

**CODE OF STUDENT CONDUCT AND DISCIPLINE  
(208 E)**

**PREFACE**

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

The code covers student rights and responsibilities as well as violations of conduct, which could lead to disciplinary responses up to and including expulsion. Discipline problems not listed in the code shall be within the jurisdiction of each school under the guidance of the district discipline office. Each school is authorized to attach local school rules to the Code of Student Conduct and Discipline as long as such rules and regulations do not conflict with this code.

Throughout this code, reference will be made to other policies that are incorporated herein by reference and can be found in full form on the Volusia County School Board Policies website located on BoardDocs.

**INTRODUCTION**

This Code of Student Conduct and Discipline is intended to address the responsibilities and requirements in regard to student discipline set out in the following sections of the Florida Statutes: section 1006.07 – District School Board Duties Relating to Student Discipline and School Safety; section 1006.13 – Policy of Zero Tolerance for Crime and Victimization; section 1006.08 – District School Superintendent Duties Relating to Student Discipline and School Safety; and section 1006.09 – Duties of the School Principal Relating to Student Discipline and School Safety. The purpose of this code is to make available to school personnel, students, and parents/guardians rules governing student conduct and discipline adopted by the School Board of Volusia County in order to ensure that:

1. students will understand what behavior is expected of them as well as the range of consequences for misbehavior; and
2. students will be assured of fair and consistent treatment and will understand the procedures for discipline and appeal.
3. schools will identify students in need of additional behavioral support and provide positive intervention(s) matched to their needs.
4. schools will inform parent/guardian if more intensive, positive behavioral interventions are required.

The code is intended to be an instructive policy based on interventions and supports for students. However, when consequences are warranted, they shall be implemented based on a system of progressive discipline. Minor infractions and first offenses have a less serious consequence than major infractions and repeat offenses. Factors such as age, grade level, social, emotional, and intellectual development, disability, special education status, other contributing factors to the student's behavior, the degree of harm caused and the student's willingness to repair the harm shall also be considered. Disciplinary issues will be resolved by every means possible prior to exclusion from school, however, it is recognized that some events are of a nature that require immediate removal from the campus. The safety and security of all individuals on campus is paramount.

**PARENT/GUARDIAN RESPONSIBILITIES**

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

1. maintaining a positive attitude toward education;
2. showing an interest in their children's progress through regular communication with their children and the school;
3. assuring that their children are neat, clean, and appropriately dressed;
4. ensuring their children's timely daily attendance;

5. reporting and explaining promptly to the school officials any absence;
6. teaching their children respect for authority of school personnel;
7. informing the school immediately of any condition or circumstance, which may affect their children's ability to learn, to attend school regularly, or to participate in school activities;
8. cooperating with school personnel in solving disciplinary problems;
9. not allowing their children to disrupt the education of others.

### **APPLICATION OF THE CODE**

This code applies to EVERY student who is under the jurisdiction of the School Board of Volusia County. It will be in effect on school property, at other places where teachers and school administrators have jurisdiction over students, such as extracurricular activities (athletics, dances, concerts, field trips, etc.) and applies to all student use of electronic hardware, software, and/or internet applications being used in a class, school or district activity, including where such use occurs off campus. This code also applies to students when they are being transported on school buses and at all bus stops, to students participating in Hospital/Homebound, Off-campus Instruction Program and for any off-campus conduct as provided by law. In addition, jurisdictional control over students may be extended as per Florida Statute Sections 1006.07, 1006.08, 1006.09, 1006.13, 1006.147, and 1003.31 whenever the conduct of a student is deemed to have a detrimental effect on the health, safety, and welfare of any member of the school community or the learning environment of the school.

### **SAFETY AND SECURITY**

The following safety and security protocols apply to all students, including students with disabilities. The application and enforcement of the safety protocols for a student with disabilities, however, must be in accordance with the student's IEP/BIP/504 plan (when applicable), Rule 6A-6.93312 of the Florida Administrative Code, and Title II of the Americans with Disabilities Act (ADA).

With the increase of security awareness and protocol, Volusia County Schools has implemented the following procedures for the safety and security of students, staff and visitors to Volusia County Schools sites and sponsored events:

**Prohibited Items** - (non-exhaustive list): controlled or illegal substances such as alcohol or drugs; drug paraphernalia including matches, lighters, and vapes; weapons including knives, chains, sling shots, tear gas, razor blades, etc.

**Backpacks** – Bookbags and/or backpacks should be limited to standard dimensions. Those larger than 15" x 21" are prohibited. Duffel or large bags are prohibited from being used and may be confiscated upon entering a Volusia County School site or event. Only clear bags are allowed at after school events such as sporting events, graduations or programs in the auditorium or cafeteria. This includes school-sponsored events that take place off campus. Small handbags (clutches) and diaper bags are the exception. All bags, however, are subject to search. Any backpack, bag, carrying device or musical instrument carrying case is subject to search prior to entering the campus or off campus event as posted on all school board sites.

**Earbuds**- In order for students to be made aware of security announcements or other hazardous situations in a timely manner, it is expected that all students will keep earbuds put away in a backpack or purse during the instructional day.

Safety is the responsibility of everyone. All should be active and engaged in our shared school safety and security responsibility. Students are required to report any threats to an adult and staff are required to immediately report to the administration. FortifyFL is an anonymous mobile app for reporting suspicious activity which can be used by anyone to report any threats towards a person or school. All are encouraged to download and utilize FortifyFL at [www.getfortifyfl.com](http://www.getfortifyfl.com). Remember, if you see it, don't spread it. Report it!

#### **I. Students' Rights and Responsibilities**

Students are entitled to a public education as long as they adhere to the guidelines set forth in this code. School

authorities will place limitations on the rights of students when necessary to prevent disruption on the school campus, on school buses, and at school-sponsored activities.

## ATTENDANCE

### **RIGHTS**

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

### **RESPONSIBILITIES**

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

## RESPECT FOR PERSONS AND PROPERTY

### **RIGHTS**

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

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

Students have the right to privacy consistent with applicable laws.

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

### **RESPONSIBILITIES**

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

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

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

Students have the responsibility to exhibit respect for themselves and others by dressing appropriately and in accordance with the adopted dress code, recognizing the role that appropriate dress and respect for self and others has on an orderly learning environment.

## KNOWLEDGE AND OBSERVATION OF RULES AND CONDUCT

### **RIGHTS**

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

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

### **RESPONSIBILITIES**

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

Students have the responsibility to follow the rules and regulations of the school center so as not to jeopardize the safety, security, health, and welfare of others. This includes having your school-issued identification badge displayed during school and at all school activities.

## **RIGHT TO LEARN**

### **RIGHTS**

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

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

### **RESPONSIBILITIES**

Students have the responsibility to learn and pursue an education.

