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# CODE OF STUDENT CONDUCT

## Introduction

Florida Atlantic University Schools (FAUS), including A.D. Henderson University School and Florida Atlantic University High School, support the belief that school should be a place where teachers can teach and students can learn. Maintaining an optimum environment for learning is dependent upon all constituents of the school community fulfilling their responsibilities and realizing their rights.

The intent of the **Code of Student Conduct** is to provide an effective teaching-learning process and to outline the school's responsibilities for student health, safety, and welfare. The Code of Student Conduct further helps students, parents, faculty, and staff understand the guidelines for maintaining a safe and orderly learning environment. In addition, all students and staff are charged with modeling the characteristics of civic and character education, and literacy. This **Code of Student Conduct** is prescribed in Section 1006.07, Florida Statutes, and may be supplemented by the policies and regulations of FAU.

This **Code of Student Conduct** applies to all students in kindergarten through grade 12 while on school and University grounds, while being transported by School District and University transportation, and during school-sponsored events, such as field trips, athletic functions and similar activities.

While students may be disciplined for infractions as provided in this Code of Student Conduct, there also may be law enforcement consequences for acts of misconduct that violate the law. This Code of Student Conduct is based upon the School Advisory Body (SAB) rules governing student conduct and discipline.

## Guiding Principles of the Code of Student Conduct

We believe that....

- Trustworthiness, respect, responsibility, fairness, caring, and citizenship are essential to the well-being of individuals and society.
- All individuals have value.
- Every individual can contribute something of worth to society.
- Individuals are responsible and accountable for their choices and decisions.
- To grow and thrive, individuals need caring relationships and a nurturing environment.
- Supportive families are the foundation of our educational community.
- High expectations lead to higher performance which, in turn, empowers the individual and strengthens society.
- Continuous learning is a lifelong process that is essential to a productive and enriching life.

FAUS, including AD Henderson University School and Florida Atlantic University High School (Boca and Jupiter campuses), are recognized throughout Florida for its exceptional academics, innovative programming, student accomplishments, and professional staff. The district's success is due to its commitment to both excellence in academics and character development.

FAUS has adopted Character Counts! and The Six Pillars of Character (Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship) to reinforce civic and character education. Individual worth and high expectations for all students are part of this value system. This provides a common

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approach to say children matter, values matter, character matters, and academic excellence matters in our community and in our country.

### **Student Rights and Responsibilities**

It is the intent of the Student Rights and Responsibilities section of the Code of Student Conduct that students understand that individual rights involve associated responsibilities and that individual rights must be viewed in relation to the health, safety, and welfare of all students. The principal is responsible for the orderly school administration, operation, and instructional leadership under the supervision of the Superintendent, in accordance with the rules and regulations of the School Advisory Body. The faculty and staff shall assist in the orderly operation of the school and assure the rights of students.

#### **1. Safe, Positive and Receptive Environment**

##### **Student Rights**

- To expect clear rules and professional explanations.\*
- To expect fair enforcement of rules without discrimination.
- To expect a safe and orderly environment.
- To expect to be treated with dignity and respect.

*\*FAUS will annually provide a student explanation of the Code of Student Conduct to every student in a class setting, assembly, or similar manner.*

##### **Student Responsibilities**

- To know and obey the Code of Student Conduct.
- To obey state and local laws as well as all adults.
- To treat themselves and others with respect.
- To accept and respect individual differences and people.
- To report unsafe, hazardous or dangerous situations to an adult in authority.
- To adhere to all school, classroom, or general area rules.
- To maintain decorum that enhances a positive learning environment.
- To express needs and concerns in an appropriate and timely manner.

#### **2. Attendance**

##### **Student Rights**

- To be informed of policies and rules about absenteeism and tardiness.
- To be provided a schedule to make up class work in a reasonable amount of time after an excused absence.

##### **Student Responsibilities**

- To attend school/classes regularly and be on time.

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- To explain or document the reason for an absence or tardy.
- To request make-up work after an absence and to complete it as indicated by the teacher(s).

### 3. Counseling

#### Student Rights

- To be informed about school counseling services.
- To have access to individual or group counseling.
- To request counseling.

#### Student Responsibilities

- To use counseling services for educational and personal improvement.
- To schedule counseling appointments ahead of time, except in emergencies.
- To work cooperatively with all school staff.

### 4. Instructional and Learning Environment

#### Student Rights

- To have access to quality instruction and extracurricular programs.
- To engage in a variety of learning experiences and activities.

#### Student Responsibilities

- To request assistance when it is needed.
- To cooperate with teachers to contribute to an atmosphere of collaboration and positivity.
- To keep parents informed about school-related activities.

### 5. Grades and Work Expectations

#### Student Rights

- To receive a teacher's grading standards at the beginning of the year or semester.
- To be notified of concerns in a timely manner if work is below standards.

#### Student Responsibilities

- To learn about grading standards and expectations.
- To meet academic standards in line with ability and to make every effort to improve if needed.
- To make every effort to work hard and stay focused.

