S., mandates that the HCSD must establish eligibility standards and related student disciplinary actions regarding student participation in interscholastic and intrascholastic extracurricular activities. Extracurricular activities include all organizations or activities sponsored by the Florida High School Athletic Association (FHSA) and all other HCSD-sponsored organizations or activities. A student who is not suspended from interscholastic or intrascholastic extracurricular activities, or who is not suspended or expelled from school, pursuant to the HCSD's suspension or expulsion powers provided in the law, including ss. [1006.07](#), [1006.08](#) and [1006.09](#), F.S., is eligible to participate in interscholastic and intrascholastic extracurricular activities. The HCSD invites all students (hereinafter referred to as participants) to become candidates and participate in interscholastic or intrascholastic extracurricular activities (including, but not limited to, school-based meetings, practices, performances, games and contests).

**Participation in these activities is a privilege, not a right**, and in no way a requirement for graduation. Failure to comply with the handbook policies may result in temporary or permanent suspension from interscholastic or intrascholastic extracurricular activities. Wrongful acts that occur any time during the period of participation, in or out of school, will be subject to code enforcement. Coaches, music directors, and club or class sponsors have the discretionary authority to deviate from the Code of Conduct only to establish additional standards and rules for their respective activities that are more rigorous and restrictive than those already outlined, if they are consistent



with the philosophy of this Code. Additional standards must be approved by the activities coordinator and the principal, as well as clearly communicated to the participants before being applied to a participant.

## **1. General Eligibility Standards**

### **a. Conduct**

Participants must comply with the Code of Conduct. Serious violations of these policies, such as violations of the drug and alcohol policy, bullying, hazing, harassment, and theft (as determined by the school) will result in suspension or expulsion. The school will notify the student and parent if the conduct violations make the student ineligible for continued participation in athletics. A student may also become ineligible for participation if FHSAA determines that the student violated FHSAA rules regarding, e.g., sportsmanship, recruiting and receipt of impermissible benefits.

The FHSAA Handbook contains the bylaws of the association, administrative policies of the FHSAA board of directors, administrative procedures and appendices. The FHSAA Handbook is available at

[www.fhsaa.org/ruyles/fhsaa-handbook](http://www.fhsaa.org/ruyles/fhsaa-handbook).

### **b. Attendance/Tardy Requirements**

Participants in interscholastic or intrascholastic extracurricular activities must attend their entire scheduled school day (i.e., all periods) to be eligible to compete or perform in activities on that day. Exceptions to this requirement must be cleared in advance by the athletic director after conferring with the principal. The principal has the authority to excuse participants with extenuating circumstances. Student-athletes that have an unexcused absence from school, are ineligible to participate in any intrascholastic or interscholastic athletic competitions for the next five school days. Student-athletes who accumulate 5 unexcused absences or more within a semester, are ineligible for the remainder of said semester and the following semester. Student-athletes who accumulate more than 8 tardies to a class or to school within a semester will also be ineligible for said semester.

### **c. Cumulative Grade-Point Average (GPA)/Academic Requirement**

A cumulative GPA of 2.0 is required for eligibility for membership or participation in any interscholastic or intrascholastic extracurricular activity. A middle school student must have a cumulative GPA of 2.0, or the equivalent of a cumulative GPA of 2.0 based on a 4.0 scale, at the conclusion of each semester. A high school student must have a cumulative GPA of 2.0 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](#), F.S.). In addition, high school students must be on-track to graduate in terms of credits and GPA in order to participate in athletic or extracurricular programs. There is no appeal for students who do not meet the 2.0 cumulative GPA academic requirements for the previous semester.

### **d. Dress Code**

Section [1006.07\(2\)\(d\)2.b.](#), F.S., allows for the suspension of a participant who violates the HCSD dress code from extracurricular activities. A participant may be ruled as ineligible for extracurricular activities for up to five days on their second dress-code violation and up to 30 days on their third dress-code violation, at the discretion of the principal or designee.

## **2. Additional Athletic Eligibility Requirements**

### **a. Pre-Participation Physical Evaluation Form (EL2)**

Participants must complete a Pre-Participation Physical Evaluation form (EL2) and be certified as being physically fit for participation, and have consent to participate by completing the Consent and Release from Liability Certificate (EL3) prior to participating in interscholastic athletics. All forms must be on file prior to participating with the school. (FHSAA Bylaw 9.7 and 9.8)

### **b. Limitations on Eligibility**

The following limitations on eligibility apply:

- Participants must not have enrolled in the grade 9 for the first time more than four years ago. (FHSAA Bylaw 9.5)
- Participants must be less than 19 years 9 months old to participate in high school; 16 years 9 months old to participate in junior high school; and 15 years 9 months old to participate in middle school. (FHSAA Bylaw 9.6)
- Participants must be an amateur. This means a student must not accept money, gift or donation for participating in a sport. (FHSAA Bylaw 9.9)

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- Participants must display good sportsmanship and follow the rules of competition before, during and after every contest in which they participate; if not, they may be suspended from participation for a period of time. (FHSA Bylaw 7)
- Participants must refrain from hazing or bullying while they are a member of an athletic team or while participating in any athletic activities sponsored by or affiliated with a member school.
- Participants must not provide false information to the school or the FHSA to gain eligibility. (FHSA Bylaw 9.1.2.2)

**c. Transfer Students**

A student who was ineligible to participate at the student's prior school during the same school year will not be eligible to participate at our schools during the same period that the student was ineligible at the prior school. 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 one of the following good cause exceptions:

- If the student moves to a new residence because of a move by the student and the parent with whom the student was previously living that makes it necessary for the student to attend a different school. This exception includes dependent children of active duty military personnel whose move resulted from military orders.
- Children who have been relocated because of a foster care placement in a different school zone.
- Children who move because of a court-ordered change in custody because of a separation or divorce, or serious illness or death of a custodial parent.
- If the student transfers within the first 20 days of the school year, the student meets the academic eligibility guidelines, provides a current transcript, and eligibility is not otherwise inconsistent with FHSA guidelines.
- If the student is an unencumbered transfer student as determined by the school admissions committee, the student may be deemed eligible by the school's principal or the athletic director for good cause.
- A student's eligibility to participate in any interscholastic or intrascholastic extracurricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to s. [1006.20\(2\)\(b\)](#), F.S.

**3. Disciplinary Actions**

**a. Consequences for Drug or Alcohol Abuse**

Any participant found in possession, using, buying or selling alcohol or drugs, in any form, will be suspended from all interscholastic and intrascholastic extracurricular activities until the completion of an approved substance-abuse program, requiring both participant and parent consent. Failure to attend and complete the substance-abuse program will result in dismissal from any extracurricular activity for the remainder of the school year. A second offense will result in dismissal from all extracurricular activities for the remainder of the calendar school year. All incidents are subject to administrative review on a case-by-case basis and at the discretion of administration.

**b. General Misconduct**

The activity coach or club sponsor, music director, activities coordinator, or principal must suspend a participant for other violations considered to be unbecoming to the high standards of the HCSD interscholastic and intrascholastic extracurricular programs. These violations may include wrongful acts on and off school property, but are not limited to, commission of an act that would be a misdemeanor (other than a minor traffic violation) or a felony under state law; violation of the and Code of Conduct; disruptive behavior; violations of particular state or local membership rules (e.g., breaking team curfew and being late for meetings, practices or contests); general disrespect toward a coach, sponsor, teacher, player or fan; and unsportsmanlike conduct to the team or program. The violation and the reason for the proposed suspension must be reported as soon as reasonably possible to the activities coordinator, principal and the parents. Suspension under this category may be for both practice and contests. The length of the suspension should be applied fairly and should be commensurate with the violation. The principal may override the suspension given to the participant by the coach, the sponsor, the music director or the activities coordinator if it is deemed insufficient or inappropriate to the violation.

Any participant who is arrested or detained by any federal, state or local law enforcement authority for a felony offense, or what may be considered a felony offense if the participant were an adult, must be suspended from participation in all extracurricular activities until final disposition of the charge and adjudication. The participant

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may be reinstated to participate in extracurricular activities if the felony charge is dropped or reduced to a lesser charge. If the participant is found guilty of a felony charge or the charge is withheld, then the participant is subject to, depending on the nature of the charge, permanent ineligibility for the remainder of the school year activity period or the remainder of the participant's career high school activity period of participation.

**c. Penalty Carry Over and Multiple Violations**

If any extracurricular code of conduct violation occurs at or near the end of a particular activity period (such as a sports season), the incident will be subject to administrative review, in which case the participant may be ruled ineligible for the same period of time as stated previously in the next activity in which the participant participates, even if that activity does not occur until the following school year. If a participant is involved in an incident in which multiple violations involving more than one category occur, each violation must be dealt with and the penalties will be cumulative. The incident will be considered as one code violation.

If a participant has been determined to have violated the code on three separate occasions during the participant's high school career, the principal or activities director, or designee, will review the participant's eligibility and may rule the participant as ineligible for the remainder of the calendar school year. Reinstatement to full participation will be determined by the principal at the conclusion of the one-year suspension, if such suspension is deemed necessary.

**Due Process and Right to Appeal**

After the initial report, the participant, parents, coach, music director or sponsor, and principal will be notified as soon as possible by the activity or athletic director that an alleged violation of the Code of Conduct has occurred. A brief and informal preliminary hearing will be held by the activities or athletic director with the necessary individuals, to gather information prior to official administrative action. At this hearing, the participant will be informed of the charges and a brief summary of the facts supporting the charges. The participant must be given the opportunity to refute the charges and present the participant's side of the story. If it is determined, during the hearing, that a violation has occurred, action will follow according to the guidelines set forth in the Code of Conduct and in compliance with the required administrative due process procedures. The parents and the participant will be notified of the Code of Conduct violations and the decision, conditions, penalty or action that has been imposed. The parents and the participant must have the right to appeal the decision of the activity/athletic director to the principal of the school. The request for an appeal must be submitted to the principal within five calendar days after the original decision. During the appeal process, the penalty, action or condition imposed on the participant by the activities coordinator must remain in effect until the final decision of the principal. If an appeal is pursued in a timely manner, within five calendar days from the receipt of the notice of appeal, the principal will conduct an informal administrative hearing on the alleged violation. The participant will be informed of the charges and will have the right to defend; examine evidence and have the decision be based on a preponderance of the evidence; and a record of the proceedings and tell the participant's side of the story. The principal's decision concerning the informal administrative hearing will be final and the record will be closed.

s. [1006.195](#), F.S.

HCSD 5610.05

**G. Transportation**

**1. School Arrival**

For the safety and protection of students, parents should not allow children to arrive on school grounds before the time of supervision by the teachers and staff at the school. All students are expected to be at school on time. Students who come to school late (tardy) must report to the school office for a tardy slip. Parents are urged to follow the designated traffic route established at the individual school in delivering and collecting children. These routes have been designated for the safety of all children and the efficient movement of automobiles and school buses. Parents are encouraged to form carpools to reduce congestion during opening and dismissal periods. The safety of children is a primary concern of the school. Those persons who drive vehicles on or near school property should exercise caution at all times.

**2. Walking and Bicycle Safety**

Walking and biking to and from school can be a great way to get exercise, and for a parent to interact with their child, and teach them lifelong traffic safety skills. Parents are encouraged to be aware of their child's abilities and remember the child's limitations. Children under 10 years of age are developmentally limited when it comes to judging speed and distance accurately. Walking safety is covered in health and safety education.

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**a. Walking**

Parents are recommended to teach, practice and remind children to do the following:

- Walk with an adult or responsible older child at all times.
- Children under 10 years old should cross the street only with an adult.
- Walk on the sidewalk if there is one.
- If no sidewalk is available, walk facing the traffic, as far from the road and traffic as possible.
- Use traffic signals and marked crosswalks if available.
- Stop at the curb or edge of the road and look left, right and left for traffic before crossing the street.
- Walk, do not run.
- Give drivers time to see the student before crossing the street.
- Keep looking for cars while crossing.
- Wear white clothing or reflectors when walking in the dark or in low light.

**b. Bicycles**

An area is provided for the parking of students' bicycles. The school is not responsible for loss, damage to or theft of any bicycle brought to school. It is requested that a student who rides their bicycle to school to use locks for security reasons. Parents should instruct their child in the safety rules for riding bicycles. Bicycle safety is covered in health and safety education.

Bicycles are vehicles and riders must follow state traffic laws.

Parents are recommended to teach, practice and remind children to do the following:

- Always wear a helmet that is properly fitted.
- Whenever possible, ride with an adult or responsible older student.
- Always obey all traffic signs and signals.
- Ride on the right side of the road or trail in a single file (one bicycle behind another).
- Ride in the same direction as other vehicles.
- Go straight across railroad tracks.
- Always use proper hand signals when turning and stopping.
- Yield to pedestrians and alert them with a bicycle bell or voice when passing.

HCSD 5514

**3. Motor Vehicles**

**a. Driving a Child to School**

If a parent or teen driver drives a child to school, they may wish to consider the following safety tips:

- When picking up children in the afternoon, do not arrive too early and hinder the movement of traffic in the neighborhood around the school.
- Wait in a single line and leave enough room so an emergency response vehicle would be able to get through.
- Do not block driveways, sidewalks, mailboxes, disabled parking spaces or fire hydrants, and do not park on lawns.
- Do not block access to or the view from side streets.
- Do not back out onto any street from the school parking lot or from a side street.
- Try to arrange drop-off or pickup time after the peak rush hour and use designated loading and unloading areas.
- Always heed signs and the directions of school and law enforcement officials.
- Always obey posted speed limits and other traffic laws.
- Be patient and understand that walkers, bicyclists and school buses are trying to exit the school, too;
- Always ensure that the driver and the passengers buckle up.
- Never talk on a cell phone, text or engage in other distractions while driving.

**b. Student Parking Policy**

The HCSD regards the use of motor vehicles for travel to and from school by students as an assumption of responsibility on the part of those students—a responsibility in the care of property, observation of safety rules, and display of courtesy and consideration toward others.

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Parking in a school lot is a privilege. All vehicles must be registered to park in a school parking lot. Proof of insurance must be presented at the time of registration and the registration is non transferable. Vehicles that are not registered, that are inappropriately or illegally parked, or parked so as to cause a safety hazard, may be warned, removed, or towed at the owner's expense. Students who drive inappropriately or dangerously, or are found to be truant or have excessive absences (see attendance/tardy policy) are subject to having their parking privileges suspended or revoked. A vehicle, upon reasonable suspicion, may be searched for weapons, drugs, other illegal items, or items prohibited by HCSD policy (e.g., alcohol, stolen property or other contraband.) If any of these are found in the car, appropriate disciplinary or legal action will be taken and parking privileges will be revoked. In addition, each school may specify additional conditions for parking on school grounds at the time of vehicle registration. When parking or otherwise utilizing a car on school grounds, the student must be responsible for the control of the vehicle, and the contents contained therein. The HCSD must not be responsible for motor vehicles that are lost, stolen or damaged.

HCSD 5515

**c. Driver License Law**

Section [322.091\(1\)](#), F.S., provides that minors (ages 14-18) satisfy school attendance requirements in order to apply for or maintain their driving privileges. In accordance with s. [1003.27](#), F.S., the principal or designee will notify the HCSD office of those students who accumulate 15 unexcused absences or absences for which the reasons are unknown, in a period of 90 calendar days. The school superintendent or designee is then required to submit to the DHSMV, the names of the students along with their date of birth, sex and social security number.

If a student's name is sent to the DHSMV for lack of attendance, then the student is in danger of having the current privilege to drive suspended, or for students who are under age 16, having their application for licensure denied. Hardship waiver hearings will be available in cases where the driver has been notified by DHSMV that the license will be suspended. Following a license suspension by DHSMV, the driving privilege may be reinstated if the student submits written verification to DHSMV that the student has completed 30 days of attendance in school without an unexcused absence.

**4. School Bus Rules**

The HCSD provides free transportation to and from school for students who live more than two miles away from school. Students will be assigned one bus stop. Parents/guardians are responsible for their child(ren) at the bus stop. Parents may give written permission for older siblings to pick up students at the bus stop. Once the bus arrives at the stop, and only at that time, does the student become the responsibility of the HCSD. Such responsibility shall end when the student is delivered to the regular bus stop and the bus has departed, at the close of the school day. Each student using that transportation must abide by the rules, which are established to ensure the safety of all passengers. Parents are not allowed to board any school bus or school sponsored transportation unless for a legitimate reason and with the permission of the driver. Any violations of this directive will be considered trespassing and will be subject to applicable criminal charges and penalties.

When riding, waiting for the bus at designated bus stops, loading or unloading, students must follow the Code. Bus drivers will report students who violate the Student Code of Conduct and break school bus rules to the school administration for appropriate disciplinary action. Administrators shall investigate and issue discipline accordingly. Behavior not directly observed at bus stops, but reported and confirmed by witnesses, may be acted upon.

Violations of the Code shall result in disciplinary action, suspension of riding privileges, recommended bus expulsion and may result in referral to law enforcement.

Teachers who chaperone bus trips will have the same authority and responsibilities as they have in the classrooms. Parent conferences are not permitted while the bus is en-route or stopped at a bus stop. Any conference that the parents wish to have with the bus driver must be scheduled with the school's administration.