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

## **RIGHT TO FREE SPEECH AND PUBLICATION**

### **RIGHTS**

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

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

### **RESPONSIBILITIES**

Students have the responsibility to contribute to a positive atmosphere.

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

## **RIGHT TO ASSEMBLE**

### **RIGHTS**

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

### **RESPONSIBILITIES**

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

## **PARTICIPATION IN SCHOOL ACTIVITIES**

### **RIGHTS**

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

### **RESPONSIBILITIES**

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

## **MEDIA ACCESS TO SCHOOL ACTIVITIES**

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

## II. Disciplinary Offenses and Responses

### A. Definitions

1. Alcohol - all beverages and/or edible items or substances containing alcohol in any percent by volume, including distilled spirits.
2. Alternative Education - An educational program used in lieu of suspension or expulsion. Students assigned to an alternative education program are prohibited from attending or participating in other Volusia County Schools' events or activities, where the code of conduct is in effect. For the purpose of this policy, the term "alternative education" does not include schools of choice.
3. Ammunition - the various projectiles together with their fuses, propelling charges, and primers that are fired from guns.
4. Arson - willful and malicious damage to any structure by fire or explosion.
5. Assault - intentionally threatening by word or act to do violence to another person, combined with an apparent ability to commit violence, which creates a well-founded fear in the person that violence is imminent.
6. Battery - physically striking another person against that person's will causing bodily harm to another person.
7. Bomb threats - intentionally making a false report to any person, including school personnel, concerning the planting, or placing of any bomb, dynamite or other arson causing device.
8. Bullying - shall have that meaning provided in School Board Policy 525 and shall include cyberbullying and cyberstalking. See BoardDocs to review the referenced policy.
9. Burglary - breaking and entering a building or vehicle with the intent to commit a crime.
10. Case management - The collaborative process that assesses, plans, implements, coordinates, and monitors services required to meet the student's educational and service needs.
11. Cheating/Academic dishonesty - to influence by deceit, trick, or fraud, to violate rules for personal gain or the gain of others. To obtain by deceit a grade or reward to which one is not entitled. To plagiarize.
12. Civil citation program – a process established in section 985.12, Florida Statutes for providing an alternative to custody by the Department of Juvenile Justice to children who commit non-serious delinquent acts. This process requires an admittance of guilt, must be agreed to by the student and his/her family, is only available to first time offenders and involves an assessment of consequences that may include community service, case management, counseling and other intervention services. Eligibility for the civil citation program is made by law enforcement in conjunction with the Department of Juvenile Justice. The District promotes the appropriate use of civil citation. If consulted by law enforcement, school personnel may recommend consideration of the program, but do not determine eligibility under state law.
13. Cyberstalk - to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person(s), causing substantial emotional distress to that person(s) and serving no legitimate purpose.

14. Disorderly conduct - any act which substantially disrupts the orderly conduct of a school function, or substantially disrupts the learning environment or poses a threat to the health, safety, and/or welfare of others.
15. Disruption - behavior which is willful and overt initiated on the part of the student and which requires the attention of school personnel to deal with the incident. This would include promoting or inciting other students to fight.
16. District Student Placement Committee - the committee whose membership is designated by the superintendent, with the responsibility for determining whether a student should be recommended for expulsion or for another placement.
17. Drug paraphernalia - all equipment, products, and materials of any kind which are used, intended for use, or designated for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Chapter 893, Florida Statutes. The term includes, but is not limited to, items listed in Section 893.145 of Florida Statutes, and items which may be determined to be drug paraphernalia under the criteria set out in Section 893.146 of Florida Statutes.
18. Drugs - all substances defined as controlled substances under Chapter 893, Florida Statutes, including marijuana, hallucinogens, inhalants; any substance represented as a controlled substance by any person intending to deliver or sell said substance to another, whether or not the substance is a controlled substance.
19. Drugs and Alcohol:
  - a. Possession - to have unlawful custody or control over any substance defined as a drug or alcohol under this code; prescription medication is exempt from the definition of possession if the student in possession of the medication has a valid prescription for that medication and has followed the prescribed procedures for administration of medication.
  - b. Distribution - the delivery of a drug or alcohol to another by one who is responsible for the introduction of the drug or alcohol upon school board property or at a school-sponsored event. Where quantities of the drug or alcohol are extremely small, or where there is some question as to whether the substance was willingly distributed, or where there was a number of individuals passing the same item or substance, the classification of distribution versus possession may be determined by the charging document filed in juvenile and/or criminal court.
  - c. Sale - the delivery of a drug or alcohol to another in return for money or other consideration.
  - d. Use - introduction of alcohol or a drug into the body. Use means the person is caught in the act of using, admits to using or is discovered to have used in the course of an investigation.
20. Electronic tampering/Electronic device misuse - the use of a computer, fax machine, telephone, cell phone, smart phone, camera or other electronic device to take any of the following actions or any similar action is unauthorized and prohibited: violating the acceptable use policy, unauthorized hacking into or accessing or breaking into restricted accounts, networks, or private accounts; modifying or destroying files without permission; illegally copying software; and entering, accessing, viewing, distributing, or printing inappropriate/unauthorized files, images, videos, programs, pornographic sites, or sites advocating hate, violence, and/or illegal activity.

This includes, but is not limited to, “sexting”. The use of an electronic device to distribute pictures or video obtained without consent or to distribute pictures or videos freely given, but without consent to forward.

21. Exclusionary Discipline – Disciplinary consequences that remove students from learning in their regular classroom, including referrals to law enforcement, expulsion, involuntary discipline transfers, out-of-school suspension, in-school suspension, class suspension, and other informal short-term removals. Exclusionary does not refer to short-term consequences or interventions used by teachers to address misconduct, including through brief time-outs, or other interventions, while generally keeping the student in the classroom environment. Such “exclusionary” consequences also do not include other consequences or interventions that do not remove students from learning in their regular classroom, such as contact with parent(s)/guardian(s), lunch or after-school detention, Saturday school, or counseling.
22. Explosive device - a prepared chemical or powder device designed to explode or burn, not unaltered commercial fireworks.
23. Expulsion - the discontinuation of educational services provided by Volusia County Schools for a period of time prescribed by the school board. Students under expulsion are prohibited from attending or participating in Volusia County Schools’ events or activities, where the code of conduct is in effect.
24. Extortion/threats - threatening another with the intent to obtain money or other property or to compel that person to do an act or refrain from doing an act against his/her will.
25. False alarms - intentionally initiating any false alarm, including but not limited to contacting 911.
26. False document - to make, possess, or sign a counterfeit or forged school related document such as a pass or an excuse.
27. False report - Knowingly filing a false report. Willfully giving or conveying to any law enforcement officer or school official false information or reports concerning the alleged commission of any crime under the laws of the state, or ethical violation of school board policy, knowing that such information is false, in that no crime or ethical violation has been committed.
28. Fighting - mutual participation in a fight involving physical violence where there is any degree of injury or where physical restraint is necessary. Does not include verbal confrontations, tussles, or other minor confrontations.
29. Firearm - any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm or firearm silencer; any destructive device; or any machine gun. 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. Includes firearms of any kind (operable or inoperable, loaded or unloaded), including but not limited to hand, zip, pistol, rifle, shot gun, starter gun, and/or flare gun.
30. Fireworks - explosives or combustibles used to produce light, smoke, odor, or noise.
31. Forgery - to make a document with the intent to defraud.
32. Gambling - to bet money or other stakes on an outcome or a game, contest, or event.
33. Harassment - any threatening, insulting, or dehumanizing gesture, use of data, or electronic communication, or written, verbal or physical conduct directed against a student or school employee that places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits and/or has the effect of

substantially disrupting the orderly operation of a school. (See also School Board Policy 509 – Prohibition of Harassment.)