### 6. Privacy and Property Rights

#### Student Rights

- To have privacy of personal possessions within the limitations prescribed by SAB rules and policies.

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- To have personal property rights respected, with the exception of a determination for search due to evidence or reasonable suspicion in accordance with s.1006.09, F.S.

### **Student Responsibilities**

- To obey laws and school rules against bringing prohibited substances of any kind to or possessing them at school or school activities.
- To understand that the school is not responsible for students' personal property.
- To respect others' personal property.
- To respect and care for school and university property.

### **Section 1003.32, Florida Statutes**

Subject to the law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in places in which he or she is assigned to be in charge of students.

### **Progressive Discipline**

The principal or the principal's designee shall determine consequence(s) to impose for a violation of the Code of Student Conduct which may include the withdrawal or expulsion of a student. When deciding what disciplinary action should be taken, the principal or designee shall consider the student's age, exceptionality, previous conduct, probability of recurring violation, intent, attitude, and the severity of the offense. Whenever possible, disciplinary action shall be imposed in a progressive manner.

### **Policy of Zero Tolerance – Section 1006.13, Florida Statutes**

Students who are found to have committed offenses that involve bringing a firearm or weapon (as defined in Chapter 790, F.S.) to school, a school function, or any school-sponsored transportation, or possessing a firearm or weapon at school are subject to being expelled without continuing services for a period of not less than one (1) year. Students making a threat or false report involving school or school personnel's property, school transportation, or a school-sponsored activity are subject to permanent withdrawal or formal expulsion.

### **Search and Seizure – Section 1006.09(9), Florida Statutes**

School administration and the Florida Atlantic University Police Department reserve the right to search any school property (e.g., lockers, storage areas) for suspected contraband (e.g., drugs, weapons, etc.). Students' clothing, persons, backpacks, and property may be searched when reasonable suspicion or evidence exists.

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### **Violations of the Law**

Students are subject to arrest and prosecution for committing violations of the Code of Student Conduct, which are also determined to be violations of civil or criminal law. The School Resource Officer(s) and other law enforcement officers have the power and authority to conduct investigations independent of those conducted by the school, including family, staff, administration, and counseling personnel, for the same incident. Furthermore, the sanctions imposed by the school for misconduct are separate and distinct from the consequences that may be imposed following the arrest and prosecution of a student for a violation of the law originating from the same incident.

### **Physical Acts of Aggression**

Incidents of pushing, shoving, tapping, hitting, kicking, punching, fighting, etc., are all categorized as physical acts of aggression. In determining the consequences applicable to the situation, all parties are responsible for their actions. Physical acts of aggression will result in an out-of-school suspension, withdrawal or expulsion.

### **Cellular and Wireless Devices**

In accordance with state law, s. 1006.07(2)(f) F.S., students may possess cellular phones, wearable technology, and other wireless communication devices on school property and school-sponsored transportation as long as the students adhere to the restrictions provided herein. Any unauthorized use of cellular phones, wearable technology, and other wireless communication devices during the instructional school day, while on school-sponsored transportation, in the cafeteria, or FAUS Code of Student Conduct at such times as not authorized by the principal or designee, is prohibited as it disrupts the instructional program or distracts from the educational environment. Students may not use wireless communication devices during instructional time, except when expressly directed by a teacher solely for educational purposes.

#### **1. Elementary and Middle School Students**

Elementary and middle school students may possess cellular phones and other wireless communication devices on school property and school-sponsored transportation, provided such devices are not visible, used, or activated, and are kept in the "off" position throughout the instructional school day (7:30 a.m. – 3:30 p.m.) and while on school-sponsored transportation. Students must keep their cellular phones, wearable technology, and other wireless communication devices stored in a purse, backpack, or other non-visible secure location during the instructional school day and while on school-sponsored transportation.

#### **2. High School Students**

High school students may possess cellular phones, wearable technology, and other wireless communication devices on school property and school-sponsored transportation, provided such cellular phones and other wireless communication devices are not visible, used, or activated and

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are kept in the “off” position throughout the instructional school day and while on school-sponsored transportation. High school students must keep their cellular phones, wearable technology, and other wireless communication devices stored in a purse, backpack, or other non-visible secure location. The principal or principal’s designee may modify the instructional school day to establish other authorized times of use in addition to when students are waiting for the beginning of the instructional school day or at the end of the instructional school day, including the designation of areas of the school campus for such use.

### 3. Times of Authorized Use on School Grounds

While waiting for the beginning of the instructional school day or at the end of the instructional school day, students may request approval from a staff member to use their cellular phones, wearable technology, or other wireless communication devices.

