

SCHOOL BOARD OF ORANGE COUNTY
ACKNOWLEDGEMENT REGARDING CODE OF STUDENT CONDUCT
2020 – 2021



The School Board of Orange County, Florida (Board) Policy JIC, entitled “Code of Student Conduct,” in addition to Section 1006.07, Florida Statutes, requires the adoption of a Code of Student Conduct (Code). The Orange County Public Schools (OCPS) Code applies to all activities throughout the school, while being transported to and from school at a public expense, a reasonable time before and after school, during school-sponsored activities, and any other jurisdictional area as permitted by applicable laws and regulations.

The Code shall be discussed with students, school advisory committees, and parent/teacher associations at the beginning of each school year and quarterly thereafter and for transferring students upon their enrollment.

In order to conserve resources, schools will not distribute paper copies of the Code to every student. You can locate an electronic copy of the Code online at the District website: www.codeofconduct.ocps.net, or on your school-issued device for Middle and High School students. If you require a paper copy of the Code, please check the box below and return this form to your child’s school. The following represents a minimal portion of information found within the Code; students and parents/guardians are encouraged to read the Code in its entirety:

- I have read about Safe Harbor in the Code and understand that I must turn in the prohibited item **before** an investigation has started.
- If I am **charged** with a felony, whether on OCPS grounds or in the community, I will not be eligible to participate in extracurricular/co-curricular activities.
- I may be recommended for full exclusion from all OCPS schools or placed at an alternative school for committing certain disciplinary offenses to include, but are not limited to, possession of a weapon, possession/distribution/selling drugs, sexual offenses, theft/robbery, vandalism, severe acts of bullying/harassment, hazing, and/or physical attacks.
- All threats made to a school or person will be taken seriously, regardless of intent.
- I understand I have the right to choose to participate in an OCPS disciplinary investigation.
- Searches of students and property will be conducted if school personnel have reasonable suspicion of a violation of the law or the Code. Reasonable suspicion is not required to conduct random searches of OCPS owned property. Random searches may occur at any time and are not protected by Safe Harbor.
- I understand that vaping/smoking any substance (drugs, nicotine, etc.) is not permitted on Board property, transportation, or school-sponsored activities.
- I can anonymously report any suspicious or criminal behavior I observe to the **Speak Out Hotline** at (800) 423-TIPS (8477), at www.speakouthotline.org, or by texting “speakout” plus my tip information to CRIMES (274637). I can also report any suspicious or criminal behavior I observe to FortifyFL through the FortifyFL app, on my school-issued device, or by going online at www.getfortifyfl.com.

School Name

Grade

Print Student Name

Student Signature

Date

Print Parent/Guardian Name

Parent/Guardian Signature

Date

☐ **Please check if you require a printed copy of the 2020-2021 Code and return to your school.**

PARENTS/GUARDIANS: THIS FORM IS SIGNED BY YOUR CHILD AT SCHOOL. PLEASE SIGN AND RETURN THE PARENT/GUARDIAN FORM TO YOUR CHILD’S SCHOOL. FAILURE OR REFUSAL TO SIGN THIS ACKNOWLEDGEMENT FORM WILL NOT RELIEVE A STUDENT OR THE PARENT/GUARDIAN OF THE RESPONSIBILITY FOR COMPLIANCE WITH THE CODE OR ACCOUNTABILITY FOR LOSS OR DAMAGE TO OCPS PROPERTY. FOR PARENTS/GUARDIANS OF STUDENTS GRADES 6-12, THIS FORM MAY BE RECORDED ELECTRONICALLY.

CODE OF STUDENT CONDUCT SUMMARY

The Code has four levels of offenses. Level I offenses are the least serious and will be dealt with by imposing less severe consequences than Level IV offenses. A Level IV offense is grounds for a 10-day suspension and a consideration for expulsion.