The following bus rules will be obeyed:

- The bus driver is in full authority and must be obeyed
- Students are required to obey driver's hand signals when crossing the road
- Students are required to wear safety restraints, when they are available on the bus
- General school rules will apply on the bus, although quiet talking is permitted

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- Students will be at the bus stop five minutes prior to scheduled time
  - Students will stand off the roadway while waiting for the bus
  - Students will board and leave the bus at their assigned bus stops unless other arrangements are made by written request of the parent and signed by the principal or designee
  - Students will not distract the bus driver
  - Students will sit properly and remain seated while the bus is in motion
  - Students will not throw or project anything inside or out of the bus
  - Students will not litter, mark, deface, or damage any part of the bus
  - Students will sit in any seat assigned to them
  - Students will not eat, drink, or smoke on the bus
  - The emergency exit will be used only in cases of emergency
  - No animals (dead or alive), glass or glass containers, sharp objects, ball bats, cutting instruments, batons, drumsticks, or other objects that could become dangerous projectiles during a sudden stop or accident will be allowed on the bus without prior permission of the driver
  - Large objects (larger than students can safely hold in their laps), including band instruments, which interfere with seating and safety of others, will not be permitted on the bus without prior permission of the driver
  - Students will not exit the rear emergency door of the school bus, other than in an emergency situation as determined by the bus driver
  - Students will not engage in behaviors that could negatively impact the safety of those on board the bus
- Students will not bring any item on the bus otherwise prohibited in the Code on school grounds.  
The above rules will also apply on extracurricular and athletic trips.

The following procedural interventions/consequences are recommended when appropriate:

- First offense: Parent contact and disciplinary action as decided by principal or designee
- Second offense: 1-day bus suspension
- Third offense: 3-day bus suspension
- Fourth offense: 5-day bus suspension

At the fourth referral, there will be a review of the student's behavioral and intervention history, which will culminate in the development of an intervention plan for the student. The parents will be invited to participate in this review.

- Fifth offense: 10 -day bus suspension and/or recommendation of bus expulsion

The following may result in a recommendation for bus expulsion at any time:

- Exiting the rear emergency door
- Any action that endangers the safety of anyone on or around the bus
- Continuous disruptive behavior

Severity of the offense, extenuating circumstances, and the attitude of the student and parent will be considered by school administration and may be discussed with the Director of Transportation before a final determination is made. The process for being expelled from riding the bus is the same as the process for being expelled from school. The Principal makes a recommendation to the Superintendent who then makes a recommendation to the Board.

**a. Video Monitoring**

The HCSD implements a video-monitoring system on school buses. All school buses are equipped with video cameras for the purposes of ensuring the health, welfare and safety of all staff, students and bus drivers.

The purpose is to provide individuals who are tasked with solving student transportation discipline problems with the ability to review student behavior by seeing or hearing what actually occurred. This is at the discretion of the school principal or designee.

For additional information regarding transportation policies and bus routes, contact the following offices at the HCSD Transportation Department:

- Transportation Policies: 863-674-4184
- Bus Routes – Clewiston area: 863-983-1516
- Bus Routes – LaBelle area: 863-674-4115

## **H. Acceptable Media Use Policy**



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The HCSD is taking innovative steps to dramatically transform teaching and learning. By infusing, integrating and making technology accessible to every student, the HCSD will become a model for K-12 education in the 21st century. Technology is an integral component in the lives of students; technology also directly impacts the future of students. All students must have access to technology and technology must be a safe and appropriate tool for learning. A sound technology foundation for each and every student needs to be based on continual professional development, appropriate acquisition and maintenance of technological resources.

The HCSD uses technology as one way of enhancing its mission to teach the skills, knowledge and behaviors students will need as successful and responsible adults in the community and as lifelong learners. Technology includes, but is not limited to, the electronic transfer of voice, video, data and Internet connectivity. Technology provides unequalled opportunities to explore and use a varied and exciting set of resources. In order to make these resources available to everyone, those who use the school's available technology must do so in a way that is consistent with the HCSD's educational mission.

As described in the overall mission of the HCSD, the purpose of education is to prepare students to be productive and caring adults that contribute to the community. Within this context, we believe that technology is a tool for learning that expands our instructional repertoire and is the vehicle that maximizes the capacity of all teachers and learners. It is the vision of Hendry County Schools that students be engaged in a stimulating academic environment and a challenging curriculum that is student centered and focused on inquiry-based learning.

Specifically, we envision that technology is available and effectively supported for all students and staff for the following:

- To provide global access to information;
- To meet the curricular needs of all learners;
- To provide access to the general education curriculum;
- To refine critical thinking skills and foster creativity;
- To provide a medium for expression and communication;
- To collect, assess and share performance information;
- To improve the effectiveness of administrative tasks; and
- To provide skills and proficiencies necessary for the workforce.

The HCSD utilizes electronic systems which are Children's Internet Protection Act compliant and other methods to regulate student and employee technology use. These monitoring methods do not guarantee compliance with this policy. The user understands that activities may be monitored when logging onto HCSD-owned technology. The HCSD assumes no responsibility for the accuracy of information found on the Internet or for any unauthorized charges made by users, including, but not limited to, credit-card charges, long-distance telephone charges, equipment and line costs, or for any illegal use of its computers such as copyright violations.

The HCSD will, within the curriculum currently being offered, include age-appropriate content related to children's use of the Internet. This may include anti-bullying and harassment considerations, social networking considerations and other considerations involving Internet usage.

The security of the school's technology resources, including computers, networks and Internet services, is a high priority. Any user who identifies a security problem must notify the user's teacher or network administrator immediately. The user must not demonstrate the problem to others or access unauthorized material. Any user who attempts to breach system security, causes a breach of system security or fails to report a system-security problem must be subject to disciplinary or legal action in addition to having the user's computer privileges limited, suspended or revoked.

### **1. Equipment Ownership**

The HCSD retains sole right of possession and ownership of all devices and grants permission to the student to use the device according to the rules and guidelines set forth in this document and the HCSD's acceptable-use policy. Failure to follow the terms of this policy will result in disciplinary action, including, but not limited to, confiscation of any and all devices lent to the student and revocation of the student's access to HCSD technology, as well as any other disciplinary action deemed appropriate by HCSD policy.

The HCSD reserves the right to monitor and log the use of its technology and network by users and examine user files and materials as necessary. Moreover, HCSD administrative staff retains the right to collect or inspect the

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device at any time, including via electronic remote access and to alter, add or delete installed software or hardware. There is no reasonable expectation of privacy while using HCSD computers, networks or technology.

## **2. Equipment Provided**

Elementary students will be assigned a device, protective carrying case, and battery charger for daily use. The HCSD will retain records of the serial numbers and HCSD asset tags of provided equipment.

The HCSD monitoring of devices, in compliance with the Children's Internet Protection Act, is and will continue to do everything practicable to keep students safe when using technology. This includes installing content filtering on all devices.

Filtering technology is not perfect; it is possible that restricted content may not always be stopped by filtering technology. The HCSD does not have control of content posted on the Internet, or of incoming email. Websites and content accessible via the Internet may contain material that is defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, illegal or otherwise inconsistent with the mission of the HCSD. The HCSD expects students to use technology appropriately and follow all policies when using the Internet, and believes that parent supervision of technology use outside of school is of critical importance to ensuring student safety and compliance with HCSD policies and federal, state and local law. Students found in violation of the acceptable-use policy will be subject to disciplinary action.

## **3. District Monitoring**

The HCSD has the right, but not the duty, to monitor any and all aspects of its computers, computer network systems and Internet access, including, but not limited to, monitoring sites that students visit on the Internet and reviewing email. The administration and technology staff must have both the authority and the right to review or monitor, with or without prior notice, the content of electronic communication for any reason, including, but not limited to, retrieval of information, investigation or resolution of network or communications problems, prevention of system misuse, ensuring compliance with policies for use of third-party software and information, ensuring compliance with legal and regulatory requests, and enforcement of this policy. The HCSD also reserves the right to review, inspect the content of, and monitor all information residing on all computers and file servers for such purposes.

Students waive any right to privacy in anything they create, store, send, disseminate or receive on HCSD's computers and computer network systems, including the Internet.

Users may not engage in activities that consume excessive amounts of network bandwidth, such as downloading, uploading or live streaming non-school-related content. If network administrators suspect high utilization of bandwidth or inappropriate use of HCSD technology resources, a user may be asked to turn over a device and any passwords needed to verify the suspicions.

## **4. No Warranties Disclosure**

HCSD account holders take full responsibility for their access to HCSD's network resources and the Internet. Specifically, the HCSD makes no representations or warranties with respect to school network resources and does not assume responsibility for the following:

- The content of any advice or information received by an account holder;
- The costs, liability or damages incurred as a result of access to school network resources or the Internet; and
- Any consequences of service interruptions, loss of data or delivery failures or mis-deliveries, for whatever reason.

## **5. Privileges and Responsibilities**

Usage of the HCSD's network and the Internet computer networking capabilities must be directly related to education consistent with the instructional objectives of the HCSD. Access to these facilities imposes certain responsibilities and obligations. Users are expected to abide by the generally accepted rules of digital etiquette and the HCSD policies. Users are not to modify the standard configuration of any computer or other technologies. Users should report any malfunction, inappropriate material or improper usage to the appropriate staff. Users should not use technology in any way that disrupts use by others or creates a hostile learning environment. Examples of prohibited conduct include, but are not limited to, the following:

- Use of another user's account;
- Attempting to breach the desktop security of a computer;



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- Attempting to break into password-protected areas of a network or tampering with network systems;
- Use of technology to engage in behavior prohibited by HCSD's anti-harassment and anti-bullying policy;
- Accessing HCSD blocked websites;
- Activity that is likely to cause a substantial disruption to the orderly operation of the school or learning environment; and
- Activity that is prohibited under state, federal or local law, examples may include, but are not limited to, use of the technology infrastructure to obtain or distribute racially, religiously or sexually offensive material, pornographic or sexually explicit materials, to participate in hate groups or similar groups, or to engage or enable others to engage in gambling or any other illegal activity.

Users who disregard the District's Acceptable Use Policy 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.

## **6. Digital Citizenship**

Individuals who utilize HCSD's technology resources are expected to abide by the principles of digital citizenship, which are part of the HCSD curriculum. Users must respect the intellectual property of others by crediting sources and following all copyright laws.

Reasonable efforts will be made to make sure students will be under supervision while on the network; however, it is not possible to constantly monitor all individual network use at all times. Students may encounter information that may be inappropriate or illegal. If a student encounters such information, the student should log off immediately and notify supervisory personnel or other appropriate personnel of what occurred.

## **7. Privacy**

### **a. Electronically Stored Data**

Users must not have a reasonable expectation of privacy while using HCSD computers, networks or technology. Examples of this include, but are not limited to, the following:

- HCSD Google Apps domain;
- Cloud technology, such as files stored on third-party servers;
- Email; and
- HCSD computers, devices, network and servers.

### **b. Student Access to the Internet**

At school, students will have access to the Internet through the school network. When not at school, students can access the Internet on HCSD devices if they have Internet access available to them in their home or other locations. The HCSD will not provide students with Internet access outside of school. The device's content filter will also be in place when students access the Internet outside of the school; therefore, sites that are "blocked" at school could also be blocked in other locations where students access the Internet.

Students may access the Internet on their HCSD device at any time outside of school. As with any other Internet-enabled device, the HCSD recommends that a parent monitor the student's time and activities on the Internet. Students should understand that their parents' rules about Internet usage outside of school are applicable even when the student is using their HCSD device.

### **c. Prohibited Student Actions**

Students will avoid the following:

- Bringing in their own laptops from home to use at school.
- Attempting to change any HCSD network or server configuration or the configuration of the device.
- Using any option that "remembers" a password. The easiest way to breach security is to allow someone else to have access to a student's login account. Anyone who has access to a student's account, even for a few minutes, has access to a student's email, local data, server account and any website to which a student saved their password.
- Changing or altering usernames or passwords that are assigned by the HCSD.
- Videotaping staff or students without their consent or knowledge, this includes, but is not limited to, webcams, laptops, cameras, cell phones or any other digital devices.

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- Forwarding email commonly known as “SPAM,” Unsolicited Commercial Email (known as UCE), or “junk email.”
- I.M. (instant messaging) or chatting during class unless related to academic expectations set forth by the instructor.
- Any use of technology towards staff that is deemed inappropriate or threatening may be cause for discipline action.
- Any use of technology on or off campus that disrupts normal operation of the school or causes physical or emotional harm to students or staff may be subject to discipline actions.

## **8. Safe and Appropriate Use of Technology**

Students will receive instruction in safe, ethical and appropriate use of technology prior to issuance of an HCSD device. It is important that students are aware of safe and appropriate use of technology for their own protection, and to ensure the safety of others.

## **9. Student Devices**

### **a. Access to Devices**

It is imperative students bring their device (if applicable) and charging unit to school each day for their learning. Teachers will be designing their lessons and classrooms based on students having access to their device. The device should not be put in another bag for transporting (e.g., backpack or athletic bag) and students who accidentally leave their device at home will not have access to a device that day.

### **b. Charging of Device**

If the student takes devices home, it is the student's responsibility to have the devices charged each day for school and also to have the devices charged in the classroom storage unit.

It is the student's responsibility to maintain the power adapter and cord. The device should only be charged with the issued charger.

### **c. Loss or Theft of Device**

Devices that are lost, stolen or vandalized need to be reported to the school's main office immediately. In addition, stolen or vandalized devices should be reported to the police.

The device should never be taken into locker rooms, bathrooms or other changing areas. The device is also not allowed in the cafeteria when food or drink is being served. The student must keep the device in the student's locked, school-issued locker at all times when not in the student's possession (if the school site administration makes this an available option).

### **d. Downloading Programs and Personalizing of a Device**

No student may download, install or use any software in violation of applicable copyrights and license agreements. Approved applications will be installed by HCSD's Technology Department or will be made available for students to download through internal resources on student devices. All students will be able to personalize their device. All items must be appropriate and not violate any HCSD policy or rule.

Stickers and other markings on the outside of the device will not be allowed. Each device is easily identified by a specific numbering system (“Asset Tag”), which is placed on the device by the Technology Department or media specialist and must not be removed.

## **10. Cell Phone and Personal Technology**

Students may bring a cell phone to school. Cell phones must not be used during instructional hours or class-time activities unless the student has received prior authorization and the use directly relates to instruction. Cell phones must be turned off and kept out of sight inside a locker, pocket, book bag or purse. If the device disrupts the educational process or is out at any point during the day without permission, the item in question may be confiscated, and will only be released to the parent. Each school also has individual procedures and rules governing cell-phone use. These procedures are determined by school administration and vary by age and grade levels of school.

## **11. Home Devices**

Students are not allowed to bring their own computers from home to use or connect to HCSD's network. Devices at the HCSD are all provisioned with the same basic programs and structures.

### **a. Ear Buds and Headphones**

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The uses of ear buds and headphones in class or during study times are at the discretion of the teacher or supervisor.

Ear buds and headphones will not be provided by the HCSD.

**b. Student Printer Use**

Students may have access to designated printers in the building.

The HCSD expects that the need to print materials on paper will be reduced because students can send assignments and other materials to their teachers through their devices.

**c. Legal Issues and Jurisdiction**

Because the HCSD owns and operates the equipment and software that comprises network resources, the school is obligated to take steps to ensure that all equipment and facilities are used legally. Any illegal use of network resources is prohibited. All content created, sent, accessed or downloaded using any part of HCSD's network resources is subject to the rules of the Code of Conduct.

The HCSD monitors its network and may investigate electronic incidents even if they happen after school hours and outside of school. The HCSD reserves the right, if needed, and at its sole discretion, to remotely access, open, examine or delete electronic files that violate this or any other HCSD policy.

**d. Parent's Right to Waive 24/7**

Parents have the right to waive their child's 24/7 access to the device by filing a written waiver with the school's main office. The student will still have access to the device while at school, but will not be allowed to remove the device from school. A location will be provided to store and charge the device at school. The decision to either waive the right to 24/7 access or to participate in 24/7 access to the device can be made at any time during the school year (provided that the school site administration makes this option available).

**e. Device Damages**

If a device is damaged, either accidentally or intentionally, the school must be notified immediately. The HCSD administration will determine if the damages were because of accidental or intentional conduct as well as the severity of the incident. Negligence may be considered intentional conduct. Examples include, but are not limited to, the following:

- Leaving equipment unattended and unlocked, which includes damage or loss resulting from an unattended and unlocked device while at school;
- Lending equipment to others, other than one's parent;
- Using equipment in an unsafe environment;
- Using the equipment in an unsafe manner; and
- Not adhering to the care reminders listed in this document.

A student whose device is being repaired will have access to a loaner device in most cases. If it is determined that the device was damaged intentionally or the fine is not paid, the student will not be able to take the loaner device home. If the student leaves the HCSD and does not turn in the device, the HCSD will make a reasonable effort to obtain the device. If those efforts are unsuccessful, the HCSD will treat it like a stolen device and will notify the appropriate authorities.

**f. Discipline**

Any student who violates the rules and expectations relative to the Code or Acceptable Use Policy will be subject to disciplinary action. If there is evidence that a violation has occurred, then an HCSD administrator or designee will decide appropriate consequences in accordance with school policy and the law. Disciplinary action could include, but is not limited to, verbal warnings, loss of technology privileges, and up to and including suspension or expulsion from school. In addition, inappropriate use of the machine may result in the user losing the right to use the device or take it home or fines, or both, assessed because of intentional or negligent damage or lost or stolen devices or accessories. The school will cooperate fully with local, state or federal officials in any investigation related to any illegal activities conducted through the school's electronic system or devices. The interpretation, application and modification of this policy are within the sole discretion of the HCSD. Any questions or issues regarding this policy should be directed to the principal.

**g. Device Problems**

If the device is not working properly the student needs to first talk to the teacher in the class to determine if some minor troubleshooting will take care of the problem. If the problem still exists, the student must take the device to

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the appointed technical support location as soon as possible after discovery of the problem. If the device cannot be fixed immediately, the student may be issued a different device to use on a temporary basis.

Even though a response may not be immediate, HCSD personnel capable of finding a solution will be notified and the problem will be resolved as soon as possible.

Do not attempt to remove or change the physical structure of the computer, including keys, the screen cover, or the plastic or aluminum casing.