### 4. Unauthorized Use of Devices

A student’s possession, display, or use of a cellular phone, wearable technology, or other wireless communication devices on school property contrary to the provisions of this policy shall be viewed as the unauthorized use of the cellular phone or other wireless communication devices when such possession, display or use of such devices results in conduct which includes, but is not limited to:

- A. Interference with or disruption of the instructional or educational environment.
- B. Use which violates academic integrity, such as the reproduction of images of tests, communication of test or examination contents or answers, to provide access to unauthorized school information or assistance to students in any aspect of their instructional program in a manner that violates school board policy or the Code of Student Conduct.
- C. The communication of the marks or grades assigned to students resulting from evaluation or the actual contents, or parts thereof, of any evaluation activity being completed by an individual(s).
- D. Use to commit a crime, under federal or state law.
- E. Violation of a student's or other person's reasonable expectation of privacy, by using such devices with photographic capabilities in student locker rooms, restrooms, any other student changing areas, or the classroom, whether such use occurs during the instructional school day or on school property. Cellular phones and other wireless communication devices may not be utilized to take "photographs" or "videos" while on school property, while on school-sponsored transportation, or while a student is engaged in school-sponsored activities.
- F. Use in a manner that is profane, indecent, obscene, threatening, discriminatory, bullying, or harassing language, pictures, or gestures. Cellular phones, wearable technology, or other wireless communication devices that have the capability to take photographs or videos shall not be used for such purposes while on school property, while on school-sponsored transportation, or while a student is engaged in school-sponsored activities.

### 5. Other Acceptable Uses

Cellular phones, wearable technology, and other wireless communication devices are permissible in the following circumstances:

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- A. Instructional or Educational Purposes. Cellular phones, wearable technology, or wireless communication devices may be used during a class period or school activity when specifically approved by the principal or designee in conjunction with educationally appropriate objectives.
- B. IEP, 504, or Health Care/Medical Plan. Students may use cellular phones, wearable technology, wireless communication devices, and other electronic devices during class time when authorized pursuant to an Individual Education Plan (IEP), a Section 504 Accommodation Plan, or a Health Care/Medical Plan with supportive documentation from the student's physician.
- C. Health, Safety, or Emergency Reasons. Exceptions to the restrictions in this policy, in part or in its entirety, may be made for health, safety, and emergency reasons by the principal.
- D. School Trips or School Sponsored Activities. The use, display, or activation of cellular phones, wearable technology, or other wireless communication devices during school trips or school-sponsored activities shall be at the discretion of the principal or designee but shall not be disruptive to the activity.
- E. Other Reasons. Other reasons are determined appropriate by the principal.

### 6. Consequences

- A. An offense shall occur each time this policy is violated regardless of the specific device, or devices involved. However, the possession of multiple devices at one time shall be regarded as one offense.
  - i. Any cellular phone, wearable technology, or wireless communication device possessed or used in violation of this policy shall be confiscated by school personnel, absent compelling and unusual circumstances, and only FAUS Code of Student Conduct returned to the student's parent or guardian or another adult designated by the parent or guardian.
  - ii. If a cellular phone, wearable technology, or wireless communication device is confiscated, the device shall be taken to the school's main office to be identified and placed in a secure area.
  - iii. Students will be disciplined as provided in this policy.
- B. The application of discipline for violations under this policy will be progressive except for those instances where there are additional aggravating factors as outlined in the non-exclusive listing in paragraph 4 of this policy. Any additional aggravating factors may subject the student to more stringent disciplinary consequences and /or reports to law enforcement agencies.

### 7. Responsibility/Liability

Any student who chooses to bring a cellular phone or another wireless communication device to school shall do so at his or her own risk and shall be personally responsible for the security of his or her cellular phone or wireless communication device. The school personnel will assume no responsibility or liability for loss, theft, damage, or vandalism to a cellular phone or other wireless communication device brought onto school property or for the unauthorized use of any such device.

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### 8. Safety in Private Spaces Act s. 553.865, F.S. and s. 1000.071, F.S.

In accordance with state legislation, every public K-12 educational institution must adopt a policy clarifying that in the state of Florida, a person's sex is an immutable biological trait and that an individual's pronoun should correspond to the person's biological sex at birth. Individuals are required to use the appropriate restroom and changing facility that corresponds to the individual's sex at birth. Single-unit bathrooms and accommodations will be made for students when necessary.

If any student willfully enters a restroom or changing facility that is designated for the opposite sex on the school premises, for a purpose other than the authorized uses outlined in s. 553.865, F.S., and refuses to depart when asked to do so by an authorized staff person, the student may be subject to disciplinary action.

### Consequences/Interventions

All members of the school are responsible for maintaining appropriate student behavior. The Code of Student Conduct extends to all school-related activities and school-sponsored trips. When behavior becomes excessive enough to disrupt learning or the activity of focus, a referral should be initiated. A referral is a written report to the school administration by school faculty or staff documenting student misconduct.

*Consequences and/or interventions for such behaviors may include, but are not limited to:*

1. Parent Contact
2. Behavior Contract
3. Last Chance Agreement
4. Referral to Counseling Services
5. Detention
6. Out-of-School Suspension
7. Intervention by School Resource Officer
8. Recommendation for Withdrawal of Invitation or Expulsion

Consequences for unacceptable behavior will be administered in accordance with the discipline matrix. More than one action may be taken for unacceptable behavior.