| Level I | Level II | Level III | Level IV |
|----------------------------------|---|---|------------------------------------|
| Cheating | Vandalism (under \$100) | Physical Attack | Alcohol |
| Disorderly Conduct | Disrespect | Vandalism (\$100 to \$999) | Arson |
| Disrespect | Fighting | Disrespect | Threats |
| Dress Code | Forgery | Extortion/Blackmail | Battery |
| Failure to Report to Detention | Gambling | Fighting | Drugs |
| False/Misleading Information | Minor Insubordination | Firecrackers/Fireworks | Firearms/Weapons |
| Profanity | Intimidation/Threats | Gross Insubordination/Open Defiance | Major Campus Disruption |
| Tardiness | Stealing (under \$375) | Illegal Organizations | Larceny/Theft (\$750 or over) |
| Skiping Class | Unauthorized Assembly | Possession of Contraband | Other Dangerous Objects |
| Other Misconduct | Bullying | Smoking/Vaping Tobacco/Nicotine | Repeated Misconduct |
| Unsubstantiated Bullying | Other Misconduct | Stealing (\$375 to \$749) | Robbery/Extortion |
| Unsubstantiated Harassment | Gang Related | Trespassing | Sexual Battery |
| Harassment | Harassment | Violation of Curfew | Sexual Harassment |
| Cell Phone/Technology Violation | Sexual Harassment | Bullying | Sexual Offenses |
| Horseplay | Cell Phone/Technology Violation | Other Serious Misconduct | Violation of Early Re-entry |
| | Horseplay | Physical Aggression on an Employee | Vandalism (\$1000 or over) |
| | Dress Code | Threats | Other |
| | | Gang Related | Bullying |
| | | Sexual Harassment | Harassment |
| | | Harassment | Physical Attack |
| | | Hazing | Hazing |
| | | Cell Phone/Technology Violation | Sexual Assault |
| | | Horseplay | District Technology Violation |
| | | District Technology Violation | Burglary |
| | | | Homicide |
| | | | Kidnapping |
| Level I – Consequences | Level II – Consequences | Level III – Consequences | Level IV – Consequences |
| Parent Contact | Parent Contact | Parent Contact | Parent Contact |
| Counseling and Direction | Counseling and Direction | Counseling and Direction | Counseling and Direction |
| Verbal Reprimand | Behavior Contract/Plan | Behavior Plan/Contract | Expulsion from School District |
| Special Work Assignment | Restorative Practice | Restorative Practice | Restorative Practice |
| Withdrawal of Privileges | PASS | PASS | PASS |
| Return of Property | Special Work Assignment | Return of Property | Suspension from School |
| Detention | Detention | Detention | Referral to Intervention Program |
| Referral to Intervention Program | Referral to Intervention Program | Suspension from Bus | Expulsion from Bus |
| Restorative Practice | Confiscation of Contraband | Suspension from School | Assignment to Alternative School |
| Referral to Mental Health | Return of Property | Removal from Extracurricular Activities | Removal from Extracurricular |
| Confiscation of Contraband | Suspension from Bus | Referral to Intervention Program | Referral to Mental Health Services |
| Assigned Seat | SAFE/Guidance Referral | Schedule Change | Schedule Change |
| Safety Plan | Removal from Extracurricular Activities | Safety Plan | Safety Plan |
| SAFE/Guidance Referral | Safety Plan | No Contact Contract | No Contact Contract |
| Schedule Change | Schedule Change | SAFE/Guidance Referral | SAFE/Guidance Referral |
| No Contact Contract | No Contact Contract | Referral to Mental Health Services | |
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SUMMARY OF CHANGES TO THE CODE OF STUDENT CONDUCT

Section V: Disciplinary Response Code for Elementary

- Disciplinary Response Code Overview
- Student Discipline Investigations
- Level 1B: Classroom Disruption (removed)
- Level 1C: Disorderly Conduct
- Level 1G: False and/or Misleading Information
- Level 1H: Insubordination (removed)
- Level 1I: Misconduct on the School Bus (removed)
- Level 1KK: Electronic Device Violation
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- Level 1 Consequences
- Level 2B: Disrespect
- Level 2C: Fighting
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- Level 2H: Misconduct on the School Bus (removed)
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- Level 2 Consequences
- Level 3A: Physical Attack
- Level 3B: Breaking and Entering (removed)
- Level 3E: Extortion/Blackmail
- Level 3F: Fighting
- Level 3G: Firecrackers/Fireworks
- Level 3H: Gross Insubordination/Open Defiance
- Level 3L: Smoking/Vaping and Other Use of Tobacco/Nicotine Products
- Level 3M: Stealing
- Level 3N: Trespassing
- Level 3Q: Other Serious Misconduct
- Level 3S: Sexual Harassment
- Level 3T: Intimidation/Threats to a Person
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- Level 4H: Firearms/Weapons
- Level 4I: Major Disruption on Campus
- Level 4J: Larceny/Theft
- Level 4K: Other Dangerous Objects
- Level 4M: Robbery/Extortion
- Level 4P: Sexual Offenses
- Level 4R: Motor Vehicle Theft (removed)
- Level 4T: Other
- Level 4U: Drugs/Transmission/Distribution/Selling/Buying
- Level 4Y: Physical Attack
- Level 4Z: Sexual Assault

Section V: Disciplinary Response Code for Elementary (cont.)