34. Hazing - any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes, including, but not limited to, initiation, admission into, affiliation with or 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, forcing or coercing the student into violating state or federal law, consuming any food, liquor, drug, or other substance, or any brutality of a physical nature, such as whipping, beating, branding or exposure to the elements. 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. Soliciting another to commit an act or being actively involved in the planning of an act of hazing is also considered an offense. Disciplinary action for hazing may not be based solely on an anonymous report.
35. Hitting/Striking - Purposely making forceful contact with another against his/her will which does not result in an injury, and which does not constitute battery; biting, spitting, or throwing bodily fluids (not covered under battery.)
36. Hitting/Striking with injury - purposely making forceful contact with another against his/her will resulting in an injury and which would constitute battery, but where the injured party elects not to pursue criminal charges.
37. Horseplay - rowdy, rough play that interferes with proper order.
38. Inappropriate touching - any contact or touching of a sexual nature which is inappropriate for an educational setting or event.
39. Indecent exposure - exposing or exhibiting sexual organs in any public setting.
40. Informal Removals – do not include short-term consequences or interventions, including, but not limited to, brief breaks, cooldown sessions, sensory breaks, or other timeouts that may remove the student from the learning environment for brief periods that are part of an Individualized Education Plan (IEP), Section 504 plan, or Behavioral Intervention Plan (BIP); evidence-based interventions used by teachers or classroom support personnel to address behavioral challenges, including through brief time-outs or other interventions, while generally keeping the student in the classroom environment; or other consequences or interventions that do not remove students from learning in their regular classroom, such as contacting parent(s)/guardian(s), after-school detention, Saturday school, or counseling.
41. Insubordination - behavior, acts, or words which are disobedient. Failure to respect the authority of the school or its faculty.
42. Laser lights - any device which projects a concentrated beam of light in one or more discrete wavelengths.
43. Look alike guns - any replica firearm or toy gun or object which looks like an actual firearm, or toy gun or object which is purposely displayed or represented as a firearm.
44. Malicious threats of violence - threats that do not constitute assault. Words or acts that are not coupled with an apparent ability to do so or which do not create a well-founded fear that such violence is imminent. This would also include social media, text messaging, hand-written notes, verbal communication, etc. used to incite fear on the school campus. This does not require, but may include law enforcement involvement.
45. Motor vehicle theft - theft or attempted theft of a motor vehicle.



46. Multi-Tiered System of Supports (MTSS) – an evidence-based model using data-based problem-solving to integrate academic and behavioral instruction and intervention delivered to students in varying intensities (multiple tiers) based on need, which ensures district resources reach the appropriate students/schools at the appropriate levels to accelerate the performance of all students to achieve and/or exceed proficiency.
47. Non-prescription medication - use, distribution, or sale of any over-the-counter medication(s).
48. Off-campus felony - any student who is reported to have been formally charged (petition filed) by the state attorney with a felony offense may be suspended and expelled from school attendance in accordance with the district's procedure. This section also applies to any student reported by the court who has been found to have committed a delinquent act, which, if committed by an adult, would be a felony.
49. Off-campus instruction - for the purpose of this policy, an alternative educational program that may be used for students who are being considered for expulsion. Off-campus instruction is offered to students whose suspension is extended beyond 10 days. Students assigned to the off-campus instruction program are prohibited from entering any school during the period of suspension without express permission of the principal/designee or attending or participating in other Volusia County Schools' events or activities.
50. Pornographic materials and communications - vulgar or obscene materials or communications, oral or written. This includes notes and phone calls and other communications such as Internet communications, as well as the possession of lewd or obscene drawings, pictures, or magazines. Magazines, which depict nude models, are included in this category.
51. Possession - to have custody or control over an item or items. This includes, but is not limited to, having an item on yourself, or in your personal belongings. This includes lockers and vehicles.
52. Principal to a criminal act - aiding, abetting, counseling, hiring, or otherwise procuring a criminal offense, where such offense is committed or is attempted to be committed.
53. Problem Solving Team - intervention driven/progress monitoring teams at each school site which assists students, families, and teachers in seeking positive solutions for all students. A critical component of problem-solving teams is the collaboration of all stakeholders within the school community (i.e., school administrators, teachers, school psychologists, guidance counselors, school social workers, speech/language clinicians, reading specialists, parents, and other relevant personnel including community agencies when necessary).
54. Profane, obscene, or vulgar language - any expression in any language, either verbal, written, or by gesture which is disruptive and/or offends individuals or groups and violates the norms of the school and community.
55. Propellants - a gas or liquid, which is expelled from a canister or container designed for personal protection.
56. Qualified Individual with a Disability (Student with a Disability) – an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity. This includes any student with a disability, regardless of whether the student receives services or accommodations under an IEP or section 504 plan.
57. Riot - a violent disturbance by three or more students with a common purpose.