When in doubt, ask for help.

**h. Device User Limitation**

A student must never allow anyone else to use the student's device. Parents may utilize the device for the sole purpose of monitoring a student's use or classwork (if a student takes an HCSD device home) or have access to the student's user, personal or business credentials. Use of a device by a parent is prohibited.

**i. Device Cleaning**

Device screens show fingerprints and smudges easily, so be sure to follow the proper cleaning procedures to keep the screen looking new. Never use a chemical to clean the screen. Use a soft, dry, lint-free cloth, in most cases, when cleaning the device.

Correct cleaning measures will be addressed during the rollout process.

If unable to completely clean the machine using the abovementioned methods, contact the HCSD Technology Department and they can assist with the cleaning.

**j. Device Shut Down**

Fully shut down the device when it will not be used for an extended period of time. Simply putting the device to sleep and not using it for several days can drain the battery to a point where it may no longer accept a charge.

It is a best practice to shut down the computer at night, connect the charger and then power on (if taken home) again in the morning when needed.

## **12. Technology Resources and Other Electronic Equipment**

While in some instances the possession and use of technology resources (as defined in HCSD Bylaw 0100) and other electronic equipment or devices by a student at school may be appropriate, the possession and use of such resources, equipment or devices may also have the effect of distracting, disrupting or intimidating others in the school environment, which can lead to opportunities for academic dishonesty and other disruptions of the educational process.

Consequently, the HCSD will supply any technology resources and other electronic equipment or devices necessary for participation in the educational program. Students must not use any of these resources, equipment or devices on school property or at any school-sponsored activity without the permission of the principal.

Students are prohibited from using technology resources and other electronic equipment or devices in a manner that may be physically harmful to another person (e.g., shining a laser in the eyes of another student). Further, at no time may any such resources, equipment or devices be utilized by a student in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. Refer to the policy of HCSD 5517.01, Bullying and Harassment. In particular, students are prohibited from using technology resources, a camera, or other electronic equipment or devices to do the following: (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 transgender identity, sexual orientation and gender identity), age, disability, religion, or political beliefs; and (2) send, share, view or possess pictures, text messages, e-mails, or other materials of a sexual nature (i.e., sexting) in electronic or any other form. Violation of these prohibitions will result in disciplinary action. Further, such actions will be reported to local law enforcement and child services as required by law.

Students are prohibited from using technology resources and other electronic equipment or devices to capture, record or transmit test information or any other information in a manner constituting fraud, theft or academic dishonesty. Similarly, students are prohibited from using technology resources and other electronic equipment and devices to capture, record or transmit the words (i.e., audio) or images (i.e., pictures or video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture or recording of such words or images. Using technology resources or other electronic equipment or devices to capture, record or transmit audio or pictures or video of an individual without

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consent is considered an invasion of privacy and is not permitted, unless authorized by the school principal. Technology resources and other electronic equipment or devices are expressly banned from and may not be possessed, 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, locker rooms, shower facilities, restrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The school principal has authority to make determinations as to other specific locations and situations where possession of a camera or other electronic equipment or device is absolutely prohibited. Unauthorized technology resources and other electronic equipment and devices will be confiscated from the student by school personnel and disciplinary action taken. Any technology resources or other electronic equipment or device confiscated by HCSD staff 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. Technology resources or other electronic equipment or devices in HCSD custody will not be searched or otherwise tampered with unless school officials reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules (e.g., a student is observed using a camera in a prohibited area). Any search will be conducted in accordance with policy of HCSD 5771, Search and Seizure.

Students are personally and solely responsible for the care and security of any technology resources and other electronic equipment or devices they bring to school. The HCSD assumes no responsibility for theft, loss, damage or vandalism to electronic equipment and devices brought onto its property, or the unauthorized use of such devices. HCSD 5136.01

## **I. Discipline Standards**

### **1. Standards**

#### **a. Purpose**

The standards do not apply to classroom management as assigned by the teacher, but rather as a progressive step when a student has broken the rules requiring a principal or designee to assign consequences. Certain violations of the rules, such as weapon possession, assault and sexual harassment, require immediate initial administrative action with referral to a law enforcement agency.

These standards are designed to assist parents and students in understanding the consequences of violating school rules. The HCSD wants to ensure that parents are knowledgeable about the actions of its school administrators when students misbehave. This enables administrators to assign consequences consistently, regardless of the school the child attends. When a student has multiple violations of one incident, such as classroom disruption, the administrator must impose more severe consequences in an effort to maintain a safe and orderly school.

### **2. Student and Parental Rights and Safeguards**

When disciplinary actions reach the level of suspension of a student, it should be noted that the following procedural steps are designed to protect the interest of the student.

A good faith effort will be made by the principal to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions that require immediate suspension.

The student must have the right to the following:

- Be advised why the student is being suspended,
- Be provided an opportunity to refute the charges
- Be provided an opportunity to submit to the administrator a list of names of other individuals who might have witnessed the incident.

If suspended, parents will be notified as soon as possible and no later than 24 hours. A suspension notice will be mailed to parents. A student may be suspended immediately. For cases that rise to the level of expulsion:

Prior to expulsion, the student has the right to the following:

- Be advised why the student has been recommended for expulsion,
- Be provided an opportunity to refute the charges,
- Be provided an opportunity to submit to the administrator a list of names of other individuals who might have witnessed the incident and
- Be provided due process.

For expulsion, the parent has a right to be present at the HCSD hearing with all due process rights afforded. It is the responsibility of the superintendent to notify parents as to the time and place of the hearing.

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**a. Sample Classroom and Teacher Interventions Prior to Discipline Referral Chart**

<b>Intervention Strategy</b>	<b>Description</b>
Apology Restitution	Student makes amends for negative actions by taking responsibility to correct the problem created by the behavior through verbal or written declaration of remorse.
Check In- Check Out	Daily contact with an assigned adult on campus. Student should see the adult before school starts each day, as well as at the end of the day.
Conference With Parents	Teacher communicates with student's parents by phone, email, written notes or in person about the problem.
Conference With Student	Private time with a student to discuss behavior interventions and solutions. This can include direct instruction in expected or desirable behaviors.
Corrective Assignment Restitution	Student completes a task that compensates for the negative action and triggers a desire not to revisit the negative behavior (e.g., clean-up and helping another person).
Detention	Required attendance for a monitored period of time, generally an hour after school, during lunch or on a Saturday.

Home and School Plan	Parents and teacher agree on a consistent approach. The plan should be consistent with schoolwide PBS practices, emphasizing teaching and rewarding of appropriate behaviors and using consistent consequences for problem behaviors. The home and school plan should be explained to the student by the parents and teacher, as appropriate.
In-Class Time Out	Predetermined consequence for breaking classroom rules of short duration (five minutes or less, usually separated from group, but remains in class) or brief withdrawal of attention and other re-enforcers (a time for student to reflect on the student's action).
Mentoring	An agreed-upon adult or student who provides consistent support, guidance and concrete help to a student who is in need of a positive role model.
Out-of-Class Time Out	Student is assigned to another supervised environment for a period of time out (i.e., another classroom), slightly longer duration than in-class time out (out of class less than one hour). Student must comply with rules of exclusion time out. Time-out procedure must be taught to students before implementing.
Privilege Loss	Incentives given for positive behavior are lost (i.e., five minutes off computer time).
Reflective Assignment	Help student realize why the misbehavior was wrong by asking the student to compose a reflective essay.
Teach and Re-teach Student Expectations	Teach and model behavioral expectation that students are having difficulty with adherence.
Written Contract	Student, teacher and parents may formulate a document expressing the student's intention to remediate or stop further occurrences of a problem behavior. A written contract should be positive in tone and it should include incentives but may also include consequences for misbehavior.

Any writing assignment or communication to home must be in a language that students and parents can fully understand.

**b. Administrative Prevention and Early Intervention Chart**

Prior to a student receiving a suspension, it is the administrator's responsibility to ensure that the student has had two interventions that address the student misbehavior. These interventions must be documented. Exceptions to this are offenses

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that are most serious in nature (Level 3 and Level 4) and have occurred with no prior opportunity to provide early interventions.

<b>Intervention Strategy</b>	<b>Description</b>
Behavior Contract	A written or verbal contract or plan for the student with stated goals, objectives and outcomes for the student to develop the necessary skills to address the stated incident
Community Service	Donated service or activity that is performed by the student for the benefit of the public or its institutions.
Conference With Parents	Administrator and teacher communicate with student's parents by phone, email, written notes or person to person about the problem.
Conference With Student	Private time with a student to discuss behavior interventions and solutions. This can include direct instruction in expected or desirable behaviors.
Daily or Weekly Report	A progress report or assignment sheet that gives the student and parent the opportunity to track the student's academic and behavioral progress in each of the student's classes for a specified period of time.
Detention	Required attendance for a monitored period of time, generally an hour after school, during lunch, or on a Saturday.
Loss of Privileges (during school hours)	Loss of a privileges during school hours, such as assemblies, field trips and incentive activities. (The loss of an academic field trip should only occur when safety is a concern.)
Mentoring	An agreed-upon adult or student who provides consistent support, guidance and concrete help to a student who is in need of a positive role model.
Plan Meeting (IEP, LEP* or 504)	Student recommended to the necessary department or group for discussion and development of a course of action or interventions for the student.
Referral for Admin Mediation	Referral to mediation with an administrator for stated incident.
Referral for Peer Mediation	Referral to mediation with a peer for stated incident.
Referral to Student Support Team	Referral of the student to the Student Support Team for possible interventions.
Referral to School Counselor	Counseling of the student by the school counselor to assist the student in developing or utilizing the necessary skills to address the stated incident.
Restorative Practices	A structured process guided by a trained facilitator in which the participants in an incident examine the intended and unintended impact of their actions and decide on interpersonal remedies to repair harm and restore relationship.
Schedule Change (change of regular classes)	A permanent change in the student's regular class schedule.
School Service Work (during school hours)	Work assistance, provided by the student, to any staff member during school hours, which may include campus or hallway clean up.
Silent Lunch or Lunch Detention	A separate facility or seating arrangement for the student during a regularly scheduled lunch period to involve cessation of all talking (silence).
Temporary Classroom Change (short-term)	The temporary removal of a student from their regular classroom to a different classroom. The student will be given the opportunity to complete regular classwork in the alternative setting.
Temporary Removal from Classroom	The temporary removal of a student from the traditional learning environment to a separate, individual learning environment for a short period of time
Voluntary Restitution or Self-Designed Action	Student makes amends for negative actions, taking responsibility to correct the problem, through a written or verbal apology.

\*Limited English proficient

Any writing assignment or communication to home must be in a language that students and parents can understand.

### 3. Discipline Standards

Discipline Referral Incidents in the HCSD are classified as Level 1, Level 2, Level 3 or Level 4 infractions. When deciding what disciplinary action should be taken, the principal or designee must consider the student's age,



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exceptionality, previous conduct, intent, attitude, severity of the offence, current supports in place or implemented and, whenever possible, must apply disciplinary action in a progressive manner.

**Discipline Referral Incidents**

**(i) Level One**

<b>Behaviors</b>	<b>Range of Code of Conduct Prior to Administering Discipline</b>	<b>Administrative Responsibilities</b>
<p>Level 1 Incidents are acts that disrupt the orderly operation of the classroom, school, transportation or extracurricular activities</p> <p><b><u>LEVEL 1 INCIDENTS</u></b></p> <ul style="list-style-type: none"> <li>➤ 101-Failure to comply with School Rules</li> <li>➤ 102-Disruptive (Unruly) Behavior or Play</li> <li>➤ 103-Disobedient/Insubordination</li> <li>➤ 104-Disrespectful Language</li> <li>➤ 105-Bus Rules Violation</li> <li>➤ 106-Tardiness, Habitual</li> <li>➤ 107-Truancy</li> <li>➤ 108-Profanity: General use</li> <li>➤ 109-Out of Assigned Area/Skipping</li> <li>➤ 110-Public Displays of Affection</li> <li>➤ 111-Computer/Technology Misuse (Minor)</li> <li>➤ 112-Dress Code Violations</li> <li>➤ 113-Confrontation/Peer Conflict</li> <li>➤ 114-Lying/Misrepresentation/Cheating</li> <li>➤ 115-Cellular Telephone/Technology Violation*</li> <li>➤ 116-Prohibited Items, Contraband and Unauthorized Use of Medications</li> <li>➤ 117-Unauthorized Sale/Distribution of Materials</li> <li>➤ 119-Driving and Parking Violations</li> <li>➤ 120- Inappropriate Horseplay</li> </ul> <p>*See HCSD Policy 5136 (Wireless Communication Devices) for detailed intervention guidance for cell phone violations.</p>	<ul style="list-style-type: none"> <li>➤ Review of Schoolwide PBS Expectations and Rules</li> <li>➤ Re-teach Behavior</li> <li>➤ Coaching</li> <li>➤ Reflective Assignment</li> <li>➤ Apology Letter</li> <li>➤ Mediation</li> </ul>	<ul style="list-style-type: none"> <li>➤ Parent/Guardian Contacted (<b>M</b>)</li> <li>➤ Conference with Student (M)</li> </ul> <p><b><u>LEVEL 1 Discipline ACTIONS</u></b></p> <ul style="list-style-type: none"> <li>➤ Warning</li> <li>➤ Education/Intervention</li> <li>➤ Conference with Parents</li> <li>➤ Referred to School Guidance</li> <li>➤ Referral for Peer Mediation</li> <li>➤ Behavior Contract</li> <li>➤ Plan Meeting (IEP, 504, LEP)</li> <li>➤ Daily Weekly Report</li> <li>➤ Schedule Change</li> <li>➤ Parent Guardian Attends School w/Student</li> <li>➤ Voluntary Restitution</li> <li>➤ Assigned Bus Seat</li> <li>➤ Silent Lunch/Lunch Detention</li> <li>➤ After School Detention</li> <li>➤ Extended or Multiple Detention</li> <li>➤ Work Detail</li> <li>➤ Confiscation</li> <li>➤ Conflict Resolution/Social Emotional Learning</li> <li>➤ Mentoring</li> <li>➤ Time Out</li> <li>➤ Referral to Outside Agency</li> </ul> <p><b>M = Mandatory</b> <b>O = Optional</b></p>

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**(ii) Level Two**

<b>Behaviors</b>	<b>Administrative Responsibilities</b>	<b>Range of Discipline Actions</b>
<p>Level 2 Incidents are more serious than Level 1 Incidents. These behaviors significantly interfere with the learning process and/or the well-being of others</p> <p style="text-align: center;"><b><u>LEVEL 2 INCIDENTS</u></b></p> <ul style="list-style-type: none"> <li>➤ 201-Un-served Detentions</li> <li>➤ 202-Repetitive Disruptive Behaviors or Play*</li> <li>➤ 203-Repetitive Disobedience</li> <li>➤ 204-Profane or Obscene Language: Student to Student</li> <li>➤ 205-Bus Disruption</li> <li>➤ 206-Gambling</li> <li>➤ 207-Cheating</li> <li>➤ 208-Threat, Non-criminal*</li> <li>➤ 209-Physical Aggression</li> <li>➤ 210-Possession of Other Instruments or Objects</li> <li>➤ 211-Petty Theft or Stealing &lt; \$100</li> <li>➤ 212-Sexting (electronic or physical distribution) Level 1</li> <li>➤ 213-Firecrackers/Poppers</li> <li>➤ 214-Forgery of Document of Signature</li> <li>➤ 215-Vandalism &lt; \$1,000</li> <li>➤ 216-Menacing Statements, Non-criminal*</li> <li>➤ 218-Incitement/Filming Fights or Violence for the Purpose of Incitement</li> <li>➤ 219-Failure to report a weapon</li> <li>➤ 220-Major defiance/disobedience</li> <li>➤ 221-Leaving school grounds without permission</li> <li>➤ 223 - Inappropriate Activity</li>   <li>➤ TBC-Possession of Tobacco Products**</li> </ul> <p>*Consider referral to Student Support Team (guidance/Response to Intervention)</p>	<p><b>Range of Code of Conduct Prior to Administering Discipline</b></p> <ul style="list-style-type: none"> <li>➤ Investigation</li> <li>➤ Witness Statements</li> <li>➤ Review of Schoolwide PBS Expectations and Rules</li> <li>➤ Coaching</li> <li>➤ Reflective Assignment</li> <li>➤ Apology Letter</li> <li>➤ Check In-Check Out</li> <li>➤ Restorative practices</li> <li>➤ Stay Away Agreement</li> <li>➤ Victim Safety Plan</li> </ul>	<p>Where appropriate, the principal or designee should apply discipline in a progressive manner.</p> <p style="text-align: center;"><b>Administrative Responsibilities</b></p> <ul style="list-style-type: none"> <li>➤ Parent/Guardian Contacted <b>(M)</b></li> <li>➤ Conference with Student <b>(M)</b></li> </ul> <p style="text-align: center;"><b><u>LEVEL 2 ACTIONS</u></b></p> <ul style="list-style-type: none"> <li>➤ Parent/Guardian Contacted <b>(M)</b></li> <li>➤ Behavior Contract</li> <li>➤ Plan Meeting (IEP, 504, LEP)</li> <li>➤ Voluntary Restitution</li> <li>➤ Restorative Practices</li> <li>➤ Community Service</li> <li>➤ Loss of Privileges</li> <li>➤ Time Out</li> <li>➤ Confiscation</li> <li>➤ In-School Intervention</li> <li>➤ In-School Suspension</li> <li>➤ Days Held in Abeyance</li> <li>➤ Bus Suspension</li> <li>➤ Out-of-School Suspension for 1-3 days</li> <li>➤ **May refer to the school resource officer for possible tobacco citation.</li> </ul> <p style="text-align: center;"><b>M = Mandatory</b> <b>S = Suggested</b></p>