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CODE OF STUDENT CONDUCT 2020-2021

INTRODUCTION

Orange County Public Schools (OCPS) has developed the Code of Student Conduct (Code) to help students, parents, and school personnel understand the guidelines for maintaining a safe and orderly learning environment.

The Code applies to all OCPS students in Kindergarten through Grade 12, including high school and school age students attending either a technical center in a dual-enrollment program or a community school program for high school credit.

Each OCPS student must obey OCPS rules and the Code:

- While on school grounds;
- While being transported to or from school at public expense;
- During school-sponsored activities, including, but not limited to distance learning, field trips, athletic functions, and similar activities; and
- If appropriate, any other area as permitted by Florida Statutes and/or State Board of Education Rules.

Schools may also have the authority to discipline students for acts near or related to the school or when a student's conduct may harm the health, safety, or welfare of the student, of other students, of the school or of school personnel. In addition, while students may be disciplined for offenses according to the responses outlined in the Code, please be aware that there could be additional consequences through law enforcement for acts that violate the law.

Notice of Limited Responsibility for Supervising Students

OCPS employees are not responsible for supervising students who arrive on school grounds more than 30 minutes before school and/or 30 minutes before a school-sponsored activity is scheduled to begin or students remaining on school grounds more than 30 minutes after school and/or 30 minutes after the school-sponsored activity ends. OCPS is not responsible for supervising students not in attendance at school, or students not authorized to participate in school-sponsored activities. Casual or incidental contact between OCPS personnel and students on school grounds shall not result in a duty to supervise students. Parents/guardians should not rely on OCPS employees to provide supervision for their child outside of the aforementioned time period.

Nothing in this section precludes OCPS from administering discipline for acts or behavior that occur on OCPS property.

OCPS EEO Non-Discrimination Statement

The School Board of Orange County, Florida, does not discriminate in admission or access to, or treatment or employment in its programs and activities, on the basis of race, color, religion, age, sex, national origin, marital status, disability, genetic information, sexual orientation, gender identity or expression, or any other reason prohibited by law. The following individuals at the Ronald Blocker Educational Leadership Center, 445 W. Amelia Street, Orlando, Florida 32801, attend to compliance matters: Equal Employment Opportunity (EEO) and Title IX Officer: Keshara Cowans; ADA Coordinator: Michael Graf; Section 504 Coordinator: Tajuana Lee-Wenze. (407.317.3200)

SECTION I: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Notification of Rights Under FERPA for Elementary and Secondary Schools

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

1. The right to inspect and review the student's education records within 45 days of the day the school receives a request for access. Parents or eligible students who wish to inspect their child's or their education records must submit a written request to the principal that identifies the record(s) the parents or eligible student wishes to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education record that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the school to amend their child's or their education records must write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. If the school decides not to amend the record as requested, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. If, as a result of the hearing, the school still decides not to amend the record, the parent/guardian or eligible student can insert a statement into the record setting forth his or her views regarding the nature of the inaccuracy. The statement must remain with the contested part of the record for as long as the record is maintained. Please note, while the FERPA amendment procedure may be used to challenge facts that are inaccurately recorded, it may not be used to challenge a grade, an opinion, or a substantive decision made by a school about a student. FERPA was intended to require only that schools conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations. Additionally, if FERPA's amendment procedures are not applicable to a parent's/guardian's request for amendment of education records, the school is not required under FERPA to hold a hearing on the matter.
3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff; the person elected to the school board; or, a person or company with whom the district has contracted to perform a specific task. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Additionally, personally identifiable information will be released without consent to appropriate officials in emergency situations, to comply with a lawfully issued subpoena and in cases involving compulsory school attendance and child abuse. Further disclosures of personally identifiable information from educational records of a student without obtaining prior written consent of the parents or the eligible students can be found in 34 C.F.R. Part 99.31. *Please note: Per FERPA, disciplinary records are also considered educational records and cannot be disclosed unless one of the above exceptions applies.*
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The address of the office that administers FERPA is:

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

SECTION I: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Release of Directory Information

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that OCPS, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, OCPS may disclose appropriately designated "directory information" without written consent, unless you have advised OCPS to the contrary in accordance with OCPS procedures and Board Policy JRA, entitled, "Student Records." The form to opt-out of the release of directory information can be obtained from your child's school or by completing the form found at <https://www.ocps.net/cms/One.aspx?portalId=54703&pageId=1259544..> Please note, directory information, as permitted by the Board, will only be shared with contracted entities and pursuant to Board Policy JRA.