58. Robbery - taking money or other property from the person or custody of another by the use of force or threat.
59. Scuffling - wrestling, grappling, hitting, or tussling on the part of two or more students in which there is no degree of injury.
60. Secret societies - the organization of, establishment of, promotion of, membership in, or pledge of membership in any secret fraternity, sorority, or group (including a gang) wholly or partly composed of student(s) enrolled in the public schools and which perpetuates itself wholly or partly by taking in additional members on the basis of the decision of its membership rather than on the right of any student who is qualified by the rules of the school to be a member. Displaying or wearing any secret society organization logo in any way disruptive of the educational program is prohibited.
61. Sexual battery - any sexual act or attempt directed against another person, forcibly and/or against the person's will where the victim is incapable of giving consent because of his or her youth or because of temporary or permanent mental incapacity. This category includes rape, indecent liberties, child molestation, and sodomy. This category requires law enforcement involvement and the filing of criminal charges.
62. Sexual harassment - as defined in School Board Policy 509, including any of the following actions or activities: unwanted, verbal, or physical sexual behavior which is offensive and objectionable to the recipient causes discomfort or humiliation and interferes with school performance. Examples include, but are not limited to, touching breasts or buttocks, verbal comments, touching oneself in front of others, and/or spreading sexual rumors.
63. Suspension - a temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities except as authorized by the principal or the principal's designee, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student's parent(s)/guardian(s) with specific homework assignments for the student to complete. Students under suspension are prohibited from entering any school during the period of suspension without the express permission of the principal/designee or attending or participating in Volusia County Schools' events or activities.
64. Synthetic/Counterfeit drugs - any substance that is represented to be, represented to contain, mimics, or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, intoxicant, or controlled substance of any kind under the law of Florida or federal law. This includes, but is not limited to, any substance that produces the same effect as or is represented to produce the same effect as a controlled substance or any analogue of a controlled substance including, but not limited to "Bath Salts" or "K-2", also known as "Spice" or "legal weed."
65. Telecommunication devices - any device that is capable of transmitting voice, text, video, or pictures from one person to another.
66. Theft - the unlawful taking of the property of another without threat of violence or bodily harm.
67. Time-out - A behavior modification technique where a student is removed from classroom activities for a period of time. While it is permissible to issue a brief time-out to a student with a disability while generally keeping the student in the classroom environment, it would not be permissible to issue a time-out that would deny the student with a disability the opportunity to participate in or benefit from instruction.
68. Tobacco citation - a non-criminal civil citation issued by law enforcement for underage possession of tobacco or tobacco products that may result in an assignment to a cessation or educational program and/or fine, etc.

69. Tobacco products - all items, which in total or in part, include tobacco or a by-product of tobacco, or any other smoking product and any smokeless or spitless tobacco, including but not limited to, cigarettes, cigars, chewing tobacco, snuff, and pipe tobacco or electronic cigarette/vaping device in any form.
70. Toxic plants - any plant, tree, or shrub, that when ingested causes a mind or mood-altering state, or which is poisonous to the body.
71. Trespassing - willfully entering or remaining on any school board property, building or vehicle without permission or authority. This includes returning to any school board property while under suspension or expulsion.
72. Vandalism - willfully injuring or damaging by any means any real or personal property belonging to another.
73. Vehicle violation - Any violation of campus rules involving a motor vehicle.
74. Walkie-talkies - a battery powered portable sending and receiving radio or instrument.
75. Weapons (other) - possession, use or intention of use of any instrument or object to inflict harm on another person, or to intimidate any person. Included but not limited to in this category are items not being used for a curricular purpose such as all types of knives, chains (any not being used for the purpose for which it was normally intended and capable of harming an individual), pipe (any length of metal not being used for the purpose it was normally intended), hunting equipment including bows and/or arrows, hunting grade sling shots, razor blades or similar instruments with sharp cutting edges, ice picks, dirks, other pointed instruments, nunchakus, brass knuckles, Chinese stars, Billy clubs, tear gas gun, electrical weapons or device (stun gun), BB or pellet gun, explosives or propellants over 2 oz. Possession of any long blade or switch blade knife is included here. A common pocketknife will not be considered to be a weapon unless used as one. Weapons and other items of contraband are also prohibited from being in vehicles while on school board property or while at school sponsored events. Pursuant to F.S. 790.115(2)(a)(3), the district specifically waives the exception regarding weapons possession in vehicles provided in 790.25(5).

B. Classification of Violations

Violations of this code are grouped into four levels: Minor, Intermediate, Major I, and Major II. Each level has appropriate discipline responses, which are listed under each category. For the purpose of record retention, “Major” will be considered an offense listed under Level IV - Major Offenses. For the purpose of section 1006.13, Florida Statutes (Policy of Zero Tolerance for Crime and Victimization), the first two levels, Minor and Intermediate, shall be considered petty acts of misconduct, and offenses listed under Level IV – Major Offenses II, shall be considered to be acts that pose a serious threat to school safety. The categorization of offenses listed under Level III – Major I Offenses shall be determined by the principal based upon the severity of the offense. These responses are the only disciplinary actions that principals or their designees may use. Paddling, corporal punishment or other punitive physical contact are not permitted responses to a disciplinary offense.

C. General Expectations

1. In any situation where a violation of this code is alleged, the principal or designee will hear the student's explanation and investigate the matter fully before determining if a violation has occurred. If a violation has occurred, the principal or designee will determine the level of that violation.
2. A student with a disability who is alleged to have committed a violation of this code based on a behavior that the school knows may be the result or manifestation of the student's disability

shall be given the opportunity to make a written statement in response to the alleged disciplinary infraction, which must be considered by the principal, or designee, before the discipline is administered.

3. Each classroom teacher is expected to deal with any student's general classroom conduct. The teacher may take the following actions: in-class disciplinary action, contact the student's parent/guardian, and/or schedule conferences with the student's parent/guardian and other staff including the problem-solving team/MTSS team. The student should be referred to the principal or designee only after the actions taken by the teacher are ineffective or the disruption is severe. Teachers have the authority to remove students from the classroom in accordance with the Florida Statute and district procedures, subject to the procedures and requirements set forth in the Student Attendance Policy located in full on BoardDocs – see 206.
4. All teachers are expected to utilize proactive strategies and other permissible interventions and modification, including those set forth in the PST, MTSS, and ESE Guides (Problem-Solving Team, Multi-Tiered System of Support, and Exceptional Student Education respectively). When working with a student with a disability who is engaging in conduct that may constitute an offense under the Student Code of Conduct and Discipline, that is a result or manifestation of the disability, administrators, teachers, and staff must first attempt to address such conduct through the use of positive corrective measures, before resorting to exclusionary discipline, except when the principal or superintendent determines that the student's presence causes a danger to persons, or when it is otherwise permitted by law. These strategies and interventions must be in accordance with the student's IEP/BIP (if applicable). When a student with a disability engages in conduct that may constitute an offense under the Student Code of Conduct and Discipline, administrators, teachers, and staff must document their attempt to employ positive corrective measures and, if unsuccessful or if exclusionary discipline is otherwise warranted (i.e., where the student's presence causes a danger to persons or when it is permitted by law), the reasons for using the exclusionary discipline. This documentation must be included in the student's discipline file.
5. Students making verbal or written threats of violence toward themselves or others or who engage in behavior that is a physical threat to themselves or others are to receive appropriate intervention in accordance with district procedures. Disciplinary action will be taken as is appropriate according to this policy. The degree of each threat is assessed as directed by Volusia County School's Safety and Security Manual and discussed with the student's parent/guardian.
6. Failure to bring materials and equipment to class, refusal to do homework, or refusal to work in class are not grounds for discipline referral unless classroom disruption results from these acts. The teacher should notify the parent/guardian when a student exhibits poor work habits.
7. Staff members are required to report any offense to the administration that might be considered a criminal act under Florida law. Law enforcement will be contacted by the administration to determine whether the incident meets criterion for a charging affidavit or civil citation. In addition, all school board employees who have first-hand knowledge of a level III or IV code of conduct violation by a student shall immediately report the violation to a school administrator.
8. The decision to involve Law Enforcement Officials, including but not limited to School Resource Deputy (SRD), or School Resource Officer (SRO), shall be in accordance with the Safety and Security Policy located in full on BoardDocs – see 510.
9. Vapes, e cigarettes, nicotine, tobacco, and all drug products are prohibited on all school campuses and at all school functions, which includes school transportation. Failure to comply with this policy will result in disciplinary action up to and including school suspension and possibly expulsion.