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**(iii) Level Three**

<b>Behaviors</b>	<b>Administrative Responsibilities</b>	<b>Administrative Responsibilities</b>
<p>Level 3 Incidents are more serious than Level 2 Incidents. These behaviors cause significant disruptions with the learning process. These incidents cause health and/or safety concerns, or damage to school property.</p> <p><b><u>LEVEL 3 INCIDENTS</u></b></p> <ul style="list-style-type: none"> <li>➤ 301-Verbal Abuse/Assault on School Board Employee</li> <li>➤ 302-Extortion/Blackmail/Coercion</li> <li>➤ PHA-Physical Attack</li> <li>➤ 303 (OMC)-Computer/Technology Misuse (Major)*</li> <li>➤ 304 (OMC)-Reckless Vehicle Use</li> <li>➤ 305-Counterfeit or Misrepresented Document</li> <li>➤ 306 (OMC)-Unauthorized use of Prescription Medications****</li> <li>➤ 307 (OMC)-Drug Paraphernalia*</li> <li>➤ 308-Minor Fighting</li> <li>➤ 309-Possession of a Knife or Other Potentially Dangerous Item</li> <li>➤ 310 (STL)-Stealing &gt; \$100 (items over \$750 are SESIR reportable)</li> <li>➤ 311-Sexting (electronic or physical distribution) Level 2</li> <li>➤ 313 (ROB)-Robbery</li> <li>➤ 314 (OMC)-False Fire Alarm/911 Cal</li> <li>➤ 315-Intoxication/Impairment (to include alcohol and drugs)</li> <li>➤ 316-Inappropriate Physical Contact</li> <li>➤ 317-Severe Inappropriate Activity*</li> <li>➤ 318: Profane or Obscene Language: Student to Adult or Racial/ethnic/derogatory slurs</li> <li>➤ HAZ-Hazing</li> <li>➤ VAN-Vandalism &gt; \$1,000</li> <li>➤ BRK-Breaking and Entering/Burglary</li> <li>➤ ARS-Arson****</li> <li>➤ SXA-Sexual Assault</li> <li>➤ ALC-Alcohol****</li> <li>➤ DOC-Disruption of a School</li> <li>➤ TRS-Trespassing</li> <li>➤ SXO-Sexual Misconduct, Inappropriate Lewd, or Obscene Act</li> <li>➤ BUL-Bullying/Cyberbullying</li> <li>➤ HAR-Harassment</li> <li>➤ SXH-Sexual Harassment</li> </ul> <p>*OMC-Other Major Crime</p>	<p><b>Administrative Responsibilities</b></p> <ul style="list-style-type: none"> <li>➤ Investigation (M)</li> <li>➤ Witness Statements (M)</li> <li>➤ Notify School Police (M)</li> <li>➤ Referral to School Based Team (M)</li> </ul> <p><b>Range of Code of Conduct Prior to Administering Discipline</b></p> <ul style="list-style-type: none"> <li>➤ Investigation</li> <li>➤ Witness Statements</li> <li>➤ Review of Schoolwide PBS Expectations and Rules</li> <li>➤ Coaching</li> <li>➤ Reflective Assignment</li> <li>➤ Apology Letter</li> <li>➤ Check in-Check Out</li> <li>➤ Restorative Practices</li> <li>➤ Stay Away Agreement</li> <li>➤ Victim Safety Plan</li> </ul>	<p><b>Administrative Responsibilities</b></p> <ul style="list-style-type: none"> <li>➤ Parent/Guardian Contacted (M)</li> <li>➤ Conference with Student (M)</li> </ul> <p><b><u>LEVEL 3 ACTIONS</u></b></p> <ul style="list-style-type: none"> <li>➤ Confiscation (where applicable)</li> <li>➤ Restorative Practices</li> <li>➤ Community Service</li> <li>➤ Loss of Extra Curricular Activities</li> <li>➤ In-School Suspension</li> <li>➤ Days Held in Abeyance</li> <li>➤ Out of School Suspension from School 1-10 days</li> <li>➤ ****Possible Recommendation for Expulsion</li> <li>➤ Possible referral to law enforcement.</li> </ul> <p>Principals can request to convene a Discipline Screening Committee on any infraction that is unique in nature.</p> <p><b>M = Mandatory</b></p>

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**(iv) Level Four**

<b>Behaviors</b>	<b>Administrative Responsibilities</b>	<b>Discipline Consequences</b>
<p>These behaviors are the most serious acts of student misconduct and threaten life</p> <p style="text-align: center;"><b><u>LEVEL 4 INCIDENTS</u></b></p> <ul style="list-style-type: none"> <li>➤ 401 (TRE)-Imminent Threat of Violence, High Level****</li> <li>➤ 402 (OMC)-Attempt a Criminal Act Against a Person****</li> <li>➤ 403 (OMC)-Aggravated Assault****</li> <li>➤ 404 (ROB)-Armed Robbery****</li> <li>➤ 411 (OMC)-Sexting (electronic or physical distribution)</li> <li>➤ 412 (TRE)-Bomb Threat****</li> <li>➤ FIT-Fighting-Major</li> <li>➤ WPO-Possession, Use, Sale, Storage or Distribution of a Firearm, Handgun Rifle, Shotgun or an Explosive Device****</li> <li>➤ DRU-Possession, Sale, Intent to Sell, or Distribution of Drugs and/or Use of Drugs, Imitation Drugs Represented as Drugs, or Prescription Medications****</li> <li>➤ BAT-Battery or Aggravated Battery****</li> <li>➤ SXB-Sexual Battery****</li> <li>➤ KID-Kidnapping or Abduction****</li> <li>➤ HOM-Homicide****</li> </ul>	<ul style="list-style-type: none"> <li>➤ Investigation <b>(M)</b></li> <li>➤ Witness Statements <b>(M)</b></li> <li>➤ Notify Area Supt. <b>(M)</b></li> <li>➤ Notify Safe Schools <b>(M)</b></li> <li>➤ Notify School Police <b>(M)</b></li> </ul> <p><b>Range of Code of Conduct Prior to Administering Discipline</b></p> <ul style="list-style-type: none"> <li>➤ Investigation</li> <li>➤ Witness Statements</li> <li>➤ Review of Schoolwide PBS Expectations and Rules</li> <li>➤ Coaching</li> <li>➤ Reflective Assignment</li> <li>➤ Apology Letter</li> <li>➤ Check In-Check Out</li> <li>➤ Restorative Practices</li> <li>➤ Stay Away Agreement</li> <li>➤ Victim Safety Plan</li> </ul>	<p>Principal or designee <b><u>must</u></b> use the following Level 4 Actions</p> <p style="text-align: center;"><b><u>LEVEL 4 ACTIONS</u></b></p> <ul style="list-style-type: none"> <li>➤ Confiscation (where applicable)</li> <li>➤ Parent/Guardian Contacted <b>(M)</b></li> <li>➤ Student Conference <b>(M)</b></li> <li>➤ Confiscation (if applicable) <b>(M)</b></li> <li>➤ ****Recommendation for Expulsion <b>(M)</b></li> <li>➤ Referral to law enforcement.</li> </ul> <p>Screening Committee on any infraction that is unique in nature.</p> <p style="text-align: center;"><b>M = Mandatory Parent Contact</b></p>

## **J. Discipline Consequences**

### **1. District-Level Approved Consequences**

Consequences that schools can recommend but only HCSD staff can impose include alternative placement pending or in lieu of expulsion, assignment to special program or alternative school or program, expulsion, felony suspension incident, honoring an expulsion from another district, supported student educational services, interim alternative educational setting (IAES), long-term suspension, and referral to courts or juvenile authorities

#### **a. Alternative Placement Pending Expulsion**

The HCSD may assign students to an alternative education site pending the outcome of a recommendation for an expulsion hearing.

#### **b. Assignment to Special Program or Alternative School or Alternative Program (District-Placed)**

The HCSD will place students at an alternative education site for a specified period of time. Procedures for disciplinary reassignment are detailed below.

#### **c. Expulsion**

The removal of the right and obligation of a student to attend a public school under conditions set by the HCSD and for a period of time not to exceed the remainder of the term or school year and one additional year of attendance. Expulsions may be imposed with or without continuing educational services and must be reported accordingly.

s. [1003.01\(6\)](#), F.S. Procedures for expulsion are listed below.

#### **d. Felony Suspension or Expulsion Incident**

A student who has been formally charged by a proper prosecuting attorney with a felony, or with a delinquent act which would be a felony if committed by an adult, which allegedly occurred on property other than public school property, or a student who has been adjudicated guilty of a felony, may be subject to suspension, expulsion, alternative placement, and/or exclusion from extracurricular activities if that incident is shown, in an administrative hearing to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Students will not be disciplinarily reassigned due to off-campus criminal activity save for the conditions contained herein and other sections of this document. A recommendation for expulsion may be considered only if student is convicted. Felony Suspension or Expulsion Incident Procedures are below. s. [1006.09\(2\)](#), F.S.

#### **e. Honoring an Expulsion from Another District**

The HCSD will honor the expulsion from another school district if it is an expellable offense in the HCSD upon a placement hearing. Procedures for honoring expulsion from another District are below.

#### **g. Interim Alternative Educational Setting**

IAES for an exceptional student education student for up to 45 calendar days without parental consent for any of the following:

- Possession of dangerous weapons in school or at a school function;
- Possession, use, sale or solicitation of a controlled substance while at school or at a school function; or
- Serious bodily harm.
- Procedures for IAES are below.

#### **h. Long-Term Suspension (District Approved and Entered)**

Pursuant to s. [1006.09\(1\)\(b\)](#), F.S., when District School Board action on a recommendation for the expulsion of a student is pending, the District School Superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the District School Board..

#### **i. Refer to Criminal Justice or Juvenile Justice System.**

The HCSD can refer students to either the criminal justice or juvenile justice system.

## **2. ISS (in-school suspension)**

Principals and their designees may assign ISS to a student for violating the Code. A student may be assigned no more than ten (10) days per offense unless approved by the director of secondary education. Parents must be notified in of any ISS assignment within twenty-four (24) hours. Assigned ISS can only be appealed at the school level. The principal or designee's decision regarding the appeal shall be final. The person hearing the case cannot have assigned the original consequence or have been otherwise involved in the incident that resulted in the proposed discipline. Students will be isolated from the mainstream of the school while in ISS and will be ineligible to participate in extracurricular activities on the day the student serves ISS. Students who are placed in Detention/ISS will be entitled to complete make-up work (classwork, homework, assessments, etc.) while in Detention/ISS program for full credit. Any such absence shall be marked as excused.

## **3. OSS (from school or the school bus) and Alternative Placement**

Suspension of a student from school for committing any of the infractions may occur at any time, including, but not limited to, while on school grounds while utilizing school transportation or during a school-sponsored activity. Another offense is the misuse of school technology or anything that causes a school disruption (i.e., cyberbullying). Bus suspensions can also be warranted for infractions that occur on school transportation vehicles.

Only the suspensions for Level 3 and Level 4 offenses may carry from one school year to the next and will be accounted for in the progressive discipline approach.

Whenever a student has been suspended from school (OSS) during a school year on four separate occasions or accumulated 10 days or more of OSS, the student shall be referred for alternative placement. The length of the alternative placement shall be decided by the school at the administrative hearing and shall be based on the nature of the violation and a wholistic review of the students' academic, attendance and discipline record. The length of the recommendation for alternative placement shall not be less than 45 school days nor exceed one school year. For students with an IEP and 504, please reference section K for guidance on disciplinary consequences. Any singular out of school suspension may warrant a recommendation for alternative placement depending on the severity of the infraction and at the discretion of the school principal. Students may be referred for mental health supports as a part of the disciplinary process. Informal suspension is prohibited (i.e., a parent is told to keep a child at home under the supervision of the parent, or a student is sent home without benefit of a conference and of official documentation). It is a violation of the state's compulsory attendance laws, the Individuals with Disabilities Education Act (IDEA) and HCSD policy.

When a student's actions are so disruptive to himself/herself or to the school as to violate law, Board policies, or school rules, the student may be suspended by the Principal. A student who is suspended shall not be allowed to attend his/her regular classes or any school-sponsored activities for a prescribed number of days not to exceed ten (10). The principal or designated representative may refer the student during the period of the suspension to in-school suspension, a center for special counseling or shall remand the student to the custody of his/her parent or guardian.

The principal may suspend a student from school for a period not to exceed ten (10) school days. Before suspending a student, except in emergencies or disruptive conditions that require immediate suspension or in the case of a serious breach of conduct, the principal or designee shall make a good faith effort to employ parental assistance or alternative methods of dealing with the student and shall document such efforts.

In no case shall a teacher suspend a student from school or class, nor shall a bus driver suspend a student from riding a school bus. A student may not be suspended for unexcused tardiness, lateness, absence, or truancy.

Prior to a suspension, the Principal or designee will hold an informal hearing to give the student oral and/or written notice of the charges and an explanation of the evidence against him/her. The student will then have an opportunity to explain his/her side of the story. The hearing will be held on the day of the alleged infraction unless it would be impossible or unreasonably difficult to do so.

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The Principal will make a good faith effort to contact the student's parent or guardian by telephone immediately after making the decision to suspend. The Principal will also send a formal written notice to the student's parent or guardian by U.S. Mail, informing of the length of the suspension and the reasons for it. The Principal will also report each suspension to the Superintendent or designee in writing within twenty-four (24) hours of the time the student is informed of the suspension. Except in the event of emergencies, all out-of-school suspensions shall begin at the end of the school day of the infraction, unless the parents or guardians have been notified and are able to pick up the student at school. The school will provide homework assignments for the student to complete.

In cases of extremely disruptive or dangerous behavior, persons or groups involved may be immediately suspended and ejected from the school campus without the necessity of a prior informal hearing. In such instances, each student shall be afforded an informal hearing before the principal prior to the expiration of the third day of suspension. A student shall be given the opportunity to make up schoolwork and course requirements missed while absent due to out-of-school suspension. The student shall have a reasonable amount of time up to five (5) school days following suspension to complete the school work missed and shall do so on his/her own initiative.

When Board action on a recommendation for the expulsion of a student is pending, the superintendent may extend the suspension assigned by the principal beyond ten (10) school days if such suspension expires before the next regular or special meeting of the Board.

In the case of students with disabilities, suspensions shall be pursuant to the procedures outlined in the *Code of Student Conduct*.  
HCSD 5610

**a. Appeal Process for OSS**

The appeal must first be made to the school principal. A decision by the school principal must be made within 48 hours of receipt of the appeal. The principal shall review the facts of the case and consider parental and student information in their decision. If the parent does not agree with the principal's decision they may appeal to either the director of elementary or the director of secondary education depending on the grade level of their student. The conference between the director and the parents and school official must be arranged as soon as possible following the parents' request; during the period of appeal, the suspension remains in effect for the length of time designated. Upon the conclusion of the conference, the decision of the respective director is final. Suspensions of one day are not subject to any formal appeal. Only (OSS) suspensions of more than one day may be appealed. The results of the appeal may include, but are not limited to, the following:

- Sustaining the suspension in all respects,
- Modification of penalties imposed, or
- Rescinding the suspension and expunging the suspension from the student's records.

The parents must be notified of the appeal decision.

**b. Appeal Process for Alternative Placement Recommendation**

Parents must request appeal to the director of secondary education. During the appeal process, the student will be responsible to attend the alternative placement school as recommended by the school principal or designee. An administrative appeal meeting will be held to review the severity of the incident, evidence provided by the school and student/family and other mitigating factors. The director of secondary education will review the file and issue a decision if the parent/guardian fails to appear for the scheduled meeting. The decision of the director of secondary education will be considered final and not subject to further appeal, negotiation, or amendment, by any party. The results of the appeal may include, but are not limited to, the following:

- Sustaining the decision for alternative placement in all respects,
- Modification of penalties imposed by either enhancing or reducing the penalty
- Rescinding the recommendation for alternative placement.

**2. Process for Disciplinary Reassignment and Expulsion**

The Board recognizes that disciplinary placement and expulsion from the educational program of the schools are the most severe sanction for a student in this District and that either one cannot fairly be imposed without due



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process. A principal may recommend to the Superintendent or his designee the disciplinary placement and expulsion of a student who has committed a serious breach of conduct. A recommendation of disciplinary placement or expulsion will include a detailed report on the student's actions and alternative measures (if applicable) taken before the recommendation.

A student and his/her parent or guardian will be given written notice of the principal's recommendation and the reasons therefore and an opportunity to meet with the Superintendent or his designee, to answer the charges.

The Superintendent or his designee, after reviewing the facts and circumstances of the student's misconduct and the principal's recommendation, may accept, reject, or modify the principal's recommendation. The Board will decide on a recommended expulsion of any student and on a recommended disciplinary placement of any student who has been determined to have brought to, or possessed at, school a firearm or weapon, as defined in F.S. Chapter 790, or to have made a threat or false report, as defined by F.S. 790.162 and 790.163.

When the Superintendent makes a recommendation for expulsion to the Board, written notice shall be given to the student and his/her parent or guardian of the recommendation setting forth the charges against the student, with a summary of the factual, legal, and policy grounds for the recommendation, and advising the student and his/her parent or guardian of their right of due process.

When deciding whether or not a student will be expelled or permanently excluded under this policy, the Superintendent shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation. The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records. The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule. All students who are recommended for disciplinary placement or expulsion shall undergo screening to determine if they may be a student with a disability and due to the procedural rights and safeguards afforded such students.

A parent or adult student may make a written request for a hearing within ten (10) days from receipt of the Superintendent's notice.