In accordance with FERPA and Board Policy JRA, the following information, also known as "directory information," can be found in your child's school records and is not confidential:

- Student name;
- Student address;
- Telephone numbers, if listed;
- Name of the most recent previous school or program attended;
- Dates of attendance at schools in the district;
- Participation in officially recognized activities and sports;
- Diplomas, certificates, and honors received;
- Date of graduation; and
- Date and place of birth.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. [Note: These laws are Section 9528 of the ESEA (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).]

In addition, the names and directory information pertaining to children of active or former law enforcement officers, investigative personnel of the Department of Health and Rehabilitative Services, firefighters, justices and judges, and other officials, as outlined in Section 119.07, Florida Statutes, are exempt from disclosure. If such a parent/guardian makes a written request to the school that information not be released by the school without parent/guardian consent, the school shall not release such information.

Release of Educational Records to Other Educational Agencies

FERPA permits disclosure of educational records to other educational agencies or institutions in accordance with 34 C.F.R. § 99.34. OCPS may disclose educational records to other educational agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. The parent/guardian may request a copy of the record that was disclosed, and/or the parent/guardian may request a hearing as outlined in this Section. In addition, pursuant to Section 1003.25, Florida Statutes, educational records transferred to another educational agency shall include: verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services; and psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by OCPS, as appropriate.

SECTION II: STUDENT RIGHTS AND RESPONSIBILITIES

| Safe, Positive, and Receptive Learning Environment | |
|---|---|
| Student Rights | Student Responsibilities |
| To attend school in a positive learning environment | To maintain a decorum that enhances a positive learning environment |
| To have school personnel who are receptive to student needs and concerns | To express needs and concerns in an appropriate manner |
| To have knowledge of the Code | To follow the guidelines set forth in the Code |
| Attendance | |
| Student Rights | Student Responsibilities |
| To be informed of Board policies and school rules about absenteeism and tardiness | To attend classes daily and be on time |
| To appeal a decision about an absence | To explain or document the reason for an absence |
| To request make-up work after an absence/suspension and to complete it in a reasonable amount of time | To make-up class work in a reasonable amount of time after an excused absence/suspension |
| Counseling | |
| Student Rights | Student Responsibilities |
| To be informed about school guidance services | To use guidance services for educational and personal improvement |
| To have access to individual and group counseling | To schedule guidance appointments ahead of time, except in emergencies |
| To request counseling | To work cooperatively with all school personnel |
| Curriculum | |
| Student Rights | Student Responsibilities |
| To receive a teacher's grading standard at the beginning of the grading period | To request academic and extracurricular programs that are in line with ability |
| To receive course descriptions | To ask for help from school personnel in choosing courses |
| To learn from competent teachers in an atmosphere free from bias and prejudice | To cooperate with teachers and contribute to an atmosphere free from bias and prejudice |
| To take part in basic skills programs in elementary, middle, and high schools | To make every effort to master the basic skills |
| Grades | |
| Student Rights | Student Responsibilities |
| To receive a teacher's grading standards at the beginning of the grading period | To learn about grading standards |
| To be notified of failure/potential failure when work is unsatisfactory | To meet academic standards in line with ability and to make every effort to improve unsatisfactory work |