Students who are assigned an out-of-school suspension will receive all missed assignments and are awarded credit for work submitted to the teacher. Work missed is due upon the student's return to school, in accordance with the Attendance Policy. The principal or designee may intervene in extenuating circumstances.

Any student assigned to out-of-school suspension, withdrawn, or recommended for expulsion, is prohibited from attending any school function while they are serving the consequence. Any student who has received two or more referrals in a given semester will NOT be permitted to attend field trips and/or extra-curricular events in that semester.



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### **Withdrawal and Expulsion Processes**

The Discipline Committee is composed of the principal or designee, assistant principal or designee, school resource officer, one teacher from each grade grouping team, and the school lead counselor or designee. Subcommittees of the Discipline Committee may be convened as appropriate.

The Code of Student Conduct shall be reviewed annually by school administration, the Discipline Committee, and the School Advisory Body to ensure all legislative mandates are updated within the policy as well as other necessary changes to ensure clear communication to students, parents, and staff. Final approval of the Code of Student Conduct shall be made annually by the School Advisory Body of Florida Atlantic University Schools.

### **Withdrawal**

A student may voluntarily or involuntarily withdraw from school based on a variety of circumstances. Involuntary withdrawal may occur for a variety of reasons, including but not limited to, academic, behavioral, or attendance concerns.

When withdrawal is determined for an incoming student based on an academic or behavioral record that negates the student from meeting the minimum requirements for final acceptance, the parent/guardian and student will be notified of the withdrawal of the invitation to attend A.D. Henderson and FAU High School.

When withdrawal is considered for a current student, the parent/guardian will be contacted and a meeting will be scheduled to discuss the student and the circumstances. A student and/or parent/guardian will have the opportunity to provide relevant information to assist the administration in determining the extent of the circumstances and a possible course of action. If a withdrawal from school is determined, then the parent/guardian will be notified of the reason and provided an opportunity to submit, in writing, any additional information to support the student's case to remain at A.D. Henderson and FAU High School.

The final determination by the school administration will be provided in writing to the parent/guardian.

### **Hearing Procedures for Expulsion Proceedings**

1. The Hearing is not a legal proceeding. Formal rules of process, procedure, and evidence do not apply.
2. The Hearing will be conducted with the following objectives:
  - a. Inform the Student of the charges.
  - b. Provide the Student an opportunity to respond to the charges.
  - c. Review the evidence as presented.
  - d. Determine if any violation of the Code of Student Conduct, school policy, and/or state statute was committed.

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- e. If the Student is found responsible for one or more violations, the Hearing Officer (superintendent or designee) will determine the appropriate disciplinary action.
3. All parties to the Hearing may arrange for witnesses to voluntarily present relevant information during the Hearing. Such witnesses will not be sworn in. Each witness will be informed of the requirement to be truthful. A student providing untrue testimony at the Hearing is subject to disciplinary action.
4. The Student or the student's representative may present information on the student's behalf. Relevant records, exhibits, and written statements may be accepted for consideration.
5. By a preponderance of the evidence, the Hearing Officer will determine whether it is more likely than not that a violation of the Code of Student Conduct, state statute, or school policy was committed.
6. No recordings of the proceeding or deliberation will be permitted. The school will provide a notetaker to record a summary of the proceedings.
7. After considering the evidence presented, the Hearing Officer will render a decision as to whether the student is "responsible" or "not responsible" for violating the Code of Student Conduct, state statute or school policy.
8. The Superintendent will send a notice of the finding and recommended disciplinary action.
9. A failure to appear at the Hearing, will result in the Student being found "responsible" for the violation.
10. As a laboratory developmental school, a recommendation of expulsion will result in a Student's withdrawal from A.D. Henderson and FAU High School. Transcripts and disciplinary records will be updated to reflect the disciplinary action.

### **Bullying and Harassment Prohibited - Section 1006.147, Florida Statutes**

#### *Statement prohibiting bullying and harassment:*

It is the policy of the school district of Florida Atlantic University Lab Schools that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The district will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

#### *Definition of bullying and a definition of harassment:*

**Bullying means systematically (carried out with a system, method, or plan) and chronically (continuing for a long period of time) inflicting physical hurt or psychological distress on one or more students or employees.** It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation, or unreasonably interfere with the individual's school performance or participation, and may involve but is not limited to:

1. Teasing
2. Social Exclusion
3. Threat

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4. Intimidation
5. Stalking
6. Cyber-stalking
7. Cyber-bullying
8. Physical violence
9. Theft
10. Sexual, religious, gender, ethnic or racial harassment
11. Harassment of any kind involving sexual orientation, socio-economic status, or family background
12. Public humiliation
13. Destruction of property
14. Rumor or spreading of falsehoods

**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:

- 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
- Has the effect of substantially disrupting the orderly operation of a school

**Bullying** and **harassment** also encompass:

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.

Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with the 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 district school system
- Acting in a manner that has an effect substantially similar to the effect of bullying or harassment

**Cyber-stalking** as defined in s. 784.048(1)(d), F.S., 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.

**Cyber-bullying** is defined as the willful and repeated harassment and intimidation of another person or persons through the use of digital technologies, including but not limited to email, blogs, social

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websites, chat rooms, instant messaging, text messaging, digital pictures or images, cellular telephone communications, and defamatory websites, regardless of whether such acts are committed on or off school property and with or without school resources. For off-campus conduct, the school will be responsive in cases where the off-campus conduct causes or threatens to cause, a substantial disruption at school or interference with the rights of students to be safe and secure.

### *Description of the type of behavior expected from each student and school employee of a public K-12 educational institution:*

The school district of Florida Atlantic University Lab Schools expects students to conduct themselves in an appropriate manner, with 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 school district upholds that bullying or harassment of any student or school employee is prohibited:

1. During any education program or activity conducted by a public K-12 educational institution;
2. During any school-related or school-sponsored program or activity;
3. On a school bus of a public K-12 educational institution; or
4. 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.

The school district believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members. 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.

All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, conforming to reasonable standards of socially acceptable behavior, respecting the person, property, and rights of others, obeying constituted authority, responding to those who hold that authority, self-discipline, good citizenship, and academic success, as seen in the required school plan to address positive school culture and behavior.

Students are required to conform to reasonable standards of socially acceptable behavior: respect the person, property, and rights of others, obey constituted authority, and respond to the educational, support, and administrative staff.

**Consequences** for a student of a public K-12 educational institution who commits an act of

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bullying or harassment:

1. 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, withdrawal, or expulsion, as outlined in the Code of Student Conduct.

**Consequences** for a student of a public K-12 educational institution who is found to have **wrongfully and intentionally accused** another of an act of bullying or harassment:

1. Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of bullying or harassment range from positive behavioral interventions up to and including suspension, withdrawal or expulsion, as outlined in the Code of Student Conduct.

A **procedure for reporting an act** of bullying or harassment, including provisions that permit a person to anonymously report such an act is as follows:

The principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents/legal guardians, 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 principal's designee.

1. The principal shall establish and prominently publicize to students, staff, volunteers and parents/legal guardians how a report of bullying or harassment may be filed, either in-person or anonymously, and how this report will be acted upon.
2. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place, may file a report of bullying or harassment.
3. A school employee, school volunteer, student, parent/legal guardian, or other persons who promptly report 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 district 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.
4. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s). Reports may be made anonymously but formal disciplinary action may not be based solely on the basis of an anonymous report.

*A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. 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:*

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The Procedures for Investigating Bullying and/or Harassment include:

1. The principal or designee selects a designee(s) employed by the school to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.
2. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately, and at no time will the alleged perpetrator and victim be interviewed together.
3. The investigator shall collect and evaluate the facts including, but not limited to:
  - a. Description of incident(s) including the nature of the behavior, the context in which the alleged incident(s) occurred, etc.
  - b. How often the conduct occurred.
  - c. Whether there were past incidents or past continuing patterns of behavior.
  - d. The relationship between the parties involved.
  - e. The characteristics of parties involved (i.e., grade, age, etc.).
  - f. The identity and number of individuals who participated in bullying or harassing behavior.
  - g. Where the alleged incident(s) occurred.
  - h. Whether the conduct adversely affected the student's education or educational environment.
  - i. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident.
  - j. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
4. 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:
  - a. Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
  - b. A written final report to the principal.
5. The maximum of ten (10) school days shall be 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 and/or harassment, and the investigative procedures that follow. Students who commit acts of bullying or harassment may be suspended, withdrawn, or expelled, as outlined in the Code of Student Conduct.

*A process to investigate whether a reported act of bullying or harassment is within the **scope of the district school system** and, if not, a process for **referral** of such an act to the appropriate jurisdiction:*

A principal or designee will assign a designee(s) to initiate an investigation of whether an act of bullying or harassment is within the scope of the school district.

The trained designee(s) will provide a report on the results of the investigation with recommendations

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for the principal to make a determination if an act of bullying or harassment falls within the scope of the district.

1. If it is within the scope of the district, move to Procedures for Investigating Bullying and/or Harassment.
2. If it is outside the scope of the district and determined to be a criminal act, refer to appropriate law enforcement.
3. If it is outside the scope of the district and determined not a criminal act, inform parents/legal guardians of all students involved.

*A procedure for providing **immediate notification to the parents/legal guardians** of a victim of bullying or harassment and the parents/legal guardians of the perpetrator of an act of bullying or harassment as well as, notification to all local agencies where criminal charges may be pursued against the perpetrator:*

The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment, as defined by this policy, to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall, by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the bullying incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that 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 and/or in writing.