**a. Disciplinary Placement and Expulsion Hearing**

The hearing may be conducted by the entire Board or by an individual appointed by the Board to serve as presiding officer. All parties will be given reasonable notice of the hearing of not less than fourteen (14) days; however, the fourteen (14) day requirements may be waived by the Board and/or presiding officer without the consent of the parties. Failure to timely request a hearing or failure to appear at a hearing after notice of the date and time of the hearing shall be deemed to be a waiver of any hearing on the matter. However, upon presentation of good and sufficient reasons for non-appearance, the presiding officer may direct that the hearing be rescheduled. Hearings will be conducted in accordance with Florida statutes and the Uniform Rules of Procedure. Reasonable flexibility in method or order of presentation shall be permitted. No parent or adult student shall be prohibited from presenting reasonable matters because of insubstantial procedural irregularities. A parent or adult student may be represented at the hearing by an adult, whether as legal counsel or qualified representative. Disciplinary placement and expulsion hearings are exempt from the public meetings law; however, the parent may elect to have the hearing held as a public meeting.

**No Disputed Issues(s) of Material Fact**

If there is no disputed issue of material fact, the parent or adult student, or their counsel, will have the opportunity at the hearing to present written or oral evidence in opposition to the proposed action or a written statement challenging the propriety of the proposed action. The presiding officer's findings of fact, conclusions of law, and recommendation for Board action will be set forth in a recommended order served upon the parent or adult

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student, the student's representative, if any, and the superintendent. Each party shall have fifteen (15) days from receipt to submit written exceptions to the recommended order.

### **Board Action**

The hearing officer's recommended order will be submitted to the Board for action. The parent, adult student, or representative may appear at the Board meeting and speak to the recommended action. The parent, adult student, or representative will be allowed ten (10) minutes to address the Board. The Superintendent's attorney will be allowed ten (10) minutes to respond. No new evidence will be received at the Board meeting.

### **Final Order**

The Board will enter a written final order, including findings of fact, and conclusions of law separately stated. The final order will include a ruling on each exception filed, if any, in accordance with Florida statutes.

The final order will be served on all parties.

#### **b. Appeal Process for Expulsion**

- A party may seek judicial review of the final order in accordance with F.S. 120.68.
- A student and parent(s) or guardian may apply for a return to the regular school program commencing the semester following completion of the requirements for earned return of expelled students. The student shall return to school at the beginning of the semester or summer session following final approval of the application. Application can be made in the same semester or term that the expulsion occurs. The application for earned return shall be submitted to the principal of the school where the student was last enrolled and expelled. It shall be accompanied by a written conduct agreement between the principal/designee, the student and the parent(s)/guardian delineating responsibilities if the student is re-admitted to the regular school program. Such agreement shall outline conditions of the earned return and may include provisions such as the use of periodic controlled urine screening, student responsibility for attendance, school performance, discipline procedures, special services, or other provisions. It shall include a provision stating that if a student does not meet the requirements of this contract, the original expulsion order remains effective. If a final order of expulsion has not been entered by the Board, the student will return to the off-site abeyance program.
- The principal and superintendent shall review the application and approve or disapprove.
- HCSD 5610

#### **4. Honoring an Expulsion from Another District Procedures**

A student seeking to enroll in a District school who has been expelled by an in-state or out-of-state public school district school board, private school or lab school for an act that would have been grounds for expulsion according to the Board-adopted Code of Student Conduct may be denied admission to the District's school for a period equal to that of that expulsion. Prior to making a recommendation regarding admission or denial thereof, the Superintendent may offer the student an opportunity for a hearing to review the circumstances of the expulsion and any other factors the Superintendent determines to be relevant.

The Superintendent may recommend that the Board honor the final order of expulsion from the student's previous district of attendance and deny admission to the student, or that the Board waive the final order of expulsion and admit the student. Acting upon the recommendation of the Superintendent, the Board may deny the admission of a student who has been expelled by any in-state or out-of-state public district school board or private school for a period equal to that of the expulsion for an act that would have been grounds for expulsion according to the Board-adopted *Code of Student Conduct*. A final order of expulsion shall be recorded in the records of the District, and the student and his/her parents shall be advised of the final order of expulsion.

The Superintendent shall develop administrative procedures to implement this policy and ensure compliance with applicable statutes.

## **5. Felony Suspension or Expulsion Procedures**

### **Notice of Felony Charges and Hearing**

If a student commits a crime off campus and a prosecuting attorney formally charges the student with a felony or with a delinquent act that would be a felony if the student were an adult, the student may be suspended either in-school or out-of-school for no more than three (3) consecutive days for one offense and recommended for reassignment or expulsion. Before suspending the student, the principal will call the student and the parent to discuss the charges against the student. This discussion will be a “hearing” that will take place after the principal notifies the student’s parent in writing by certified mail that the principal has received notice that the student has been charged by the prosecuting attorney. That written notice will tell the student’s parent of the specific charges against the student and advise them that they have a right to the “hearing”.

### **Hearing Procedures**

The “hearing” must take place within three (3) school days but no sooner than two (2) school days from the postmark date or the delivery date of the certified notice to the student’s parent. At the “hearing” the principal will listen to witnesses called by the principal and the student also may present witnesses. The student may speak on their own behalf but they do not have to do so. If the student does not speak on their own behalf, they cannot be threatened with punishment or later be punished for not speaking.

The “hearing” will not be conducted like a court proceeding. There will be no “rules of evidence” nor will there be a court reporter to provide a transcript of the “hearing.” After the “hearing” the principal will let the student and their parent know, in writing, if the student is being suspended for no more than three (3) days. The decision to suspend the student cannot occur without conclusive evidence that the prosecuting attorney has formally filed a felony charge against the student. The principal must also determine that the student’s presence at school, after being formally charged for the incident, will have an adverse impact on the school.

Types of Charges That May Justify Suspension: The types of charges that may justify suspension under this provision are:

1. any felony involving violence,
2. rape or sexual battery,
3. lewd and lascivious act on a student under sixteen (16) years of age,
4. concealed weapon,
5. armed robbery,
6. sale of illegal drugs,
7. possession of a bomb,
8. any felony involving the use of a firearm,
9. battery on school system employee or official, or
10. aggravated battery.

There may be other charges that will justify suspension under this provision, if the principal determines that the student’s presence at school after being charged will have an adverse impact on the school.

### **Extension of Three (3) Day Suspension**

If the principal suspends a student for three (3) days, the Superintendent or his designee may extend the student’s suspension until the outcome of the criminal charges that have been filed against the student is complete. During the student’s suspension, pending the outcome of the criminal charges, the student will be assigned to an alternative educational program.

### **Expulsion Upon Finding of Guilt**

If the court determines that a student is guilty, the Board may expel the student. During the student’s expulsion, the student may still attend the alternative program to which they have been assigned.

## **6. Reports to Law Enforcement and SESIR**

The School District will utilize Florida’s School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data. SESIR definitions may be found in F.A.C. [6A-1.0017](#) to enable school districts

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to correctly code data used to report incidents that are against the law or represent serious breaches of the Code of Conduct. This includes those incidents considered severe enough to require the involvement of a School Resource Officer or incidents to be reported to law enforcement. The District promotes a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety. District staff are encouraged to use alternatives to expulsion or referral to law enforcement agencies unless otherwise required by law. Petty acts of misconduct and misdemeanors including, but not limited to, minor fights or disturbances, should ordinarily not be referred to law enforcement and should not ordinarily result in student arrest. Petty acts of misconduct are those that an administrator reasonably believes do not pose a threat to the safety of students, staff, volunteers, or other persons, or a threat of harm to Board property and includes minor fights or disturbances.

### **Threat Assessment Team**

The threat assessment team's duties include the coordination of resources, assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Florida Department of Education Office of Safe Schools. The team includes persons with expertise in counseling, instruction, school administration and law enforcement (s. [1006.07\(7\)\(a\)](#), F.S.).

Referrals to mental health services must be in consultation with the threat assessment team (ss. [1006.04](#) and [1006.07\(7\)](#), F.S.).

The threat assessment team must consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or severity of an act, that would pose a threat to school safety. If a student commits more than one misdemeanor, the threat assessment team must consult with law enforcement to determine if the act should be reported to law enforcement (s. [1006.13\(2\)\(f\)](#), F.S.).

A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety (s. [1006.13\(8\)](#), F.S.).

### **K. Students with Disabilities Intervention Standards**

The discipline of all students with disabilities is governed by federal statutes and regulations under IDEA), [20 U.S.C. § 1400](#), et seq., as well as state laws and regulations.

If the HCSD knows, or should know, that a student may be eligible for special education and related services, but has not yet determined such eligibility, that student may assert all or any of the protections stated within this policy.

#### **1. Manifestation Determination Review**

Manifestation determination review (MDR) is a process by which parents and the school meet to determine if the student is being subjected to a disciplinary change in placement for behavior that is a manifestation of the student's disability. Whenever a student with a disability is subjected to a disciplinary change of placement (e.g., alternative school placement or expulsion), the HCSD must conduct an MDR within 10 days of the decision to remove the student from school.

If prior to a manifestation determination meeting, the individual educational plan (IEP) team determines that a functional behavioral assessment (FBA) is needed for a student with a disability, the IEP team will promptly commence the FBA and postpone the student's discipline until the FBA is completed. The IEP team will consider the data gathered from the FBA in determining whether the student's behavior is or was a manifestation of the disability.

#### **2. Suspension**

Suspension is the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, for a period not to exceed 10 cumulative school days per year. Any removal from school, even if the necessary paperwork for a formal suspension is not initiated or completed, counts toward the 10-day rule. All days a student with a disability spends out of school as a result of school action, whether formal or informal, apply toward the 10-day limit.

A principal or designee may remove a student eligible for services under the IDEA for up to 10 cumulative school days per calendar year for disciplinary infractions.

Prior to consideration of suspension, the school must have made and documented reasonable attempts to use less restrictive alternatives or interventions to decrease the inappropriate behavior.

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Educational services may be provided during the 10 days, but are not required.

If a student with disabilities is arrested on campus and suspended, those days count toward the cumulative 10 days allowed each school year.

The IEP team must meet no later than the 10th day of the cumulative suspension for the following:

- Determine if the student's behavior is a manifestation of the student's disability;
- Initiate an FBA or review the student's current FBA and behavior intervention plan (BIP); and
- Review the student's IEP if the behavior is a manifestation of the disability.

**a. Manifestation Determination Review**

The MDR must be conducted at the IEP team meeting.

When making a manifestation determination, the HCSD, parent and relevant members of the IEP team must review and take into consideration the student's present program and case history, including all relevant information in the student's file, the student's accommodation plan, any teacher observations, and any relevant information provided by the parents.

The IEP team must determine if the conduct in question was either of the following:

- Caused by, or had a direct and substantial relationship to, the student's disability or
- The direct result of the failure to implement the IEP.

A consensus of the members of the IEP team must make these determinations, and such determination will be based upon the information reviewed by the IEP team. If either of the two abovementioned conditions is applicable, the conduct must be determined to be a manifestation of the student's disability. The student's custodial parents must be invited to participate as a member of this IEP team and the principal or designee must take reasonable steps to ensure that one or both of the parents of a child with a disability are present at the meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed on time and place. If neither parent can attend a meeting, the principal or designee must use other methods to ensure parent participation, including individual or conference telephone calls. The custodial parent must be provided with a copy of the procedural safeguards.

A school cannot make a parent conference mandatory prior to the special education student being returned to campus after suspension. A conference may be suggested, but the student maintains the right of access to education under the IDEA after 10 cumulative days per school year, even if the parent does not attend the conference.

If the student's behavior is a manifestation of the student's disability, the IEP team must request an FBA and implement a behavior support plan, which includes the provision of PBIS, if such assessment for conduct was not completed prior to the behavior. If a behavior support plan has been developed, the IEP team must review the IEP, modify it as necessary to address the behavior, and include the provision of PBIS, and return the student to the placement from which the student was removed. Nothing herein must be construed as preventing the IEP team from proposing another placement, so long as the placement is appropriate and in the least restrictive environment.

If the IEP team determines that the student's behavior is not a manifestation, then the student may be suspended from school, or otherwise disciplined, in the same manner students not eligible for services under the IDEA. Nevertheless, such student must continue to receive educational services, so as 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, and receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior that gave rise to the violation so that it does not recur.

s. [1003.01\(5\)\(a\)](#), F.S. HCSD 5605

**b. Bus Suspension**

Suspension of students with disabilities from the bus must be counted as part of the cumulative 10 days, if transportation is needed for the student to access a free appropriate public education and an alternative means of arriving at school is not available.

HCSD 5610.04

**c. In-School Suspension**

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In-school suspension is the temporary removal of a student from the student's regular school program and a change of placement to an alternative program, such dropout prevention and academic intervention programs as provided in s. [1003.53](#), F.S., under the supervision of HCSD personnel, is not to exceed 10 school days.

A student's IEP must continue to be delivered while assigned to in-school suspension.

s. [1003.01\(5\)\(b\)](#), F.S.

HCSD 5610.02

### **3. Expulsion**

Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the HCSD, for a period of time not to exceed the remainder of the term or school year and one additional year of attendance.

A child with a disability can be expelled, but the District must continue to provide services related to his/her IEP (FAPE) in a manner to be determined by the District.

s. [1003.01\(6\)](#), F.S.

HCSD 5605

### **4. Exclusion and Supported Student Educational Services**

An exceptional student education exclusion is the removal of the right and obligation of a student to attend a public school under conditions set by the HCSD, and for a period of time not to exceed the remainder of the term or school year and one additional year of attendance; provided however, that appropriate educational services developed through an IEP will continue to be provided through some alternative means.

The educational services must enable the student to continue to participate in the general education curriculum, although in another setting, and to make reasonable progress toward meeting the goals set out in the student's IEP, and include, as appropriate, an FBA and behavioral intervention services modifications that are designed to address the behavior that gave rise to the violation so that it does not recur.

### **5. Disciplinary Action for Drugs and Weapons**

A student with a disability may be placed in the Interim Alternative Educational Setting (IAES) for up to 45 calendar days without parental consent for any of the following:

- Possession of dangerous weapons in school or at a school function;
- Possession, use, sale or solicitation of a controlled substance while at school or at a school function; or
- Causing serious bodily injury.

A dangerous weapon is defined as a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such item does not include a pocket knife with a blade of less than 2.5 inches in length. Serious bodily injury is defined as bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

s. [790.001](#), F.S.

s. [1001.43\(1\)\(a\)](#), F.S.

HCSD 5772

s. [790.115](#), F.S.

s. [1006.07](#), F.S.

### **6. Interim Alternative Education Setting**

An interim alternative education placement is a very restrictive placement that is permitted if the circumstances, as stated in the abovementioned expulsion section, exist as follows:

- Placement in an IAES may occur pursuant to the abovementioned expulsion section regardless if the behavior is or is not a manifestation of the student's disability.
- Under the circumstances set forth in the abovementioned expulsion section, placement in an IAES may occur at the request of the principal.
- An IEP team meeting must be scheduled within the first 10 days of placement. The principal or designee will take reasonable steps to ensure that one or both of the parents of a student with a disability are present at the meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed on time and place. If neither parent can attend an IEP team meeting, the principal or designee must use other methods to ensure parent participation, including individual or conference telephone calls.
- A meeting may be conducted without a parent in attendance if the principal or designee is unable to convince the parents that they should attend. In this case, the HCSD will keep a record of its attempts to arrange a mutually agreed on time and place.



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- The custodial parent must be provided a copy of the procedural safeguards.
- An MDR must be conducted at the IEP team meeting.
- When making a manifestation determination, the HCSD, parent and relevant members of the IEP team must review and take into consideration the student's present program and case history, including all relevant information in the student's file, the student's accommodation plan, any teacher observations and any relevant information provided by the parents.
- If prior to a manifestation determination meeting, the IEP team determines that an FBA is needed for a student with a disability, the IEP team will promptly request the FBA and postpone the student's discipline until the FBA is completed. The IEP team will consider the data gathered from the FBA in determining whether the student's behavior is or was a manifestation of the disability.
- The IEP team must then determine if the conduct was either of the following:
  - (a) Caused by, or had a direct and substantial relationship to, the student's disability or
  - (b) The direct result of the failure to implement the IEP.

A consensus of the members of the IEP team must make these determinations and such determination will be based upon the information reviewed by the IEP team. If either (a) or (b) is applicable, the conduct must be determined to be a manifestation of the student's disability.

- An FBA must be initiated within 10 days of placement. Staff from both the student's current and previous schools must participate in the FBA.
- A BIP must be developed immediately upon completion of the FBA.
- Educational services to be determined within 10 days of placement must do the following:
  - Enable the student to appropriately progress in the general education curriculum;
  - Enable the student to appropriately advance toward IEP goals; and
  - Include, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior that gave rise to the violation so that it does not recur.

s. [1003.31\(3\)](#), F.S.

s. [1006.07](#), F.S.

Rule [6A-6.03311](#), F.A.C.

s. [1003.57](#), F.S.

s. [1006.09](#), F.S.

Rule [6A-6.03312](#), F.A.C.

s. [1003.571](#), F.S.

## **L. Section 504 Services-Eligible Student Intervention Standards**

This policy for discipline of students eligible for services under Section 504 is designed to comply with Rule [6A-6.0331\(8\)](#); F.A.C., [34 CFR Part 104](#); and [29 U.S.C. § 794](#). The phrase "eligible for services under Section 504" refers to students who have been found eligible under Section 504 with or without a Section 504 Plan.

For purposes of this policy, if the student's sole impairment is drug or alcohol dependence, the student is not eligible for protection under Section 504 or Title II of the Americans with Disabilities Act (ADA), [42 U.S.C. §§ 12131-12165](#), if the student is currently a user of illegal drugs or alcohol. Such students may be disciplined in the same manner as other students for use or possession of illegal drugs or alcohol and will receive the same due process and substance-abuse assistance as other students under those policies.