D. Statutory Notices

1. The illegal use, possession, or sale of controlled substances, as defined in chapter 893, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed. Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 may be entitled to a waiver of the discipline or expulsion: (a) if the student divulges information leading to the arrest and conviction of the person who supplied the controlled substance to him or her, or if the student voluntarily discloses his or her unlawful possession of the controlled substance prior to his or her arrest. Any information divulged which leads to arrest and conviction is not admissible in evidence in a subsequent criminal trial against the student divulging the information; or (b) if the student commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.
2. The use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act. The superintendent shall establish rules and procedures governing the use of wireless communications devices by students while on school property or in attendance at a school function. Such rules and procedures shall be designed to promote quality instruction and effective maintenance of student discipline.
3. The possession of a firearm or weapon, as defined in Chapter 790, Florida Statutes, while the student is on 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. Any student who is determined to have brought a firearm or weapon, as defined in chapter 790, Florida Statutes, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to the criminal justice or juvenile justice system. The school board may assign the student to an alternative education program for the purpose of continuing educational services during the period of expulsion. The superintendent may consider the 1-year expulsion requirement on a case-by-case basis and request the school board to modify the requirement by assigning the student to an alternative education program if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.
4. Violence against any school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.
5. The violation of school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed. Any action taken in response to a violation of school board transportation policies, that involves a student with a disability, must be in accordance with Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA), as applicable. The full policy on transportation is located on BoardDocs – see 504.
6. The violation of the school board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed. Any action taken in response to a violation of school board transportation policies, that involves a student with a disability, must be in accordance with Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the

Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA), as applicable. The full policies prohibiting bullying as well as harassment are located on BoardDocs – see 509 and 525.

7. Any student who is determined to have made a threat or false report, as defined by sections 790.162, 790.163, and 790.164, Florida Statutes, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution. The school board may assign the student to an alternative education program for the purpose of continuing educational services during the period of expulsion. The superintendent may consider the 1-year expulsion requirement on a case-by-case basis and request the school board to modify the requirement by assigning the student to an alternative education program if it is determined to be in the best interest of the student and the school system. Any action taken in response to a violation of the false reporting policy, that involves a student with a disability, must be in accordance with the Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act, as applicable.
8. 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.
9. Volusia County Schools will adhere to the basic eligibility and participation requirements for athletics and activities for all public schools as authorized in section 1006.15, Florida Statutes, as well as the bylaws of the Florida High School Athletic Association. Additional requirements may be implemented by a school. If so, those requirements will be published and distributed by the coach/school prior to tryouts for the specific sport. Minimum requirements for eligibility in athletics and activities may be found in School Board Policy 313. Transfer students wishing to be considered eligible for good cause beyond the scope of Section 1006.15, Florida Statutes, may request review by the District Athletic Eligibility Review Committee whose membership is designated by the superintendent. The decision of the committee shall be final and binding.
10. Public Restroom/Changing Facilities Usage: Pursuant to HB 1521 and Florida Statute 553.865, exclusive use of public restrooms by males or females will be respective to their sex at birth. Failure to comply will result in disciplinary action as governed by the Student Code of Conduct.
11. Testing Security Procedures: In accordance with the State Statute Rule 6A regarding testing: Any student that violates testing procedures, which includes but is not limited to the use of unauthorized materials during the testing, uses a cell phone or any other device with the ability to take photos of exam materials, assisting any other test taker with exam questions, and the disclosure of any test questions after the test administration is subject to the Code of Conduct, as well as any other restrictions imposed by the state.
12. Cell Phones/Wireless Devices: Pursuant to House Bill 309, a student may not use a wireless communication device during instructional time, except when expressly directed by a teacher solely for educational purposes. A teacher shall designate an area for wireless communication devices during instructional time. This includes cell phones, smart watches, tablets, and ear buds. Students who violate the law will be disciplined in accordance with the procedures implemented in the school's code of conduct.

E. Discipline Offenses and Responses

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

be used:

1. Level I - Minor Offenses

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

Level I - Responses

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

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

- Behavioral contract
- Cafeteria restriction
- Conference with student
- Community service in lieu of suspension
- Detention
- Extended detention
- In-school suspension
- Loss or suspension of privileges including extracurricular events/activities
- Mediation
- Parent/guardian conference
- Parent/guardian visitation
- Problem Solving Team/Multi-Tiered System of Support Team
- Restitution
- Saturday school
- Student services referral (i.e., school counselor, school social worker or school psychologist)
- Suspension
- Suspension from the bus
- Time out
- Warning
- Work detail

Dress Code Offenses - Per SS 1006.07, any student who violates the provisions of the dress code policy that prohibits a student from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment is subject to the following:

- a) For a first offense, a student shall be given a verbal warning and the parent/guardian shall be called.
- b) For the second offense, the student is ineligible to participate in any extracurricular activity for a period not to exceed five (5) days and the parent/guardian shall meet with the principal/designee.
- c) For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5) for a period not to exceed three (3) days, the student is

ineligible for any extracurricular activity for a period not to exceed 30 days, and the parent/guardian shall be called and sent a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

For violations of the school uniform policy, please reference School Board Policy 217.

\*A student may not be suspended for tardiness.

*Note: Where a disciplinary infraction is committed by a student with a disability, any action taken by VCS must be in accordance with the Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act, as applicable.*

## 2. Level II - Intermediate Offenses

- Bus disturbance - considerable disruption on school sponsored transportation
- Cheating/Academic dishonesty
- Disruption - considerable disruption or disturbance of a school activity, class, or campus
- Failure to appear for Saturday school, detention, or extended detention
- Gambling
- Introduction of a foreign substance (non-harmful) into food or drink
- Laser lights
- Matches, lighters, or other flammables
- Possession of chemical spray under 0.5 oz.
- Profane, obscene, or vulgar language or expression (in any language); either verbal, written, or by gesture directed at others
- Tobacco products - use, possession, or distribution
- Unauthorized absence from class/leaving class, or leaving school grounds without permission
- Vehicle violation – traffic citation
- Any other violation, which the principal may reasonably believe, falls within this category and is not listed under the other three levels.