SECTION II: STUDENT RIGHTS AND RESPONSIBILITIES

| Free Speech/Expression | |
|---|--|
| Student Rights | Student Responsibilities |
| To express views through speaking and writing, but without being obscene, disruptive, abusive, or derogatory | To respect the right of others to express their views and refrain from using speech or expression that could substantially disrupt the learning environment or harm the health, safety, or welfare of others |
| To participate in patriotic observances, however, students have a right to not participate in recitation of Pledge of Allegiance | To behave respectfully during patriotic observances |
| To have one's religious beliefs respected | To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule |
| To assemble peaceably on school grounds while following federal, state, and local regulations | To plan, get approval for and conduct activities that are in line with the school's goals |
| To help develop and distribute publications as part of the educational process | To follow the rules of responsible journalism under the guidance of an advisor, including seeking complete information about topics and refraining from publishing false or obscene material |
| To be protected from sexual harassment | To refrain from sexually harassing students, staff, and community members on OCPS property |
| Privacy and Property Rights | |
| Student Rights | Student Responsibilities |
| To have privacy of personal possessions unless school personnel have reason to believe a student is in possession of materials prohibited by law or Board policy; any individual on Board property is subject to search | To keep materials prohibited by law or Board policy away from school or school activities |
| To have personal property respected | To respect others' personal property |

SECTION II: STUDENT RIGHTS AND RESPONSIBILITIES

Safe Harbor Provision

A student may approach a school official or contracted personnel and turn in an object which is not allowed by the Code. Unless an investigation by school officials regarding the possession of an object that is not allowed by the Code has already started, a student who approaches a school official and turns in the object, may not receive discipline. An investigation starts when a school official or contracted personnel becomes aware of the object that is not allowed by the Code. The school will make arrangements with the student's parent/guardian to pick up the object from the school, if applicable.

If a student discovers illegal objects such as drugs, weapons, or other contraband on school property, including on a school bus, the student may approach a school official or contracted personnel and report the discovery. A student may not be in violation of the Code by making such a report. School officials shall adhere to policies and procedures concerning further investigation of the report.

Law enforcement may be contacted for specific offenses, which may include, but are not limited to, firearms, drugs, and explosive devices. Objects not allowed by the Code that are discovered during a random search are not protected by the Safe Harbor provisions.

Participation in Extracurricular/Co-curricular Activities

In order to participate in extracurricular/co-curricular activities or athletic programs, students must adhere to Board policies, school-based criteria, and applicable law. A student may not be eligible to participate in extracurricular/co-curricular activities for certain disciplinary offenses. It is important for students to understand that the behavioral expectations placed upon students by the school can extend beyond the classroom and school campus. Pursuant to Florida law, the Board has the authority to withhold participation privileges from students. In addition, schools reserve the right to remove any student for any offense of the Code which substantially disrupts the school or community.

A student may not participate in any extracurricular/co-curricular activity if the student participated in that same sport at another school during the same school year unless the student has been relocated due to foster care placement, experienced death of a parent/guardian, or been impacted by military orders or court-ordered changes in custody. A student's eligibility to participate in extracurricular/co-curricular activities may not be affected by recruiting allegations until a final determination has been reached.

The Juvenile Justice System has committed to working in conjunction with school officials toward maintaining standards of behavior for all students including those who participate in extracurricular/co-curricular activities. With this in mind, any student who has been formally charged with a felony or similar offense by a prosecuting attorney shall be excluded from participation in extracurricular/co-curricular activities for a minimum of one calendar year. If the student is not found guilty or if the charges are dismissed, the student may return upon presenting documentation of the court's decision. Additionally, a student is ineligible to participate in extracurricular/co-curricular activities if a court order prohibits the student's enrollment in a traditional school setting.

Any student who has committed a Level III hazing offense shall be excluded from participation in extracurricular/co-curricular activities for a minimum of one calendar year. Any student who has committed a Level IV hazing offense shall be excluded from participation in extracurricular/co-curricular activities for the remainder of their enrollment at OCPs.

Nothing in this section of the Code shall preclude the exercising of any existing authority of the Superintendent/designee or the Juvenile Justice System.

Additional information pertaining to extracurricular/co-curricular activities can be found in Section VI of this Code and in the Board Policy JJ entitled "Extracurricular Activities."

SECTION II: STUDENT RIGHTS AND RESPONSIBILITIES

Code of Civility

The education of a child happens only through a partnership among the child, school faculty and staff, parent(s) or guardian(s), the community and district office employees. Partnership is an active state that includes sharing responsibilities, having meaningful communication and welcomed participation.

When people who are working together agree, the partnership runs smoothly. Two people will not always agree and that can make partnership difficult. The partnership is most powerful, as children are educated to reach their potential, when we agree on how to disagree. We must be civil in our discourse.

Civility is often described by its absence. We hear of harmful actions such as road rage, physical confrontation, ethnic stereotypes and slurs. But civility is not just an absence of harm. It is the affirmation of what is best about each of us individually and collectively. It is more than saying “please” and “thank you.” It is reflecting our respect for others in our behavior, regardless of whether we know or like them. It is not simply being politically correct and should not be used to stifle criticism or comment. It is being truthful and kind and for us to take responsibility for our own actions rather than blaming others.