*A procedure to **refer** victims and perpetrators of bullying or harassment for counseling:*

The procedure is outlined as follows:

1. The teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of the concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included).
2. Referral process to provide professional assistance or services that includes:
  - A. School personnel or parent/legal guardian 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 or legal guardian involvement is required at this point.)

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- B. If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. (Parent or legal guardian involvement is required at this point.)
3. A school-based component to address intervention and assistance as determined appropriate by the intervention team that includes:
  - A. Counseling and support to address the needs of the victims of bullying or harassment.
  - B. Research-based counseling/interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management).
  - C. Research-based counseling/interventions which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

*A procedure for including incidents of bullying or harassment in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include, in a separate section, each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents:*

The school district will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment as an incident code, as well as bullying-related as a related element code. The SESIR definition of bullying/harassment is 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 the individual's school performance or participation. If a bullying and/or harassment incident occurs, then it will be reported in SESIR with the **bullying/harassment** code. If the bullying/harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code AND the related element code entitled **bullying-related** code.

Those incidents are:

- Aggravated Battery
- Alcohol
- Arson
- Bullying
- Burglary
- Criminal Mischief (Felony Vandalism- \$1,000 threshold)
- Disruption on Campus- Major
- Drug Sale/Distribution
- Drug Use/Possession
- Fighting
- Grand Theft (\$750 threshold)
- Harassment



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- Hazing
- Homicide
- Kidnapping
- Other Major Incidents
- Robbery
- Sexual Assault
- Sexual Battery
- Sexual Harassment
- Sexual Offenses (Other)
- Simple Battery
- Threat/Intimidation
- Tobacco
- Trespassing
- Weapons Possession

School districts must report all SESIR incidents to law enforcement where the incident includes one or more of the following related elements, as defined in Rule 6A-1.0017, F.A. C.:

- Alcohol-related
- Drug-related
- Gang-related
- Hate crime-related
- Hazing-related
- Injury-related, if the injuries are reported as more serious
- Weapon-related

Discipline and referral data will be recorded in the Student Discipline/Referral Action Report and FOCUS. The district will provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.

*A procedure for providing instruction to students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment:*

Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction, at a minimum, on an annual basis on the district's policies and regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying in schools.

*A procedure for **regularly reporting to a victim's parents/legal guardians the actions taken to protect the***

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*victim:*

The principal or designee shall, by telephone and/or in writing, report the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

*A procedure for publicizing the policy must include its publication in the code of student conduct required under s. 1006.07(2), F.S., and in all employee handbooks:*

At the beginning of each school year, the superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the district's student safety and violence prevention policy.

Each district school shall provide notice to students and staff of this policy through appropriate references in the code of student conduct and employee handbooks, and/or through other reasonable means. FAU shall make all contractors contracting with the district aware of this policy.

The principal or designee shall meet to discuss the school district policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages, such as posters and signs, will be displayed around each school and on the district school buses.

### **Discipline for Students eligible for services under the Individuals with Disabilities Education Act ("IDEA")**

#### **1. Statutes and Rules**

- A. The discipline of all students with disabilities ("ESE") is governed by federal statutes and regulations under the Individuals with Disabilities Education Act ("IDEA") as well as Florida Statutes.
- B. If the district 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.

#### **2. Suspension**

- A. 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 ten (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 towards the 10 day limit.
- B. The principal or a designee may remove a student eligible for services under the IDEA for up

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- to **ten (10) cumulative school days per calendar year** for disciplinary infraction(s).
- C. Prior to consideration of suspension, the school must have made and documented reasonable attempts to use less restrictive alternatives and/or interventions to decrease inappropriate behavior.
  - D. Educational services may be provided during the ten (10) days, but are not required.
  - E. If an ESE student is arrested on campus **and** suspended, those days count towards the cumulative ten (10) days allowed each school year.
  - F. The IEP team must meet no later than the tenth (10th) day of the cumulative suspension to:
    - i. Determine if the student's behavior is a manifestation of the student's disability.
    - ii. Initiate a FBA or review the student's current FBA and behavior intervention plan.
    - iii. If the behavior is a manifestation of the disability, review the student's IEP.
  - G. The Manifestation Determination Review (MDR) must be conducted at the IEP meeting.
    - i. When making a manifestation determination, the district, parent, and relevant members of the team shall 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.
    - ii. The team shall then determine: (a) If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (b) If the conduct in question was the direct result of failure to implement the IEP. A consensus of the members of the team shall make these determinations and such determination will be based upon the information reviewed by the team. If either (a) or (b) is applicable the conduct shall be determined to be a manifestation of the student's disability.
  - H. The student's custodial parent/guardian must be invited to participate as a member of this IEP Team and the principal/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 an IEP Team meeting, the principal/designee shall use other methods to ensure parent participation, including individual or conference telephone calls. The custodial parent/guardian must be provided with a copy of procedural safeguards.
  - I. A school cannot make a parent conference mandatory prior to the ESE 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 ten (10) cumulative days per school year, even if the parent does not attend the conference.
  - J. If the student's behavior is a manifestation of the student's disability, the IEP Team shall conduct a functional behavioral assessment and implement a behavior support plan, which includes the provision of Positive Behavior Interventions and Supports, if such assessment for conduct was not completed prior to the behavior. If a behavior support plan has been developed, the committee shall review the IEP, modify it, as necessary, to address the behavior and include the provision of Positive Behavior Interventions and Supports, and *return the student to the placement from which he or she was removed*. Nothing herein shall be construed as preventing the team from proposing another placement, so long as the placement is appropriate and in the least restrictive environment.
  - K. If the IEP Team determines that the student's behavior is not a manifestation, then the student