## Level II - Responses

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

- Behavioral contract
- Cafeteria restriction
- Community service in lieu of suspension
- Concern of harm referral
- Detention
- Extended detention
- In-school suspension
- Loss of privileges: extracurricular events/activities
- Mediation
- Parent/guardian conference
- Parent/guardian visitation
- Problem Solving Team
- Restitution
- Saturday school
- Student services referral (i.e., school counselor, school social worker or school psychologist)
- Suspension



- Suspension from the bus
- Suspension of privileges
- Time out
- Tobacco citation or Online Tobacco Class
- Warning
- Work detail

*Note: Where a disciplinary infraction is committed by a student with a disability, any action taken by VCS must be in accordance with the Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act, as applicable.*

*The appropriate law enforcement agency must be notified if the offense involved is a criminal act under Florida law where the act posed a serious threat to school/student/employee safety. In accordance with section 1006.13, Florida Statutes (Policy of Zero Tolerance for Crime and Victimization), zero-tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including but not limited to minor fights or disturbances.*

### 3. Level III - Major I Offenses

- Alcohol - use, possession or under the influence of alcohol
- Ammunition - possession, or distribution
- Bullying (including cyber-bullying)
- Burglary
- Bus Disturbance - major disruption on school sponsored transportation
- Cyberstalk
- Disruption - major disruption or disturbance of a school activity, class, or campus
- Drug paraphernalia - possession, use, or distribution of
- Drugs - use, possession, or under the influence of
- Electronic tampering/Electronic device misuse
- Extortion
- False alarm
- Fighting
- Fireworks - use, possession, or distribution of
- Forgery
- Harassment
- Hazing
- Hitting/Striking
- Hitting/Striking an employee
- Hitting/Striking with injury
- Inappropriate touching
- Indecent exposure
- Insubordination or defiance of authority
- Introduction of a foreign substance (toxic or harmful) into food or drink
- Knowingly filing or participating in filing a false report
- Look Alike Guns - use or possession
- Malicious threats of violence
- Non-prescription medication - use, possession, distribution, or sale
- Paintball and air soft guns - use and/or possession of
- Pornographic materials and communications including Internet material - possession, distribution, or display
- Possession of a chemical spray between 0.5 and 2 oz.
- Possession of a common pocketknife
- Principal to a Level III Criminal Act
- Racial, ethnic, or religious harassment or harassment based upon a disability

- Secret society - organization, establishment, promotion, membership, participation in any secret society related activity or displaying or wearing any secret society organization or gang logo in any way disruptive of the educational program.
- Sexual harassment
- Synthetic/Counterfeit Drugs - use, possession or under the influence of
- Telecommunication devices – the exhibition of, either by sight or sound, or use of during normal school hours or while riding school sponsored transportation unless approved by the bus operator or supervising teacher, permitted by district procedure, or permitted by district or school instructional programs.
- Theft
- Toxic plants - use, possession, distribution, or sale
- Trespassing
- Vandalism under \$1,000
- Walkie-talkies, possession/use
- Any other violation which the principal may reasonably believe falls within this category and is not listed under the other three levels.

#### Level III - Responses

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

- Assignment to an alternative education program
- Civil citation program
- Community service in lieu of suspension (Not appropriate for all Level III Offenses - consult with the District Office)
- Confiscation
- Concern of harm referral
- Expulsion recommendation from school or bus
- In-school suspension
- Problem Solving Team
- Restitution
- Saturday school
- Student services referral (i.e., school counselor, school social worker or school psychologist)
- Suspension from school or bus (suspension must be considered for the possession of a common pocketknife)
- Suspension from driving/vehicle restriction
- Threat Assessment

*Note: Where a disciplinary infraction is committed by a student with a disability, any action taken by VCS must be in accordance with the Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act, as applicable.*

*The appropriate law enforcement agency must be notified if the offense involved is a criminal act under Florida law where the act posed a serious threat to school/student/employee safety. In accordance with section 1006.13, Florida Statutes (Policy of Zero Tolerance for Crime and Victimization), zero-tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including but not limited to minor fights or disturbances.*

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

- Alcohol - distribution or sale, or attempted sale (including substances represented as alcohol)
- Arson

- Assault on a school board employee
- Assault on a student(s)
- Battery on a school board employee
- Battery on a student(s)
- Bomb threat
- Disorderly conduct
- Drug distribution, attempted distribution, sale, or attempted sale
- Explosives
- Firearm distribution, sale, use, or willful possession
- Homicide
- Kidnapping
- Principal to a Level IV Criminal Act
- Riot
- Robbery
- Sexual battery
- Synthetic/Counterfeit drug distribution, attempted distribution, sale, or attempted sale
- Vandalism over \$1,000
- Vehicle theft
- Weapon use, threat, or possession
- Any other violation which the principal may reasonably believe falls within this category and is not listed under the other three levels

#### Level IV - Responses

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

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

- Administrative assignment to an alternative education program
- Expulsion (pending expulsion, students will be suspended and will lose all privileges pertaining to extracurricular events and activities).
- Concern of harm referral
- Restitution
- Student Services Referral (i.e., school counselor, school social worker or school psychologist)
- Threat Assessment

*Note: Where a disciplinary infraction is committed by a student with a disability, any action taken by VCS must be in accordance with the Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act, as applicable.*

*The appropriate law enforcement agency must be notified if the offense involved is a criminal act under Florida law where the act posed a serious threat to school/student/employee safety.*

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

- A. State and federal law recognizes that teachers and school administrators have a need to stand in the place of parents over children entrusted to them at school. This is a concept called *in loco parentis*. While this power is not equal to a parent's power over a child, it permits school personnel to exercise a degree of supervision and control over students that could not be exercised over free adults.

Consistent with this concept, school personnel can search without a warrant based on reasonable suspicion and are not held to the higher standard of "probable cause" by which law enforcement is

bound. Also consistent with this concept, school personnel can question a student without providing him or her with Miranda warnings or allowing the student to call a parent or attorney.