As we communicate with each other, we need to remember that we are working together to benefit the children of this community.

Therefore, the Board requires that, as we communicate; students, OCPs faculty and staff, parents, guardians and all other members of the community shall:

1. Always treat each other with courtesy and respect

This means:

- We listen carefully and respectfully as others express opinions that may be different from ours.
- We share our opinions and concerns without loud or offensive language, gestures or profanity.

2. Treat each other with kindness

This means:

- We treat each other, as we would like to be treated.
- We do not threaten or cause physical or bodily harm to another.
- We do not threaten or cause damage to the property of another.
- We do not bully, belittle or tease one another and we do not allow others to do so in our presence.
- We do not demean and are not abusive or obscene in any of our communications.

3. Take responsibility for our own actions

This means:

- We share information honestly.
- We refrain from displays of temper.
- We do not disrupt or attempt to interfere with the operation of a classroom or any other work or public area of a school or school facility.

4. Cooperate with each other

This means:

- We obey school rules for access and visitation.
- We respect the legitimate obligations and time constraints we each face.
- We notify each other when we have information that might help reach our common goal. This will include information about safety issues, academic progress, changes that might impact a student’s work or events in the community that might impact the school.
- We respond when asked for assistance.
- We understand that we do not always get our way.

SECTION II: STUDENT RIGHTS AND RESPONSIBILITIES

Code of Civility

Authority and Enforcement of the Code of Civility

Authority and enforcement of a code for civil conduct ultimately depends on the individual and collective will of those involved – students, OPCS faculty and staff, parents, guardians and all other members of the community. However, individuals need to know how to respond to uncivil behavior and how such behavior will be responded to. Therefore:

1. A student who believes that he or she has not been treated in a manner reflective of the Code of Civility should report such behavior to the appropriate school administrator.
2. A parent, guardian or community member who believes that he or she has not been treated in a manner reflective of the Code of Civility should report such behavior to the staff member's immediate supervisor.
3. An employee who believes that he or she has not been treated in a manner reflective of the Code of Civility should use the following guidelines:
 - If personal harm is threatened, the employee may contact law enforcement.
 - Anyone on school district property without authorization may be directed to leave the premises by an administrator or school resource officer. Anyone who threatens or attempts to disrupt school or school district operations, physically harm someone, intentionally cause damage, uses loud or offensive language, gestures, profanity or shows a display of temper must be directed to leave the premises by an administrator or school resource officer. If such person does not immediately and willingly leave and if the school resource officer is not available, law enforcement shall be called.
 - If a telephone call recorded by an answering machine, e-mail, voicemail message or any type of written communication is demeaning, abusive, threatening or obscene the employee is not obligated to respond.
 - If personal harm is threatened, the employee may contact law enforcement.
 - The employee shall save the message and contact his or her immediate supervisor, the school resource officer and/or OPCS District Police.
 - If any member of the public uses obscenities or speaks in a demeaning, loud or insulting manner, the employee to whom the remarks are directed shall take the following actions:
 - Calmly and politely, ask the speaker to communicate civilly.
 - If the verbal abuse continues, give appropriate notice to the speaker and terminate the meeting, conference or telephone conversation.
 - If the meeting or conference is on school district premises, request that an administrator or authorized person direct the speaker to promptly to leave the premises.
 - If the speaker does not immediately leave the premises, an administrator or other authorized person shall notify law enforcement to take any action deemed necessary.

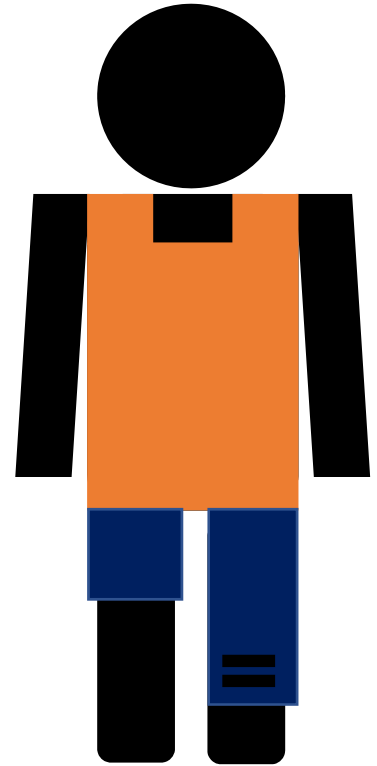
SECTION III COVER PAGE

SECTION III: STUDENT NOTIFICATIONS

Student Dress

The dress and grooming of Orange County Public Schools' students shall contribute to the health and safety of the individual, promote a positive educational environment, and not disrupt the educational activities and processes of the school. These standards of dress and grooming apply to all students in the public schools of Orange County, unless a specific exemption is granted by the principal. Any request for an exemption shall be made to the principal.