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may be suspended from school in the same manner that students are not eligible for services under the IDEA. Nevertheless, such student shall continue to receive educational services, so as to enable the child 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, a functional behavioral assessment, behavioral intervention services, and modifications, that are designed to address the behavior violation so that it does not recur.

### 3. Expulsion

- A. Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the board, for a period not to exceed the remainder of the term or school year and one additional year of attendance.
- B. Expulsion cannot be considered for students eligible for services under the IDEA because it would constitute a cessation of educational services for that period of time.

### 4. 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 his or her disability. Whenever a student with a disability is subjected to a disciplinary change of placement (e.g. suspension or expulsion), the school district must conduct an MDR within 10 days of the decision to remove the student from school.

### Discipline for Students eligible for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Americans with Disabilities Act ("ADA")

1. This Policy for the discipline of students eligible for services under Section 504 is designed to comply with State Board of Education Rule 6A-6.0331(8), the Section 504 Regulations at 34 C.F.R. Part 104, and 29 U.S.C. § 794 ("Section 504"). The phrase "eligible for services under Section 504" refers to students with active Section 504 accommodation plans and students with disabilities who require Section 504 plans. *However, 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 the ADA 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.*
2. **Definitions.** The words suspension and expulsion of students eligible for services under Section 504 shall have the following meanings through this policy:
  - A. **Suspension.** Pursuant to Fla. Stat. § 1003.01(5) (a) 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/designee, for a period up to ten (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*

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*action, whether formal or informal, apply toward the 10 day limit.*

- B. **Expulsion.** As defined in Fla. Stat. § 1003.01(6) expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the Board, and for a period of time not to exceed the remainder of the term or school year and one (1) additional year of attendance. Expulsions may be imposed with or without continuing educational services (subject to Section (4) (f) below) and shall be reported accordingly.
  - C. **Re-evaluation.** Students with active Section 504 accommodation plans who are recommended for suspension in excess of ten (10) days or expulsion must have a re-evaluation prior to a significant change in placement, as required by 34 C.F.R. § 104.35(d). Students with disabilities suspected of being eligible for services under Section 504, who are recommended for suspension in excess of ten (10) days or expulsion must be evaluated prior to a significant change in placement, as required by 34 C.F.R. § 104.35(b).
3. **Suspension of Students under Section 504/ADA.** Unless otherwise indicated by their accommodation plans, students eligible for services under Section 504 are expected to follow the rules of the student conduct code. Students who are eligible for services under Section 504/ADA may be suspended for infractions as defined for all students in the Code of Student Conduct, with the following limitations:
- A. **Suspension for Ten (10) Cumulative Days or Less.** Unless otherwise indicated by their accommodation plans, student suspension procedures will be followed for students who are eligible for services under Section 504/ADA and recommended for suspension for ten (10) cumulative days or less.
  - B. **Any Suspension beyond Ten (10) Cumulative Days.** No student who is eligible for services under Section 504/ADA shall be suspended beyond ten (10) cumulative days per school year, except through the following procedure. It is the responsibility of the principal or designee to monitor all serial/cumulative suspensions. **NOTE:** If a student has been referred for ESE evaluation prior to or during the Section 504 manifestation determination, the student is then protected under the IDEA for discipline provisions. Therefore, the team must treat the student as an ESE student. The principal/designee shall notify the 504 Multi-Disciplinary Team immediately when a student who is or may be eligible for services under Section 504/ADA violates the student conduct code and will be considered for suspension for more than ten (10) cumulative days per school year.
    - i. Within twenty-four (24) hours of the recommendation for the extended suspension, the principal or designee shall provide written notice to the custodial parent/guardian and the student of the proposed suspension, alleged misconduct, and time and date of the scheduled 504 Multi-Disciplinary Team meeting. Notification of purpose, participants, and location of the meeting will be included. The custodial parent/guardian shall also be notified that the 504 Multi-Disciplinary Team will also serve as a 504 plan team and may change the student's Section 504 plan. The custodial parent/guardian shall be given a copy of Section 504/ADA Procedural Safeguards.
    - ii. The principal or designee will 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 an IEP Team meeting, the principal/designee shall use other methods to ensure parent participation, including individual or conference