### **1. Suspension**

Suspension, also referred to as out-of-school suspension, is defined as the temporary removal of a student from all classes of instruction on public school grounds, except as authorized by the principal or designee, for a period up to 10 cumulative school days and remanding of the student to the custody of the student's custodial parent with specific homework assignments for the student to complete. Any removal from school, even if the necessary paperwork for a formal suspension is not initiated or completed, counts toward the 10-day rule. All days a student with a disability spends out of school as a result of school action, whether formal or informal, apply toward the 10-day limit.

Prior to consideration of suspension, the school must have made and documented reasonable attempts to use less restrictive alternatives or interventions to decrease the inappropriate behavior.

Educational services may be provided during the 10 days but are not required.

If a Section 504-eligible student is arrested on campus and suspended, those days count toward the cumulative 10 days allowed each school year.



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The Section 504 team must meet no later than the seventh day of the cumulative suspension to do the following:

- Determine if the student's behavior is a manifestation of the student's disability;
- Request an FBA or review the student's current FBA and BIP; and
- Review the student's Section 504 Plan, if the behavior is a manifestation of the disability.

s. [1003.01\(5\)\(a\)](#), F.S.

HCSD 5605

**a. Manifestation Determination Review**

The MDR must be conducted at the Section 504 team meeting.

When making a manifestation determination, the HCSD, parent and relevant members of the Section 504 team must review and take into consideration the student's present program and case history, including all relevant information in the student's file, the student's accommodation plan, any teacher observation, and any relevant information provided by the parents.

The Section 504 team must determine if the conduct in question was either of the following:

- (a) Caused by, or had a direct and substantial relationship to, the student's disability; or
- (b) The direct result of failure to implement the Section 504 Plan.

A consensus of the Section 504 team members must make these determinations and such determinations will be based upon the information reviewed by the Section 504 team.

If either (a) or (b) is applicable, the conduct must be determined to be a manifestation of the student's disability.

Members of the committee must include the following personnel:

- A school psychologist or behavior specialist as a person knowledgeable of the evaluation procedures pursuant to the disability;
- A school nurse should be present to consult with the psychologist, if the behavior is a manifestation of the disability;
- A teacher, counselor or appropriate person knowledgeable of the student; and
- An administrator (not the recommending administrator) as the person knowledgeable of the suspension and expulsion process.

The student's custodial parent must be invited to participate as a member of this Section 504 multidisciplinary team and the principal or designee must take reasonable steps to ensure that one or both of the parents of a child with a disability are present at the Section 504 meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed on time and place. If neither parent can attend a Section 504 team meeting, the principal or designee must use other methods to ensure parent participation, including individual or conference telephone calls. The custodial parent must be provided with a copy of procedural safeguards.

A school cannot make a parent conference mandatory prior to the student eligible under Section 504, being returned to campus after suspension. A conference may be suggested, but the student maintains the right of access to education under Section 504 after 10 cumulative days per school year, even if the parent does not attend the conference.

If the student's behavior is a manifestation of the student's disability, the Section 504 team must request an FBA and implement a behavior support plan, which includes the provision of PBIS, if such assessment for conduct was not completed prior to the behavior. If a behavior support plan has been developed, the Section 504 team must review the Section 504 Plan, modify it, as necessary, to address the behavior and include the provision of PBIS, and return the student to the placement from which the student was removed. Nothing herein must be construed as preventing the Section 504 team from proposing another placement, so long as the placement is appropriate and in the least restrictive environment.

If the Section 504 team determines that the student's behavior is not a manifestation, then the student may be suspended from school, or otherwise disciplined, in the same manner students not eligible for services under Section 504 but not for a term longer than 10 cumulative days in a school year. The team should focus on progress toward meeting the goals set out in the student's Section 504 Plan, and review as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation that has occurred so that it does not recur.

**b. Bus Suspension**

Suspension of students eligible under Section 504 from the bus must be counted as part of the cumulative 10 days if transportation is needed for the student to access a free appropriate public education and an alternative means of arriving at school is not available.

HCSD 5610.04

**c. In-School Suspension**

In-school suspension is the temporary removal of a student from the student's regular school program and placement in an alternative program, such as that provided in s. [1003.53](#), F.S., under the supervision of HCSD personnel, not to exceed 10 school days.

A student's Section 504 Plan must continue to be delivered while assigned to in-school suspension.

Repeated removals of a student from the regular classroom to an in-school suspension are prohibited.

s. [1003.01\(5\)\(b\)](#), F.S.

HCSD 5610.02

**d. Suspension of Section 504-Eligible Students for 10 Days or Less**

Unless otherwise indicated by students' accommodation plans, students eligible for services under Section 504 are expected to follow the rules of the and Code of Conduct. Students who are eligible for services under Section 504 or ADA may be suspended for infractions as defined for all students with the following limitation: Suspension for 10 cumulative days or less—unless otherwise indicated by the accommodation plan, student suspension procedures will be followed for students who are eligible for services under Section 504 or ADA and recommended for suspension for 10 cumulative days or less in a school year.

**2. Exclusion and Supported Educational Services**

An exclusion is the removal of the right and obligation of a student to attend a public school under conditions set by the HCSD, and for a period not to exceed the remainder of the term or school year and one additional year of attendance, provided however, that appropriate educational services are developed through a Section 504 Plan and will continue to be provided through some alternative means.

The educational services must enable the student to continue to participate in the general education curriculum, although in another setting, and to make reasonable progress toward meeting the goals set out in the student's Section 504 Plan, and include, as appropriate, an FBA and behavioral intervention services modifications, that are designed to address the behavior that gave rise to the violation so that it does not recur.

**3. Manifestation Determination Review (MDR)**

MDR is a process by which parents and the school meet to determine if the student is being subjected to a disciplinary change in placement for behavior that is a manifestation of the student's disability. Whenever a student with a disability is subjected to a disciplinary change of placement (e.g., suspension or expulsion), the HCSD must conduct an MDR during a Section 504 team meeting.

If prior to a manifestation determination meeting, the team determines that an FBA is needed for a student with a disability, the team will promptly request an FBA and postpone the student's discipline until the FBA is completed. The team will consider the data gathered from the FBA in determining whether the student's behavior is or was a manifestation of the disability.

**4. Disciplinary Action for Drugs and Weapons**

A student with a disability may be placed in an Interim Alternative Educational Setting for up to 45 calendar days without parental consent for any of the following reasons:

- Possession of dangerous weapons in school or at school functions;
- Possession, use, sale or solicitation of a controlled substance while at school or at a school function; or
- Causing serious bodily injury.

A dangerous weapon is defined as a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such item does not include a pocket knife with a blade of less than two and one-half inches (2½") in length.

Serious bodily injury is defined as bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

s. [790.001](#), F.S.

s. [1001.43\(1\)\(a\)](#), F.S.

HCSD 5772

s. [790.115](#), F.S.

s. [1006.07](#), F.S.

## **5. Interim Alternative Educational Setting**

An interim alternative education placement is a very restrictive placement that is permitted if the circumstances, as stated in the abovementioned expulsion section, exist as follows:

- Placement in an IAES may occur pursuant to the abovementioned expulsion section regardless if the behavior is or is not a manifestation of the student's disability.
- Placement in an IAES may occur at the request of the principal. A Section 504 team meeting will be held as soon as possible.
- A meeting must be scheduled for placement. The principal or designee will take reasonable steps to ensure that one or both of the parents of a student with a disability are present at the meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed on time and place. If neither parent can attend a Section 504 accommodation team meeting, the principal or designee must use other methods to ensure parent participation, including individual or conference telephone calls.
- A meeting may be conducted without a parent in attendance if the principal or designee is unable to convince the parents that they should attend. In this case, the HCSD will keep a record of its attempts to arrange a mutually agreed on time and place.
- The custodial parent must be provided a copy of the procedural safeguards.
- An MDR must be conducted at the Section 504 team meeting.
- When making a manifestation determination, the HCSD, parent and relevant members of the team must review and take into consideration the student's present program and case history, including all relevant information in the student's file, the student's accommodation plan, any teacher observations and any relevant information provided by the parents.
- If prior to a manifestation determination meeting, the team determines that an FBA is needed for a student with a disability, the team will promptly request an FBA and postpone the student's discipline until the FBA is completed. The team will consider the data gathered from the FBA in determining whether the student's behavior is or was a manifestation of the disability.
- The team must then determine if the conduct in question was either of the following:
  - (a) Caused by, or had a direct and substantial relationship to, the student's disability or
  - (b) The direct result of failure to implement the Section 504 Plan.

A consensus of the members of the Section 504 team must make these determinations and such determination will be based upon the information reviewed by the Section 504 team. If either (a) or (b) is applicable the conduct must be determined to be a manifestation of the student's disability.

- An FBA must be initiated within 10 days of placement. Staff from both the student's current and previous schools will participate in the FBA.
- A BIP must be developed immediately upon completion of the FBA.
- Educational services to be determined within 10 days of placement must do the following:
  - Enable student to appropriately progress in the general education curriculum;
  - Enable the student to appropriately advance toward Section 504 Plan goals; and
  - Include, as appropriate, an FBA, behavioral intervention services, and modifications that are designed to address the behavior that gave rise to the violation so that it does not recur.

## **6. Expulsion of Section 504 Services-Eligible Students**

Students eligible for services under Section 504 or ADA may be recommended for expulsion as defined for all students.

Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the HCSD, and for a period of time not to exceed the remainder of the term or school year and one additional year of attendance. Expulsions may be imposed with continuing educational services and must be reported accordingly. The principal or designee must notify the 504 multidisciplinary team immediately when a student with a Section 504 Plan is being recommended for expulsion.

In addition, within 24 hours of the recommendation for expulsion, the principal or designee must provide written notice to the custodial parent and the student of the proposed expulsion and the date and time of the scheduled

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504 multidisciplinary team meeting to determine manifestation of the disability. The procedures for conducting an MDR and for ensuring parental participation must apply to proposals for expulsions.

The notice, procedural safeguards and a copy of this policy must be delivered by certified mail (return receipt requested) or the principal or designee must personally deliver it and obtain a signed receipt.

If it is determined that the misconduct is not a manifestation of the student's disability, the student may be expelled in the same manner as students not eligible for services under Section 504.

If it is determined that the student's misconduct is a manifestation of the student's disability, federal law does not permit the HCSD to cease all educational services. If it is determined that the student's behavior is a manifestation of the student's disability, the multidisciplinary team must conduct an FBA and implement a BIP, which includes the provision of PBIS, if such assessment was not completed prior to the behavior. If a BIP has been developed, the committee must review the plan, modify it, as necessary, to address the behavior and include the provision of PBIS. In either case, the student must be returned to the placement from which the student was removed. Nothing herein must be construed as preventing the team from proposing another placement, so long as the placement is appropriate and in the least restrictive environment.

s. [1003.01\(6\)](#), F.S. HCSD 5605

## **7. Re-evaluation**

Students found eligible under a Section 504 plan, with or without accommodations, who are recommended for a change of placement or expulsion must have a re-evaluation prior to a significant change in placement, as required by law.

s. [1003.31\(3\)](#), F.S.

s. [1006.07](#), F.S.

Rule [6A-6.03311](#), F.A.C.

s. [1003.57](#), F.S.

s. [1006.09](#), F.S.

Rule [6A-6.03312](#), F.A.C.

s. [1003.571](#), F.S.

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## **M. Glossary**

Student behavior occurring on a school campus, HCSD bus or bus stop, at a school or HCSD-sponsored function or field trip or while at other HCSD facilities, which is considered to be a violation of the Code of Conduct, is defined and described in this section. When a student commits an infraction, the behavior is classified according to the definition that best describes it. The use of words, such as battery and arson, are not meant to be considered equivalent to or to carry the same standards and consequences as the same words, which are defined in the criminal context in state law. The HCSD retains the flexibility and right to attach definitions found in HCSD policies to such words without attaching any criminal standards set by the courts or the Florida Legislature.

All students and parents must understand that, in addition to taking corrective strategies at the school level, certain criminal or disruptive behavior must be reported to school police by HCSD policies and procedures.

School Environmental Safety Incident Reporting definitions were developed to enable school districts to correctly code data used to report incidents that are against the law or represent serious breaches of the Standards of Intervention. Data are collected and reported at the state level and submitted to the U.S. Department of Education.

The notation of an asterisk (\*) next to the three-letter violation code listed in the glossary, represents School Environmental Safety Incident Reporting definitions and guidelines required by the Florida Department of Education.

**Abeyance** - Out-of-school suspension days issued, but not enforced if an alternative plan is completed. Examples include tobacco, alcohol or drug education classes. The student will be required to serve the days if the alternative plan is not followed.

**Abuse of School Property/Minor Vandalism** - To use wrongly or improperly, or to maltreat any school equipment or property. L2

**Aggravated Assault {OMC\*}** - An assault with a deadly weapon without intent to kill; or with intent to commit a felony. "Assault" is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.

(ss. [784.011](#) and [784.021](#), F.S.) L4

**Alcohol {ALC\*}** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of intoxicating alcoholic beverages. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation. L3

**Apology Letter** - Student makes amends for negative actions by taking responsibility to correct the problem created by the behavior through written declaration of remorse.

**Armed Robbery {ROB\*}** - The taking of money or other property which may be the subject of larceny from the person or custody of another, with intent to either permanently or temporarily deprive the person or the owner of the money or other property, when in the course of the taking there is the use of force, violence, assault, or putting in fear with the use of a firearm or other deadly weapon (s. [812.13\(1\)-\(2\)\(a\)](#), F.S.). L4

**Arson {ARS\*}** - To willfully and unlawfully, or while in the commission of any felony, by fire or explosion, damage or cause to be damaged: any dwelling, whether occupied or not, or its contents; any structure, or contents thereof, where persons are normally present; and any other structure that the person knew or had reasonable grounds to believe was occupied by a human being (s. [806.01\(1\)\(a\)-\(c\)](#), F.S.). L3

**Battery {BAT\*}** - Intentionally or knowingly causing great bodily harm, permanent disability, or permanent disfigurement or using a deadly weapon while committing a battery. The physical use of force or violence by an individual against another. The attack must be serious enough to warrant consulting law enforcement and result in more serious bodily injury to an individual who is not fighting back. (ss. [784.03](#) and [784.045](#), F.S.). L4

**Behavior Contract or Plan** - A written/verbal contract or plan for the student with stated goals, objectives and outcomes for the student to develop the necessary skills to address the stated incident.

**Bomb Threat {TRE\*}** - Intentionally making a false report to any person, including school personnel, concerning the placement of any bomb, dynamite, explosive, or arson-causing device. L3

**Breaking and Entering/Burglary {BRK\*}** - (Illegal entry into a facility) The unlawful entry with force, or the unauthorized presence in a building or structure or conveyance with evidence of the intent to damage or remove property or harm a person(s). L3

**Bullying/Cyberbullying {BUL\*}** - Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile or offensive environment, or unreasonably interfere with the individual's school performance or participation and as defined in SB Policy 5.002. L3

**Bus, Assigned Seat** - The temporary or permanent assignment to a specified seat on the school bus.

**Bus Disruption** - Behavior that disrupts or distracts the driver from safely operating the school bus. L2

**Bus Probation** - An alternative to bus suspension. A student placed on bus probation will, very likely, be suspended from the school bus if another bus violation occurs.

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**Bus Suspension** - Suspension of bus-riding privileges for a specified period of time. (Consequences for violations of transportation policies, rules or standards of conduct are not limited to the suspension of bus-riding privileges. Other sanctions, up to and including out of school suspension and expulsion may be imposed when warranted.)

**Cellular Telephone/Technology Violation** - The use of wireless communication devices, including, but not limited to, cellular telephones, camera telephones, MP3 players, iPods, readers and other electronic devices in violation of the time, place and manner as outlined in the Code of Conduct (HCSO Policy 5136). L1

**Cheating** - Obtaining or attempting to obtain, or aiding another to obtain credit for work, or any improvement in evaluation or performance, by any dishonest or deceptive means. This includes distributing or using information, notes, materials or work of another person in the completion of an academic assessment or examination, assignment or graduation requirements.

The unauthorized use or the sharing, distributing, publicizing or duplicating of any instructional materials, copied or written information obtained by any means that is intended to be used for academic or personal gain. (This would not include copying another student's work, the use of cheat sheets, or any cheating violation that can be resolved by the classroom teacher.) L1

**Check In-Check Out** - Daily contact with an assigned adult on campus. Student should see the adult before school starts each day, as well as at the end of the day.

**Computer/Technology Misuse-Major {OMC\*}** - The inappropriate use of a computer, including, but not limited to, breaking into restricted accounts or networks, modifying, or destroying files without permission, illegally copying software, and entering or distributing or printing unauthorized files. Accessing or entering unauthorized Internet sites; distributing inappropriate electronic messages. L3

**Computer/Technology Misuse-Minor** - Minor inappropriate use of a computer or technology without malicious intent. L1

**Conference with Student/Warning** - Administrative conference with student and warning about stated incident.

**Confiscation** - The confiscating of an item not permitted on school grounds. Depending on the item, the item could be turned over to law enforcement, held until parent comes to retrieve it, or returned to the student after a specified period of time.

**Conflict Resolution** - An umbrella term for a variety of activities that result in resolution of problems and normalized relationships.