B. Suspension Procedure

1. The principal or the principal's designee may suspend a student only in accordance with the code of student conduct and discipline. The principal or the principal's designee shall make a good faith effort to immediately inform a student's parent by telephone of a student's suspension and the reasons for the suspension. Each suspension and the reasons for the suspension shall be reported in writing within 24 hours to the student's parent by United States mail. Each suspension and the reasons for the suspension shall also be reported in writing within 24 hours to the Superintendent. A good faith effort shall be made by the principal or the principal's designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined in this policy. Such rules shall require oral and written notice to the student of the charges and an explanation of the evidence against him or her prior to the suspension. Each student shall be given an opportunity to present his or her side of the story. All disciplinary meetings between the principal, the student and the parent or guardian shall be informal and not in the nature of an evidentiary hearing. Therefore, requiring testimony, cross-examination, or similar legal proceedings are not permitted. Should the parent disagree with the principal's decision to suspend the student, the parent shall have the right to meet with the principal and explain why he or she believes the suspension to be unwarranted and/or not appropriate for the student. At the meeting, the principal shall review the charges and supporting information with the parent. The parent shall then be given the opportunity to present any additional information he or she may have and to explain why he or she believes the suspension to be unwarranted or inappropriate. The principal shall then consider the information provided and communicate their determination to the parent. If the parent is not satisfied with the determination made by the principal, the parent may request that the superintendent/designee review the matter. The superintendent/designee shall review all information considered by the principal, and may choose, in his or her own discretion, to meet with the parent to discuss the matter further. The decision of the superintendent/designee shall be final and binding. No student shall be suspended for unexcused tardiness, lateness, absence, or truancy. The principal or the principal's designee may suspend any student transported to or from school at public expense from the privilege of riding on a school bus for violation of district school board transportation policies, which shall include a policy regarding behavior at school bus stops, and the principal or the principal's designee shall give notice in writing to the student's parent and to the district school superintendent within 24 hours. It is expected that any student displaying a pattern of misbehavior be referred to the Problem-Solving Team/MTSS Team whereby evidence-based interventions are identified and implemented and the student's responses to those interventions are documented. School personnel shall not be held legally responsible for suspensions of students made in good faith.
2. When a student is suspended for possession, distribution, attempted distribution, sale, or attempted sale of a controlled substance, or willful possession of a firearm or a weapon, or has committed any other offense which is a crime under Florida law, parents/guardians, law enforcement officials, and the superintendent shall be notified by the principal or designee as soon as possible. The full policies regarding safety and security are located on BoardDocs – see 510.
3. A principal may suspend a student from school or from riding the school bus for up to ten (10) consecutive school days. Any action taken in response to a violation of school board transportation policies, that involves a student with a disability, must be in accordance with Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA), as applicable. The full transportation policy is located on BoardDocs – see 504.

4. The exclusion of a student with a disability for more than ten (10) consecutive school days constitutes a “significant change in placement” under Section 504 regulations at 34 C.F.R. Section 104.35 and under IDEA regulations at 34 C.F.R. Section 300.530 and triggers an evaluation of whether behavior that the basis for the exclusion is a result or manifestation of the student’s disability. The determination of whether the series of suspensions creates a pattern of exclusions that constitutes a significant change in placement must be made on a case-by-case basis. In no case, however, may a series of short-term exclusions be used as a means to avoid the Supreme Court’s prohibition of suspensions of more than ten (10) days.
5. Unless otherwise limited by Title II of the ADA, Section 504 of the Rehabilitation Act, and/or IDEA, the superintendent shall have the authority to extend the suspension of a student beyond ten (10) days where such suspension period expires before the next meeting of the school board, where the school board will be considering a recommendation from the superintendent to expel the student. The superintendent may further recommend an extension of a suspension to the school board for the purpose of providing proper notice of a recommendation for expulsion, or for further study and review of the student and matter at issue. During such extended suspension, the student shall be provided educational services.
6. Suspension proceedings may be initiated against any enrolled student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents of the student by the principal of the school pursuant to rules adopted by the State Board of Education and to rules developed pursuant to section 1001.54, Florida Statutes, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any student who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed ten (10) days, as determined by the superintendent. The suspension shall not affect the delivery of educational services to the student, and the student shall be immediately enrolled in an alternative education program. If the court determines that the student did commit the felony or delinquent act which would have been a felony if committed by an adult, the school board may expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the student in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting.

C. District Student Placement Committee

1. The principal shall have the authority to make referrals for expulsion for students having committed a Level III or Level IV offense under this code. All referrals for expulsion must be forwarded to the coordinator of student discipline and records who shall convene the District Student Placement Committee to consider what action should be taken. The membership of the committee shall be designated by the superintendent. Based on the facts and evidence in each case, the committee shall decide if the student should be recommended for expulsion. The committee’s recommendation shall be transmitted to the superintendent for appropriate action.
2. The committee also has the authority to place a student in an alternative setting in lieu of a recommendation for expulsion. Notice of the placement shall be provided to the parents in writing. Should the parent disagree with the committee’s determination to place the student in an alternative setting, the parent shall have the right to meet with the committee and explain why he or she believes the placement to be unwarranted and or not appropriate for the student. The parents shall have ten (10) calendar days from receipt of the notice to request to meet with the committee. At the meeting, the coordinator of student discipline and records shall review the charges and supporting information with the committee and the parent. The parent shall then be given the opportunity to present any additional information he or she may have, and to explain why he or she believes the placement to be unwarranted or inappropriate. The committee shall then deliberate, consider the information provided, and provide the parents with a response

within five (5) calendar days of the meeting. If the parent is not satisfied with the determination made by the committee, the parent may request that the superintendent/designee review the matter. The superintendent/designee shall review all information considered by the committee, and may choose, in his or her own discretion, to meet with the parent to discuss the matter further. The decision of the superintendent/designee shall be final and binding.

3. Additionally, the committee has the authority to determine the most appropriate educational placement for the following students: student completing alternative education programs, students returning from the Department of Juvenile Justice commitment programs and students entering Volusia County Schools from a specialist program or being considered for expulsion in another district or state.

#### D. Expulsion Procedures

1. Only the school board has the authority to expel a student or cancel an expulsion. The term of expulsion may be for no more than the remainder of the school year and one additional school year.
2. If a student is referred for possible expulsion, the parent/guardian will receive a letter explaining the reason for the referral. If the student is recommended for expulsion by the superintendent, the student's parent/guardian may request a hearing before the school board. The hearing will be held in accordance with section 120.569 and 120.57(2), Florida Statutes. Expulsion hearings are exempt from section 286.011. However, the student's parents must be given notice of the provisions of section 286.011 and may elect to have the hearing held in compliance with that section. If the evidence at any hearing does not support a finding that the offense charged has occurred, the school board may find that any lesser offense provide by the evidence has occurred if the lesser offense is also described in the recommendation for expulsion. Failure to submit a timely request for a hearing shall be deemed a waiver of the student's right to a hearing before the school board. The meeting with the school board shall follow a meeting with the District Student Placement Committee. Failure to appear before the school board when the recommendation for expulsion is to be considered shall be deemed a waiver of the student's right to a hearing. The student and parent/guardian have the right to legal counsel and representation at their own expense, the right to present witnesses on the student's behalf, the right to cross-examine witnesses, and the right to present a defense.
3. The school board has the authority to honor the final order of expulsion or dismissal of a student by any in-state or out-of-state public district school board or private school, or lab school, for an act which would have been grounds for expulsion according to this Code of Student Conduct and Discipline. For this action to be taken, the prior order of expulsion must have been recorded in the school district's records and the expelled student applying for admission to the school district must have been advised of the final order of expulsion. The superintendent may recommend to the school board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the school board, with or without the recommendation of the superintendent, the student may be placed in an appropriate educational program at the direction of the school board.