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- telephone calls.
- iii. 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 district will keep a record of its attempts to arrange a mutually agreed-on time and place.
  - iv. The notice and copy of Section 504/ADA Procedural Safeguards shall be delivered by registered or certified mail (return receipt requested) or personally delivered by the principal or designee at least twenty-four (24) hours prior to the meeting. A signed receipt of delivery must be obtained.
  - v. Before the student can be removed from the campus for the suspension recommendation, the principal or designee will arrange a 504 Multi-Disciplinary Team review of the incident that was the basis for the recommendation for suspension.
  - v. Members of the Committee may include the following personnel:
    - 1. A School psychologist as the person knowledgeable of the evaluation procedures pursuant to the disability.
    - 2. If the disability of record is a mental disability, the school nurse should be present to consult with the psychologist.
    - 3. A teacher, counselor, or appropriate person knowledgeable of the student.
    - 4. An administrator (not the recommending administrator) as the person who is knowledgeable of the suspension/expulsion process.
  - vi. The 504 Multi-Disciplinary Team will review the case and determine whether the student's conduct was or was not a manifestation of the disability for which the student has a Section 504 plan. A 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 his or her disability. Whenever a student with a disability is subjected to a disciplinary change of placement (e.g. suspension or expulsion), the school district must conduct an MDR within 10 days of the decision to remove the student from school.
  - vii. When making a manifestation determination, the district, parent, and relevant members of the team shall review the student's accommodation plan, any teacher observations, past disciplinary referrals/infractions, and any relevant information provided by the parents.
  - viii. The team shall then determine: (a) if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (b) if the conduct in question was the direct result of failure to implement the Section 504 Accommodation Plan. A consensus of the members of the team shall make this determination and such determination will be based upon the information reviewed by the team. If either (a) or (b) is applicable the conduct shall be determined to be a manifestation of the student's disability.
  - ix. If the 504 Multi-Disciplinary Team determines that the student's behavior is not a manifestation, then the student may be suspended from school in the same manner as students not eligible for services under Section 504. Nevertheless, such student shall continue to receive education services, so as to enable the child 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 Section 504 accommodation plan and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications, that are designed to address the behavior violation so that it does not recur.

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- x. If it is determined that the student's behavior is a manifestation of the student's disability, the Multi-Disciplinary Team shall conduct a functional behavioral assessment and implement a behavior intervention plan, which includes the provision of Positive Behavior Interventions and Supports, if such assessment for conduct was not completed prior to the behavior. If a behavior support plan has been developed, the committee shall review the plan, modify it, as necessary, to address the behavior and include the provision of Positive Behavior Interventions and Supports, and return the student to the placement from which he or she was removed. Nothing herein shall be construed as preventing the team from proposing another placement, so long as the placement is appropriate and in the least restrictive environment.

### 4. Expulsion of Students under Section 504/ADA

- A. Students eligible for services under Section 504/ADA may be recommended for expulsion as defined for all students.
- B. The principal or designee shall notify the 504 Multi-Disciplinary Team immediately when a student with a Section 504 plan is being recommended for expulsion.
- C. Within twenty-four (24) hours of the recommendation for expulsion, the principal or designee shall provide written notice to the custodial parent/guardian and the student of the proposed expulsion and the date and time of the scheduled 504 Multi-Disciplinary Team meeting to determine the manifestation of the disability. The procedures for conducting an MDR and for ensuring parental participation set forth in the Code of Student Conduct above shall apply to proposals for expulsions.
- D. The notice, procedural safeguards, and a copy of this Policy shall be delivered by certified mail (return receipt requested), or the principal/designee shall personally deliver it and obtain a signed receipt.
- E. 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. Nevertheless, such student shall 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 Section 504 accommodation plan, and receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior that gave rise to the violation so that it does not recur.
- F. If it is determined that the student's misconduct is a manifestation of the student's disability, federal law does not permit a school district to cease all educational services. If it is determined that the student's behavior is a manifestation of the student's disability, the Multi-Disciplinary Team shall conduct a functional behavioral assessment and implement a behavior intervention plan, which includes the provision of Positive Behavior Interventions and Supports, if such assessment was not completed prior to the behavior. If a behavior intervention plan has been developed, the committee shall review the plan, modify it, as necessary, to address the behavior and include the provision of Positive Behavior Interventions and Supports. In either case, the student shall be returned to the placement from which he or she was removed. Nothing herein shall be construed as preventing the team from proposing

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another placement, so long as the placement is appropriate and in the least restrictive environment.

*Statutory Authority: 6A-1.0017; 6A-.03312; s. 553.865, F.S.; s. 784.048, F.S.; s. 1000.071, F.S.; s. 1003.01, F.S.; s. 1003.3, F.S.; s. 1006.07.F.S.; s. 1006.08. F.S.; s. 1006.09, F.S.; s.1006.13, F.S.*

*Amended by FAUS School Advisory Body on 6/12/2013, 3/27/2019, 6/15/2022, 8/2/23, 6/19/24*