1. Clothes shall be worn as they are designed. For example, suspenders should be over the shoulders, pants secured at the waist, belts buckled, no underwear as outerwear, no underwear exposed.
2. Clothing must cover the body from one armpit across to the other armpit and down to approximately mid-thigh (see image to the right). Tops must have straps. Undergarments must not be viewable. Rips, holes, or tears in clothing must be below ~~the knee~~ mid-thigh.
3. Shoes shall be worn at all times and should be safe for the school environment. The following shoes are not acceptable for any OCPS student: cleated shoes or shoes with wheels. In addition, the following shoes are not acceptable for OCPS students in grades K-8: thong sandals or backless shoes.
4. Headgear shall not be worn on campus during the school day, unless the headgear is approved by the principal. ~~Headgear includes, but is not limited to, hats, visors, du-rags, bandanas, bonnets, hoodies, shower caps, sunglasses, etc.~~
5. Specialized courses may require specialized attire, such as sports uniforms, or safety gear and must be approved by the principal before being worn during the school day.
6. See-through, revealing, or mesh garments must not be worn without appropriate coverage underneath that meet the minimum requirements of this dress code.
7. Gang paraphernalia, garments and/or jewelry, tattoos, or other insignias, which display or suggest sexual, vulgar, drug, alcohol, or tobacco-related wording/graphics or may tend to provoke violence or disruption in school shall not be worn.
8. Clothing must not state, imply, or depict hate speech or imagery targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or any other protected class.



9. Clothing and accessories that endanger students or staff shall not be worn.

9.10. Students shall wear a face mask/face covering/face shield if required by the Board, OCPS, Principal, or other official with authority to mandate the wearing of this protective gear. This requirement may be waived with approval from the principal only if a student is medically unable to wear a face mask/face covering/face shield.

10.11. Individual schools may implement school uniforms with community input and approval of the principal's supervisor.

11.12. Individual schools are expected to use the state and district dress and grooming guidelines as minimum standards; any adjustments may be made upon approval of the principal's supervisor. The principal at each school reserves the right to determine what appropriate dress is for the school as detailed in these minimum standards.

Any student who violates this dress policy will be subject to disciplinary action as outlined in Sections IV and V of the Code, Section 1006.07(2)(d), Florida Statutes, and below:

1. For a first offense, a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.
2. For the second offense, a student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent or guardian.
3. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to Section 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days,

and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

SECTION III: STUDENT NOTIFICATIONS

Standards of Conduct for Students using Transportation Provided by OCPS

Because of OCPS's continuing efforts to provide safe transportation for all students, whether for a field trip, athletic function, similar activity, or to and from home, students are expected to abide by the following standards of school bus behavior, in addition to the Code:

1. Obey the bus driver at all times.
2. Stand off the roadway while waiting for the bus.
3. Be at the bus stop five minutes prior to a scheduled stop time.
4. Cross the roadway several steps in front of the bus.
5. Ride only on the assigned bus.
6. Board and depart at the assigned bus stop.
7. Act appropriately while waiting for the bus.
8. Give your proper name when requested by the bus operator or monitor.
9. Remain seated at all times when the bus is moving and properly wear seat belt, as applicable.
10. Remain silent when the dome lights are on.
11. Remain silent at railroad crossings.
12. Refrain from littering on the bus.
13. Refrain from bringing reptiles, bugs, animals, or marine life (dead or alive) on the bus unrelated to school activities.
14. Refrain from displaying signs from the bus.
15. Refrain from using profane language or gestures.
16. Refrain from acts of vandalism.
17. Refrain from throwing any objects from the windows of the bus.
18. Refrain from any conduct or behavior that interferes with the orderly, safe, and expeditious transportation of yourself or other bus riders.
19. Students are permitted to use their electronic device while on OCPS/OCPS-sponsored transportation so long as the student utilizes earbuds, headphones, etc. and has at least one ear free to hear directions.
20. Skate boards are not permitted on the school bus.