**Confrontation** - A verbal confrontation, or the encouraging or inciting of a confrontation that has the propensity to escalate into a fight. L1

**Counterfeit** - To fashion or reproduce a document, money or other items with the intent to defraud; includes counterfeit money or documents; also, any Level 3-type incident that is inappropriate in a school setting and does not fit into another Level 3 category. Included in this category is culpable negligence, exposing another person to personal injury. L3

**Criminal Act Against a Person {OMC\*}** - Any person who attempts to commit, or who solicits another to commit, or who agrees, conspires, combines, or confederates with another person or persons to commit the offense of a battery, robbery, homicide, kidnapping, or sexual battery against another person or persons, and in such attempt does any act toward the commission of such offense, but fails in the perpetration or is intercepted or prevented in the execution of the offense. L4

**Dangerous Items {WPO\*}** - Any instrument or object, other than firearms, handguns or knives that could be deliberately used to inflict harm on another person, or could be used to intimidate any person. Included in this category are BB guns and toy or replica guns represented as real guns. Also, included in this category is the possession or storage of items which are prohibited at school, including, but not limited to, ammunition, magazines, flammable liquids, combustible materials, poisonous substances, mace, pepper spray, and any other items which may result in injury. (Note: If a weapon is used during an incident, that incident should be coded including an appropriate corresponding weapons-related entry and disciplinary action may increase substantially.) L3

**Detention** - Additional time a student must stay at school after other students have gone for the day, or on Saturday.

**Disobedient/Insubordination** - Failure to obey a reasonable instruction or request by a staff member. L1 (Repetitive L2)

**Disrespectful Language** - Written, verbal remarks or gestures that show a lack of respect, rudeness and are inappropriate. The use of words or acts which demean, degrade, antagonize or humiliate a person or group of persons. L1

**Disruption of a School Function {DOC\*}** - Any act which substantially disrupts the orderly conduct of a school function; behavior which substantially disrupts the orderly learning environment or poses a threat to the health, safety, and/or welfare of students, staff, or others. L3

**Disruptive (Unruly) Behavior or Play (Repetitive)** - Repeated referrals (three or more) for Level 1 disruptive behaviors including disruptive play, disrespectful language and any other repetitive behaviors that create a disruptive learning environment. L1/L2

**Dress Code Violation** - Dress in a manner that violates the school's dress code policy or in a manner that would constitute a safety hazard (s. [1006.07](#), F.S.). L1

**Driving and Parking Violations** - Driving on school grounds that is reckless in nature; parking in an area not designated for student parking; any other behaviors that create a disruption or danger in the student parking lot yet not to the degree that requires law enforcement.

**Drugs or Imitation Drugs Represented as Drugs {DRU\*}** - To store, possess, purchase, use, or be under the influence of any mood-modifying substance and/or dangerous substance listed in Chapter [893](#), F.S., including, but not limited to, marijuana,



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hallucinogens, inhalants, as well as any substance represented to be an illegal substance, such as “designer drugs,” or caffeine pills, tablets, or caplets, or any substance which is represented to be any such substance while on school property or jurisdiction of the HCSD. L4

**Drug Paraphernalia {OMC\*}** - To possess, use, sell, store or distribute any device or equipment used for the purpose of preparing or taking drugs, including, but not limited to, items listed in s. [893.145](#), F.S., and items which may be determined to be drug paraphernalia under the criteria set out in s. [893.146](#), F.S.. L3

**Drugs (Sale) {DRD\*}** - To sell or distribute any mood-modifying substance and/or dangerous substance listed in Chapter [893](#), F.S., including, but not limited to, marijuana, hallucinogens, inhalants, as well as any substance represented to be an illegal substance, such as “designer drugs,” or caffeine pills, tablets, or caplets, or any substance which is represented to be any such substance while on HCSD property, school transportation, or at a school-related function. L4

**Explosive Device {WPO\*}** - An explosive is any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including, but not limited to, dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, and detonators

(s. [790.001\(5\)](#), F.S.). L4

**Extortion/Blackmail/Coercion {ROB\*}** - The use of threat or intimidation to obtain anything of value from another person, including, but not limited to, money. L3

**Failure to Report a Weapon** - Students may be subject to school discipline if they fail to report another student being in possession of a weapon on school grounds, on school transportation and/or at a school-related activity to a school administrator or staff member. Students will not be disciplined if there is a preponderance of evidence that said student did not report the weapon possession out of fear of retribution and/or retaliation. L2

**False Fire Alarm/911 Call {OMC\*}** - Whoever, without reasonable cause, by outcry or the ringing of bells, or otherwise makes or circulates, or causes to be made or circulated, a false alarm of fire or 911 call. L3

**Fighting {FIT\*}** - Mutual participation in a hostile, physical encounter; mutual participation in an altercation involving physical violence. L3 (Note: Self-defense is described as an action to restrain or block an attack by another person or to shield self from being hit by another person. Retaliating by hitting a person back is not self-defense and will be considered as fighting.) This would require significant physical restraint and intervention from school officials.

**Firearm/Handgun/Rifle/Shotgun {WPO\*}** - Possession or sale of any firearm, including handguns, on school property, school sponsored transportation or during a school-sponsored activity. A firearm, including handguns, is any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer, any destructive device, or any machine gun, rifle, or shotgun. The term firearm does not include an antique firearm unless the antique firearm is used in the commission of a crime. A destructive device is any bomb, grenade, mine, rocket, missile, pipe-bomb, or similar device containing some type of explosive that is designed to explode and is capable of causing bodily harm or property damage. L4

**Firecrackers/Poppers** - Possession, use, sale, storage, or distribution of firecrackers, poppers or associated devices as long as the object is not used as a weapon or is not considered a weapon by state law. L2

**Forgery of a Document or Signature** - To fashion or reproduce the signature of another for fraudulent purposes. L2

**Gambling {OMC\*}** - One who participates in games of chance or skill for money, profit or anything of value. L2

**Harassment {HAR\*}** - Any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct. that (1) places a student or school employee in reasonable fear or harm to his or her person or damage to his or her property,

(2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or (3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person, that causes substantial emotional distress in such a person and serves no legitimate purpose, and as defined in HCSD Policy 5517. L3

**Hazing {HAZ\*}** - Any action or situation that endangers the mental or physical health or safety of a student for purposes of initiation or admission into or affiliation with any school sponsored organization. Hazing includes, but is not limited to: (a) pressuring, coercing or forcing a student to participate in illegal or dangerous behavior, or (b) any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements as described in HCSD Policy 5516. L3

**Homicide/Murder {HOM\*}** - The unlawful killing of a human being (s. [782.04](#), F.S.) and manslaughter - the killing of a human being by the act, procurement, or culpable negligence of another, without lawful justification (s. [782.07](#), F.S.). L4

**Inappropriate Activity** - Any activity that is disruptive and tends to interfere with the process of teaching and learning that cannot be coded in another Level 1 incident. L2

**Incitement** - The action of provoking unlawful behavior or urging someone to behave inappropriately. This can include, but is not limited to, the use of electronic devices or social media to provoke inappropriate activities. L2



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**In-School Alternative to Suspension** - An alternative to an out-of-school suspension that prevents a student from attending all or some classes. During the period of an alternative to suspension, the student is assigned to a self-contained alternative classroom.

**Instruments or Objects** - Possession of any instrument or object that could be used as a weapon (other than a firearm) may be considered under this heading if there has been no threatening or intimidating display of the instrument or object (e.g., BB guns and toy guns). L2

**Intoxicants {DRU\*}** - The inhaling or ingestion of intoxicants, including, but not limited to, glue, solvents, butane and whip cream, for the purpose of obtaining a mood-modifying experience. L3

**Intoxication/Impairment** - The condition of having physical or mental control markedly diminished by the effect of alcohol, drugs or other substances. L3

**Kidnapping or Abduction {KID\*}** - Forcibly, secretly or by threat, confining, abducting or imprisoning another person against the person's will and without lawful authority. L4

**Lewd or Obscene Act {SXO\*}** - The use of oral or written language, electronic messages, pictures, objects, gestures, or engaging in any physical act considered to be offensive, socially unacceptable, or not suitable for an educational setting. Included in this category are indecent exposure (exposure of private body parts to the sight of another person in a lewd or indecent manner in a public place), and obscenity (conduct which by the community standards is deemed to corrupt public morals by its indecency and/or lewdness such as phone calls or other communication or unlawful manufacture, publishing, selling, buying or possessing materials such as literature or photographs). L3

**Loss of Privileges** - The loss of privileges during school hours and non-school hours such as assemblies, incentive activities and sporting events.

**Lying /Misrepresentation** - Intentionally providing false or misleading information to, or withholding valid information from, a school staff member. L1

**Major Defiance** - Defying a reasonable administrative request or directive. Failure to follow this administrative directive puts the orderly operation of the campus and/or safety of an individual student or group of students at risk. L2

**Major Fight** - Any serious fight that involves a significant effort from multiples staff to intervene and separate. Students refuse verbal commands to stop and continue to fight after staff intervention. This causes a major disruption to the orderly function of a school campus. May result in serious bodily injury. L4

**Materials** - Unauthorized selling or distributing of materials during school, e.g., candy or magazines. L1

**Menacing Statements** - A medium level of threat which could be carried out, although it may not appear entirely realistic. The threat is more direct and more concrete than a low-level threat; the wording in the threat suggests that the aggressor has given some thought to how the act will be carried out; there may be a general indication of a possible place and time (though these signs still fall well short of a detailed plan). There is no strong indication that the aggressor has taken preparatory steps, although there may be some veiled reference or ambiguous or inconclusive evidence pointing to the possibility. L2

**Mentoring** - An agreed-upon adult or student who provides consistent support, guidance and concrete help to a student who needs a positive role model.

**Motor Vehicle Theft {STL\*}** - The theft or attempted theft of a motor vehicle. Examples include theft of a car, truck, motorcycle, golf cart, dune buggy, recreational vehicle or anything that is self-propelled. L3

**Out of Assigned Area** - Out of assigned area without permission or in a restricted access area without permission. L1

**Out-of-School Suspension** - The temporary removal of a student from school for a period of 1-10 days. During the out-of-school suspension, the student is prohibited from attendance at school or any school-related functions.

**Petty Theft/Stealing (less than \$300)** - The unlawful taking, carrying, leading, or riding away of property less than \$300 in value from the possession, or constructive possession, of another person. L2

**Physical Aggression** - Brief exchange of physical contact which could include pushing or shoving that doesn't result in significant injury and does not require significant adult intervention to separate or restrain. L2

**Minor Fighting** - The willful and unlawful use of force or violence upon the person of another that does not result in serious bodily injury. Does not require a significant effort to separate and students stop after verbal or physical intervention. Self-defense is described as an action to restrain or block an attack by another person or to shield self from being hit by another person. Retaliating by hitting a person back is not self-defense and will be considered as fighting. L3

**Physical Attack {PHA\*}** - An actual and intentional striking of another person against his/her will, or the intentional causing of bodily harm to an individual. L3

**Possession of Other Instruments or Objects** - Possession of items that are disruptive at school or may cause a minor safety violation. L2

**Prescription Medication** - To possess, use, store or be under the influence of another person's substance which requires a physician's prescription, to misuse one's own prescription medication, or to possess, store or use any over-the counter medication (other than those listed in Prohibited Items) without parent approval and school notification. L3

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**Profane/Obscene Language** - Abusive, profane, obscene or vulgar language (verbal, written, or gestures) or conduct in the presence of another person. Profane language can be classified into different discipline levels per the chart below:

Profanity	Level 1	Level 2	Level 3
General use	X		
Student to student		X	
Student to adult			X
Racial/ethnic/derogatory slurs			X

**Prohibited items** - Possession and/or use of items or contraband designated by the school as inappropriate materials and any other items that causes distraction or damage to persons or property or otherwise interfere with the learning process (included would be matches and lighters). Unauthorized possession or use of one's own prescription medication or over-the-counter mild pain medication, including, but not limited to, items such as aspirin, Advil, Aleve, Midol, No Doze, or herbal supplements, without parental approval and school notification. L1

**Public Displays of Affection** - Engaging in overtly amorous contact or language not appropriate in a school setting. L1

**Reckless Vehicle Use {OMC\*}** - The use of any motorized or self-propelled vehicle on school grounds in a reckless manner or so as to threaten the health, safety, welfare of others, or to disrupt the educational process. L3

**Restitution** - Repayment for damages or loss

**Restorative Practice** - A structured process guided by a trained facilitator in which the participants in an incident examine the intended and unintended impact of their actions and decide on interpersonal remedies to repair harm and restore relationship.

**Robbery {ROB\*}** - The taking or attempting to take anything of value that is owned by another under confrontational circumstances by force or threat of force of violence and/or by putting the victim in fear. (A key difference between robbery and armed robbery is that a threat of battery is involved in armed robbery.) L3

**School/Class Rules** - Violation of specific posted or written school or class rules that are not necessarily disruptive behaviors (e.g., repeated gum chewing) L1

**Self-Defense** - An action to restrain or block an attack by another person or to shield self from being hit by another person. Retaliating by hitting a person back is not self-defense and will be considered as fighting.

**Severe Inappropriate Activity** - In action taken by a student that substantially poses a risk to the safety and well-being of staff and students or that causes a significant disruption to the orderly function of a school that does not directly fall into another category. Such action by a student significantly erodes the norms of respect and civility required in an environment that is conducive to learning.

**Sexting Level 1** - The act of sending or forwarding sexually explicit, nude or partially nude photographs or images through electronic or physical distribution, cellular telephones or other electronic media. Level 1 is a personal one-to-one student-to-student transmission that is not coerced and not intended for redistribution. L2

**Sexting Level 2** - Sharing, transmission, or re-transmission of a sext to others, be it through physical or electronic distribution. L2 Repeated offense. L3

**Sexting Level 3 {OMC\*}** - Broad electronic or physical distribution of a sext without consent or transmittal with the intent to victimize another individual. L4

**Sexual Assault {SXA\*}** - An incident that includes a threat of rape, fondling, indecent liberties, child molestation or sodomy. Both male and female students can be victims. Classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offenders. L3

**Sexual Battery {SXB\*}** - Attempted or actual forcible penetration, forced oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object (s. [794.011\(1\)\(h\)](#), F.S.). This would also include the abovementioned sexual act if student was placed under the influence of drugs or alcohol with the purpose of committing such act. L4

**Sexual Harassment {SXH\*}** - Unwanted or repeated verbal or physical sexual behavior that is offensive and objectionable to the recipient causes discomfort or humiliation or creates a hostile environment (undesired sexual behavior toward another). L2

**Sexual Offenses Other {SXO\*}** - Sexual contact without force and/or threat, or subjecting an individual to lewd behavior, including sexual gestures, or the exposure of private body parts. L3

**Silent Lunch/Lunch Detention** - A separate facility or seating arrangement for the student during a regularly scheduled lunch period. Student may be requested to assist with some cafeteria clean up, such as sweeping, wiping tables, or assisting with other clean-up activities.

**Stay Away Agreement** - A formal agreement regulating the movements of the victim and offender in incidents of bullying and/or dating violence.

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**Stealing more than \$300 {STL\*}** - The unauthorized taking or concealing the property of another person, without threat, violence or bodily harm, with the intent to prevent or deprive the rightful owner of its use. This includes taking of property or taking property from a vehicle on school property. Law Enforcement is involved. L3

**Tardiness (Habitual)** - A consistent failure to be in a place of instruction at the assigned time. L1

**Threat (Non-criminal)** - A statement which does not meet the criteria of a criminal assault. A low-level threat that poses a minimal risk to the victim and public safety. The threat is vague and indirect; the information contained within the threat is inconsistent, implausible or lacks detail; the threat lacks realism; and the content of the threat suggests the person is unlikely to carry it out. L2

**Threat of Violence (High Level) {TRE\*}** - High level of threat is a threat that appears to pose an imminent and serious danger to the safety of others; the threat is direct, specific, and plausible; the threat suggests concrete steps have been taken toward carrying it out, for example, statements indicating that the aggressor has acquired or practiced with a weapon or has had the victim under surveillance. L4

**Time Out** - A disciplinary consequence where a student is removed from the classroom during the instructional school day and placed in an intervention setting where they will continue to receive instruction or work for a period of time less than one hour per one period.

**Tobacco Products {TBC\*}** - Possession, use, sale, storage or distribution of tobacco products on HCSD property. Tobacco and nicotine products include, but are not limited to, cigarettes, e-cigarettes, cigars, snuff, dip, pipe tobacco, chewing tobacco and hookah pens. L2

**Trespassing {TRS\*}** - To enter or remain on a public school campus, a HCSD facility, or at a school function without authorization or invitation and with no lawful purpose for entry, including students under suspension or expulsion; to enter or remain on a public school campus, a HCSD facility, or at an HCSD facility-sponsored activity without authorization after being directed to leave by the chief administrator or designee of the facility, campus, or function. L3

**Truancy (Unexplained Absence)** - An absence from class or school for which the reason or excuse is inadequate or does not meet the criteria for an excused absence. L1

**Unserviced Detention** - Failing to serve a detention that a student has been assigned, including lunch, after school and Friday or Saturday school. L2

**Vandalism (more than \$1000) {VAN\*}** - The willful and/or malicious destruction, damage, or defacement of public or private property, real or personal, without the consent of the owner or the person having custody or control of it. L3

**Verbal Assault** - Any intentional, unlawful threat, by word or act, to do violence to a HCSD employee, coupled with an apparent ability to do so, performing some act that creates a well-founded fear of imminent violence to another person. L3

**Victim Safety Plan** - A formal agreement specifying the actions students and school officials will take to protect the victims of bullying or dating violence.

**Voluntary Restitution** - Student designs and implements a plan to correct errors, apologizes or replace or repair property, or all of these.