#### E. Last Resort Expulsion Procedures

1. A student may be expelled from school attendance if the student persists in violating the rules of the School District of Volusia County. Expulsion may result from continued violation of this code or school rules. In contrast to drug expulsions and expulsions for dangerous weapons and/or violence against person or property, prior to any expulsion under this paragraph the school must first have exhausted alternative methods of attempting to modify the student's behavior and the student must continue to refuse to conform to the rules of the school and/or district. Alternative methods include but are not limited to a Problem-Solving Team/MTSS Team referral whereby appropriate, evidence-based interventions are identified and

implemented and the student's responses to those interventions are documented.

- Changing the placement of a student with a disability, including an expulsion, must be in accordance with IDEA, Section 504 of the Rehabilitation Act, and Rule 6A-6.03312 of the Florida Administrative Code.

2. The school need not try all those items enumerated under "Discipline Responses," but the school must attempt any corrective measures, which have a reasonable chance of modifying the student's behavior to bring the behavior into conformity with the rules of the school and/or district.
3. Parents/guardians and students should be aware that even if the student reaches the point of last resort at the student's regular school, placement into an alternative education or exceptional student program is possible. However, placement in any of these programs depends on the student's meeting the criteria for admission to the program and being placed there by the District Student Placement Committee.

#### F. Peer Mediation

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

#### G. Waiver of Expulsion

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

### IV. Additional Requirements and Procedures for Students with Disabilities

#### A. Expulsion Proceedings for Student with Disabilities

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

1. If a principal refers a student with a disability who has an IEP for expulsion, the superintendent or designee shall convene an Individual Education Plan (IEP) review committee in accordance with applicable law. The IEP committee shall review the appropriateness of the student's individual education plan. The committee shall meet and determine whether the misconduct is a manifestation of the student's disability.
2. If the misconduct is a manifestation of the student's disability, the school is required to follow the process set forth in Rule 6A-6.3312 of the Florida Administrative Code, and the Individuals with Disabilities Education Act. A change of placement may be initiated providing that all state and federal regulations have been followed including obtaining the required parent/guardian consent. Services must ensure the student can continue to appropriately progress in the general

curriculum and advance toward achieving his/her IEP goals.

3. If the misconduct is not a manifestation of the student's disability, then the student may be expelled in accordance with the Code of Student Conduct and Discipline as set forth for general education students. However, in cases such as these, educational services must be continued in accordance with the IEP, and the IEP committee must determine the services necessary to ensure the student can continue to appropriately progress in the general curriculum and advance toward achieving his/her IEP goals.

B. Expulsion Proceedings for Students with a Section 504 Plan

Parent/guardians of students with a Section 504 Plan shall be advised of their procedural safeguards.

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

C. Reasonable Modifications

1. Under Title II of the ADA, VCS must provide reasonable modification to its policies, practices and procedures governing student conduct and discipline, including those set forth in the Student Code of Conduct and Discipline, when such modifications are necessary to avoid discrimination on the basis of disability.
2. A student with a disability or their parent(s)/guardian(s) may request a reasonable modification to VCS' disciplinary policies, practices, or procedures for that student. Where such a request has been made, VCS shall not implement disciplinary measures until the request for a reasonable modification has been resolved, and the student and/or parent(s)/guardian(s) has received written notification of the resolution of the modification request.
3. VCS shall not require a specific request for modification where VCS knows or should have known that the student's conduct may be the result or manifestation of the student's disability. In such an instance, VCS will consider and make reasonable modifications to its disciplinary policies and/or procedures when it is necessary to avoid discrimination on the basis of the student's disability.

D. Manifestation of a Disability

1. If the school district, parent(s)/guardian(s), and relevant members of the IEP/504/Child-Find team(s) determine that the violation of the Student Code of Conduct and Discipline is the result of a manifestation of the student's disability, VCS will pursue the steps set forth in those respective policies and procedures, as applicable and including but not limited to conducting a functional behavioral assessment (FBA) with parental consent.
2. A student with a disability is entitled to a Free Appropriate Public Education (FAPE). VCS shall maintain FAPE while ensuring a safe and secure learning environment for all students.
3. Pursuant to Rule 6A-6.03312 of the Florida Administrative Code, school personnel may remove a student to an Interim Alternative Educational Setting, for not more than forty-five (45) school days, without regard to whether the student's behavior is determined to be a manifestation of the student's disability when the student:
  - Carries a weapon to or possess a weapon at school, on school premises, or to a school function



under the jurisdiction of a state education agency or school district;

- Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or to a school function under the jurisdiction of a state education agency or school district; and/or,
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state education agency or school district.

***Parents must be notified and provided with a copy of the Notice of Procedural Safeguards upon the decision to remove a student under these conditions.***

In an effort to make this Code of Conduct user-friendly, some of the subsections have been separated into individual sections when presented to the public. However, each of the policies and procedures related to students, in any program, and/or level, including students with a disability, as well as the expectation and possible consequence are incorporated herein by reference as if set forth in full. This includes but is not limited to the ESE Handbook, the ESE Policies and Procedures (SP&P), the PST and MTSS policies and procedures (as the district transitions between the approach to interventions), each of which is incorporated herein by reference, as well as the policies and procedures set forth on the school district's BoardDocs website (<https://go.boarddocs.com/fla/vcslf/Board.nsf/Public>). It is imperative that anyone reading this Code of Conduct also refer to BoardDocs to ensure complete comprehension of all policies and procedures which this code includes and enforces.

Legal Authority:

Sections 1001.41, 120.54, Florida Statutes

Laws Implemented:

Sections 553.865, 1006.07(2), 1001.42(8), 1003.57, 1003.24, 1003.31, 1006.08, 1006.09, 1006.10, 1003.32, 1006.11, 1006.13, 1006.135, 1006.14, 893.145, 893.146, Florida Statutes; Every Student Succeeds Act (ESSA) of 2015; Rule 6A- 6.0331(7), Florida Administrative Code, HB 309

History:

(Adopted -- August 13, 1985)

(Revised -- June 27, 1989; August 27, 1990; July 23, 1991; May 26, 1992; May 25, 1993; June 28, 1994; May 23, 1995; May 28, 1996; June 9, 1998; June 15, 1999; June 13, 2000; June 12, 2001; May 14, 2002; May 27, 2003; May 4, 2004; July 27, 2004; July 26, 2005; May 23, 2006; May 22, 2007; June 10, 2008; June 9, 2009; June 22, 2010; July 26, 2011; June 26, 2012; June 25, 2013; July 22, 2014; June 23, 2015 -Emergency Adoption; August 11, 2015; July 25, 2016-Emergency Adoption; September 13, 2016; July 25, 2017 – Emergency Adoption; September 26, 2017; July 24, 2018 – Emergency Adoption; September 11, 2018; July 22, 2019; Emergency Adoption; July 28, 2020; September 22, 2020; July 26, 2022, September 26, 2023)

(Effective Date – September 26, 2023)