**N. Acronyms**

**ADA** = Americans with Disabilities Act

**AOD** = Alcohol or other drugs

**ATOD** = Alcohol, tobacco and other drugs

**BIP** = Behavior intervention plan

**ELL** = English Language Learners

**FBA** = Functional Behavioral Assessment

**FERPA** = Family Educational Rights and Privacy Act

**FHSAA** = Florida High School Athletic Association

**FYS** = Florida Youth Survey

**GPA** = Grade-Point Average

**HCSD** = Hendry County School district

**IAES** = Interim Alternative Educational Setting

**IDEA** = Individuals with Disabilities Education Act

**IEP** = Individual Education Plan

**K** = Kindergarten

**LEP** = Limited English Proficiency

**MDR** = Manifestation Determination Review

**PBIS** = Positive Behavioral Interventions and Support

**PBS** = Positive Behavior Supports

**PPRA** = Protection of Pupil Rights Amendment

**PreK** = Prekindergarten

**HCSD** = School Board of Hendry County

## **O. Legal Notices**

### **1. Notification of the Family Educational Rights and Privacy Act (FERPA)**

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

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

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

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

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education 4  
00 Maryland Avenue, SW  
Washington, DC 20202-5901

Both parents have a right to see the school records of their child unless there is a certified copy of a court order on file at the school that specifically denies the right to access to school records.

Copies of school records are available for a minimal copying charge. If you have any questions about these rights, please contact your school office.

### **2. Notice of Social Security Number Disclosure**

Section 119.071(5)(a)2.-4., F.S. requires agencies to notify individuals of the purposes that require the collection of social security numbers. The HCSD collects, uses, or discloses social security numbers of students or parents, in part, for the following purposes, which are either authorized by law or imperative for the performance of the HCSD's duties and responsibilities as prescribed by law:

1. Student registration and student identification numbers. [Required to request by Fla. Stat. §1008.386 and Fla. Stat. § 119.071 (5) (a) 6.1008.386 notes as an exception: "However, a student is not required to provide their social security number as a condition for enrollment or graduation."]

2. Registration in an adult education program [Required by Fla. Admin. Code 6A-10.0381, if available and/or student identifier, as required by Fla. Stat. § 119.071 (5) (a) 6.]

3. Tracking of adult students enrolled in a postsecondary program. [Required by Fla. Admin. Code 6A-1.0955(3) (e), and by Fla. Stat. §119.071 (5) (a) 6]

4. Criminal history. Level 1 and level 2 background checks / Identifiers for processing fingerprints by Department of Law Enforcement/ Registration information regarding sexual predators and sexual offenders authorized by Fla. Stat. § 943.04351, if SSN is available. [Required by Fla. Admin. Code 11 C-6.003 and Fla. Stat. § 119.071 (5) (a)2 6]
5. Reports on students required to be submitted to Florida DOE [Authorized by Fla. Stat. § 119.071 (5) (a) 2& 6]
6. Tort claims and tort notices of claim against the School Board [Required by Fla. Stat. § 768.28 (6), and Fla. Stat. § 119.071 (5) (a) 6]
7. Use of motor vehicle information from the Department of Motor Vehicles for the District to carry out its functions and to verify the accuracy of information submitted by agent or employee to District, including to prevent fraud, in connection with insurance investigations, and to verify a commercial driver's license. [Authorized by federal law 18 U.S.C. 2721 et seq. and Fla. Stat. §119.071(5) (a) 6]
8. Information received from DOE to locate missing Florida School Children. {Required by Fla. Admin. Code 6A-6.083 and Fla. Stat. §119.071 (5) (a) 6]
9. National School Lunch Act application verification process /Eligibility for Free and Reduced Price Meals and Free Milk in Schools. [Required of the adult, if the person has a number, by federal law 42 U.S.C. 1751 et seq. and federal regulations 7 C.F.R. 245.2 and .3 and Fla. Stat. § 119.071 (5)(a)6]
10. Reports from Department of Motor Vehicles of each student whose driver's license is suspended for excessive unexcused absences and reports to Department of nonenrollment or non-attendance upon the part of a student who is required to attend some school. [Required by Fla. Stat. §322.091 (5) and §1003.27 and Fla. Stat. § 119.071 (5)(a)6]
11. Written verification from employer for vocational education, student follow up. [Required by Fla. Admin. Code 6A-10.0341 and Fla. Stat. § 119.071 (5) (a) 6]
12. Child abuse report to DCF, of student victim and subjects of report. [Required by Fla. Admin. Code 65C29.002 and Fla. Stat. § 119.071(5) (a) 6]
13. Identification of blood donors [Authorized by 42 U.S.C. 405 (c) (2) (D) (i)]
14. The disclosure of the social security number is expressly required by federal or state law or a court order. [Required by Fla. Stat. §119.071(5) (a) 6.]
15. Collection and/ or disclosure are imperative or necessary for the performance of the District's duties and responsibilities as prescribed by law, including but not limited for password identification to the District's network. [Authorized by Fla. Stat. §119.071 (5) (a) 6 and required by Fla. Stat. § 119.071 (5) (a) 2]
16. The individual expressly consents in writing to the disclosure of their social security number. [Authorized by Fla. Stat. §119.071 (5) (a) 6]
17. The disclosure of the social security number is made to prevent and combat terrorism to comply with the USA Patriot Act of 2001, Pub. L. No. 107-56, or Presidential Executive Order 13224. [Required by Fla. Stat. § 119.071 (5) (a) 6]
18. The disclosure of the social security number is made to a commercial entity for the permissible uses set forth in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Sec. 2721 et seq.; the Fair Credit Reporting Act, 15 U.S.C. Sec. 1681 et seq.; or the Financial Services Modernization Act of 1999, 15 U.S.C. Sec. 6801 et seq., provided that the authorized commercial entity complies with the requirements of this paragraph 5 in Fla. Stat. § 119.071. [Authorized by Fla. Stat. §119.071 (5)(a)6]
19. Income for Medicaid eligibility, determine the amount of medical assistance payments, process Medicaid billing, and provide program follow-up [Required by federal regulation 42 C.F.R. § 435.910, unless student applicant for Medicaid refuses to obtain a social security number, based on well-established religious objections].

### **3. Parental Rights and Safeguards Regarding the District's Use of Public Benefits and Insurance**

In 1988, the federal government signed into law a supplementary Medicaid program called the Medicaid Certified School Match Program. This program allows the HCSD to recover certain costs for the provision of health-, behavioral- and therapy-related services to eligible students. This activity will not affect the student's Medicaid insurance coverage in any way.

Federal and state law requires that the HCSD provide written notification to parents before accessing the child's or the parent's public benefits (e.g., Medicaid). This notice is provided at all individual educational plan (IEP) team meetings advising parents of their rights.

A one-time parental consent is required specifying that the parent understands and agrees that the public agency may access the child's or the parent's public benefits (e.g., Medicaid) or insurance to pay for services under 34 CFR Part 300 [[34 CFR §300.154\(d\)\(2\)\(iv\)\(A\)-\(B\)](#)]. Consent is currently obtained via the student's Emergency Information Card.

For children with disabilities who are covered by public benefits or insurance (e.g., Medicaid), the public agency may not use a child's benefits if that use would decrease available lifetime coverage or any other insured benefit, result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside the time the child is in school, increase premiums or lead to the discontinuation of benefits or insurance, or risks loss of eligibility for home and community-based waivers [[34 CFR §300.154\(d\)\(2\)\(i\)-\(iii\)](#)].

Parents have the right under 34 CFR Parts 99 and 300 to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration of the state's public benefits or insurance program (e.g., Medicaid) at any time.

Withdrawal of consent or refusal to provide consent under 34 CFR part 99 and part 300 to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents [[34 CFR §300.154 \(d\)\(2\)\(v\)](#)].

For more information regarding the Medicaid program in the HCSD, call 863-674-4100.

#### **4. Student Surveys and Privacy: Parent Notification of the Protection of Pupil Rights Amendment (PPRA)**

The PPRA of 1978, ([20 U.S.C. § 1232h](#); 34 CFR Part 98), is a federal law that affords definite rights to parents of minor students in relation to surveys that ask questions of a personal nature.

The PPRA seeks to ensure that schools obtain written parental consent before minor students are required to participate in any U.S. Department of Education (USDOE)-funded survey, analysis or evaluation that reveals information concerning the following:

- Political affiliations;
- Mental and psychological problems potentially embarrassing to the student and family;
- Sex behavior and attitudes;
- Illegal, antisocial, self-incriminating and demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program). For more information on the PPRA, please refer to HCSD 2416.
- religious practices, affiliations, or beliefs of the student or his/her parents; or

The HCSD, which receives funds from the USDOE, will comply with the requirements of PPRA for the collection and reporting of certain information by means of student surveys, as well as the requirements to protect student privacy. The HCSD participates in the Florida Youth Survey (FYS). The FYS is administered on an annual basis by the HCSD in conjunction with the Florida Department of Education and the Florida Department of Health. The FYS collects and reports information relative to student attitudes and behaviors on topics, such as school safety; substance use; and the prevalence of risky attitudes or behaviors, particularly with respect to alcohol and drug abuse. In addition, the surveys collect information on general health practices and human sexuality. The information is collected by survey anonymously on a sampling basis, and no personally identifiable information is obtained from or reported on any individual student.

Participation in FYS surveys is voluntary. No student is required to participate in such a survey if the student or the student's parent, if the student is a minor, objects to participation. A parent must provide written notification to opt out of survey participation; however, if a survey soliciting protected-area information is funded in whole or in part by any program administered by the USDOE, prior written consent will be obtained from the parent. PPRA affords parents certain rights; these include the right to the following:

- Consent before students are required to submit to a survey that concerns one or more of the "protected areas" if the survey is funded by a program of the USDOE;

- Receive notice and an opportunity to opt a student out of survey participation;
- Inspect, upon request and before administration will use, the protected information student surveys and related materials; and
- Transfer of rights from the parents to a student who is 18 years of age or an emancipated minor under Florida administrative rule.

### **5. Transportation: Notification of Parent Responsibility**

The HCSD must determine safety measures in the transportation of students, such as the designation of routes, bus-turning areas, student-stop locations, and the method of securement or positioning of students with special needs.

Parents and students are informed of their responsibilities and related HCSD policies as follows:

- To ensure the safe travel of their students during the portions of each trip to and from school and home when the students are not under the custody and control of the HCSD, including during each trip to and from home and the assigned bus stop when the HCSD provides bus transportation.
- To ensure that students ride only in their assigned school buses and get off only at assigned bus stops, except when the HCSD has approved alternative buses or arrangements.
- To ensure students are aware of and follow the HCSD's Code of Conduct while the students are at school bus stops and to provide necessary supervision during times when the bus is not present.
- To ensure that, when the physical disability of the student renders the student unable to get on and off the bus without assistance, the parent provides the necessary assistance to help the student get on and off at the bus stop, as required by HCSD policy and the student's IEP.

Please refer to the section entitled "Transportation" for further information or contact the school principal.

## **6. School Accountability and School Improvement Rating Reports**

Rule [6A-3.0121](#), F.A.C.School Accountability and School Improvement Rating Reports

Section [1002.20\(16\)](#), F.S., specifies that parents of public school students have the right to an easy-to-read report card about the school's grade designation or, if applicable the school's improvement rating, and the school's accountability report, including the school financial report.

A parent may contact their child's school principal for information related to these reports.

HCSD 5780

### **7. Blood Donation by a 17-Year-Old Student**

Section [743.06](#), F.S., allows minors, 17-years-old, to donate blood without parental consent. Parents who object must notify the school principal in writing.

"Removal of disabilities of minors; donation of blood without parental consent. — Any minor who has reached the age of 17 years may give consent to the donation, without compensation therefore, of her or his blood and to the penetration of tissue which is necessary to accomplish such donation. Such consent must not be subject to disaffirmance because of minority, unless the parent or parents of such minor specifically object, in writing, to the donation or penetration of the skin.

## **P. Forms**

## RELEASE OF DIRECTORY INFORMATION

The School Board of Hendry County, Florida

The School Board of Hendry County, Florida may release the following "directory information" without your permission unless you notify the principal in writing by August 31, 2022.

Directory information is defined as: 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.

In addition, a photograph of your child, a video of your child or displays of your child's work may be released to the media to publish your child's accomplishments, achievements or participation in school events. In addition, your child's picture may be displayed in Hendry County School District-sponsored publications.

Under the provisions of the Family Educational Rights and Privacy Act, you have the right to withhold the release of the directory information items listed above. If you decide you do not want the school to release the directory information, please indicate here your request to withhold the abovementioned directory items. You may request that directory information not be released except for having your child's name and photograph appear in the school yearbook.

Please check one of the following:

- ☐ I do not want my child's directory information released, including, but not limited to, any military recruiter.
- ☐ I do not want my child's directory information released to the public for media articles and television stories about students and schools.
- ☐ I do not want my child's directory information released except for the following purposes:
  - school yearbook (local)
  - school website and social media (local and district)
  - school newsletter and newspapers (local and district)
  - school newscasts (local)
  - newspaper articles about students and schools (local and district)
  - television stories about students and schools (local and district)

Parent Name: \_\_\_\_\_ Parent Signature: \_\_\_\_\_

Student Name: \_\_\_\_\_

School Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Date: \_\_\_\_\_

If this form is not received by the school principal by **August 31, 2022** it will be assumed that the above information may be released. Please note that, notwithstanding the completion and submission of this document, directory information may be released to local, state and federal law enforcement agencies to the extent disclosure is permissible by the Family Educational Rights and Privacy Act.



## Every Student Succeeds Act Opt-Out Form (Military and Postsecondary)

The School Board of Hendry County, Florida

Pursuant to the Every Student Succeeds Act (ESSA), section [8528](#), the Hendry County School District is required to disclose, upon request, the name, address, and telephone number of 11th and 12th grade students without prior consent to:

- **Armed services and military recruiters** for their use in mailing notices to students regarding opportunities available to them in the United States Armed Forces. Confidentiality of the list must be protected by the armed services personnel responsible for such lists.
- **Institutions of higher education** (postsecondary institutions). Confidentiality of the list must be protected by the higher education personnel responsible for such lists.

However, parents or guardians and eligible students (those over the age of 18), may opt out of having this information disclosed by indicating their choice below.

### Information disclosed to armed services and military recruiters:

- ☐ I will permit the limited information listed above to be disclosed to armed services and military recruiters.  
☐ I will not permit the limited information listed above to be disclosed to armed services and military recruiters.

### Information disclosed to postsecondary institutions:

- ☐ I will permit the limited information listed above to be disclosed to postsecondary institutions.  
☐ I will not permit the limited information listed above to be disclosed to postsecondary institutions without my prior permission.

**Note:** This form must be completed and submitted to the school on an annual basis, regardless of the chosen option, within five days from the first day of school or from the date of enrollment, if a student enrolls after the start of the school year.

In addition to this form, all 11th and 12th grade students must also complete the Release of Directory information Form provided in the Student Code of Conduct and Intervention Handbook.

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

School Name: \_\_\_\_\_

Parent/ Guardian/Eligible Student's Name (Print): \_\_\_\_\_

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

Date: \_\_\_\_\_

## Acknowledgement Form

Dear Parent or Guardian:

The School Board of Hendry County's Student Code of Conduct was developed by a committee of educational leaders with input from our broader stakeholder community.

The Code of Conduct clearly identifies most of the student behavior problems prevalent in school, school activities and school transportation and the policies for acceptable use of electronic resources and communication. This document also outlines the consequences for student misconduct and inappropriate behavior.

This document is not intended to be read from a negative point of view but rather with the attitude that parents and students deserve to know the rules and then act accordingly.

Any student, parent or guardian alleging unfair or discriminatory treatment may file a written complaint with the school and the Hendry County School District (HCSD). Complaint forms are available at every school, the main district office and the sub district office, and may be downloaded from the HCSD's website at [www.hendry-schools.org](http://www.hendry-schools.org).

Students are also expected to adhere to the policies and procedures outlined in the School Board of Hendry County Information Technology Policies and Procedures Manual. A copy of this manual can be downloaded from the HCSD's website at [www.hendry-schools.org](http://www.hendry-schools.org) and is also available at every school.

After reading the Code of Conduct, please sign and return this form to the school within five days but no later than August 31, 2022.

Name of Student \_\_\_\_\_ Grade \_\_\_\_\_

Parent/Guardian \_\_\_\_\_ Date \_\_\_\_\_

Parent Email Address \_\_\_\_\_

Teacher \_\_\_\_\_

## Formulario de Reconocimiento

Estimado padre o tutor:

La Junta Escolar del Condado de Hendry, Código de Conducta fue desarrollada por un comité de líderes de las escuelas con información de la parte de varios miembros de nuestra comunidad escolar.

El Código de Conducta Estudiantil identifican claramente la mayoría de los problemas de conducta de los estudiantes que prevalecen en la escuela, las actividades escolares y el transporte escolar y las políticas para el uso aceptable de los recursos electrónicos y la comunicación. Este manual también describe las consecuencias de la mala conducta de los estudiantes y el comportamiento inapropiado.

Este manual no está pensado para ser leído desde un punto de vista negativo, sino con la actitud de que los padres y los estudiantes merecen conocer las reglas y luego actuar en consecuencia.

Cualquier estudiante, padre o tutor que alegue un tratamiento injusto o discriminatorio puede presentar una queja por escrito ante la escuela y el Distrito Escolar del Condado de Hendry (HCSD). Los formularios de quejas están disponibles en todas las escuelas, la oficina principal del distrito y la oficina del subdistrito, y se pueden descargar del sitio web de HCSD en [www.hendry-schools.org](http://www.hendry-schools.org).

También se espera que los estudiantes se adhieran a las políticas y procedimientos descritos en el Manual de Procedimientos y Políticas de Tecnología de la Información del Consejo Escolar del Condado de Hendry. Se puede descargar una copia de este manual del sitio web de HCSD en [www.hendry-schools.org](http://www.hendry-schools.org) y también está disponible en todas las escuelas.

Después de leer el Código de Conducta Estudiantil, firme y envíe este formulario a la escuela dentro de los cinco días pero antes del 31 de Agosto, 2022.

Nombre de estudiante \_\_\_\_\_ Grado \_\_\_\_\_

Padre \_\_\_\_\_ Fecha \_\_\_\_\_

Correo electrónico de los padres \_\_\_\_\_

Profesor \_\_\_\_\_