Recording devices have been installed on many buses. Students may be filmed at any time during their ride. The recordings may be utilized to determine violations of the Code. Violations of the aforementioned standards, or any other section of the Code may be the basis for suspension or expulsion from bus/school.

SECTION III: STUDENT NOTIFICATIONS

Possession, Use, or Sale of Controlled Substances and/or Alcohol

According to state law and Board Policy JICH, entitled “Drug and Alcohol Use by Students,” the unlawful use, possession, or sale of controlled substances, as defined in Chapter 893, Florida Statutes, and/or alcohol 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 (such as suspension and/or expulsion) and may also result in criminal penalties being imposed.

Possession of Firearms or Weapons on OCPS Property

Possession of a firearm or weapon, as defined in Chapter 790 of the Florida Statutes, by any student or visitor (except law enforcement officers as defined in Chapter 943, Florida Statutes) while the student or visitor is on school property or in attendance at a school function, is grounds for disciplinary action and may also result in criminal prosecution. . This includes, but is not limited to, possessing or carrying a firearm or weapon on his/her person, in a vehicle, container or other conveyance.

Any student who is determined to have brought a firearm or weapon, as defined in Chapter 790 of the Florida Statutes, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm or weapon 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 mental health services identified by OCPS pursuant to Section 1012.584(4), Florida Statutes and the criminal justice or juvenile justice system.

Simulated Weapons

A student may not receive disciplinary action for simulating a firearm or weapon while playing, or for wearing clothing or accessories that depict a firearm or weapon, or expressing an opinion regarding Second Amendment Rights, unless the simulation causes a substantial disruption to learning, causes bodily harm, or places another person in fear of harm as outlined below. Simulating a firearm or weapon while playing includes, but is not limited to:

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

However, a student may receive disciplinary action if simulating a firearm or weapon while playing, if the playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the offense and consistent with Board policies for similar offenses. If a student is disciplined for such conduct, the school principal or designee must call the student’s parent/guardian. Disciplinary action resulting from a student’s clothing or accessories that depict firearms or weapons shall be determined pursuant to the OCPS Dress Code, unless the wearing of the clothing or accessories causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with Board policies for similar offenses. This paragraph does not prohibit schools from adopting a school uniform policy.

Threats or False Reports

Any student who makes a threat or false report as defined by Section 790.162, 790.163, and 836.10, Florida Statutes, involving school or school personnel’s property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, for a period of not less than one (1) full school year and referred to law enforcement, regardless of intent. Threats may include, but are not limited to: bomb threats; threats to use firearms in a violent manner; threats to kill or do bodily injury; and/or threats to conduct a mass shooting or an act of terrorism.

In addition, if a student makes a statement or posts statements on social media alluding to the student bringing a firearm or other weapon to school, on school transportation, or to a school-sponsored event, even if the student does not actually bring the firearm or weapon, the student will be presumed to cause a disruptive environment which will lead to disciplinary action and possible criminal penalties. This section includes student who post similar statements as a self-defense tactic.

SECTION III: STUDENT NOTIFICATIONS

Zero Tolerance for School-Related Violent Crime

In accordance with Section 1006.13, Florida Statutes, entitled “Policy on Zero Tolerance for Crime and Victimization,” the intent of OCPS is to promote a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a threat to school safety, and to encourage schools to use alternatives to expulsion or referral to law enforcement agencies. The Zero Tolerance Policy is not intended to be rigorously applied to petty acts of misconduct and misdemeanors. The Zero Tolerance Policy must apply equally to all students regardless of their economic status, race, or disability. Refer to Board Policy JIC, entitled “Code of Student Conduct,” for further information.

Violence Against School Employees

Any aggression or physical violence against an employee is unacceptable and will not be tolerated. Violence against any OCPS employee, contracted personnel, or volunteer, by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or any other disciplinary action by the school and may also result in criminal penalties.

In addition, any student found to have committed any offense in Section 784.081, Florida Statutes, entitled “Assault or battery on specified officials or employees; reclassification of offenses,” shall be expelled or placed in an alternative school setting or other program, as appropriate. The offenses listed within Section 784.081, Florida Statutes, include, assault or aggravated assault, or a battery or aggravated battery, upon any school district employee when the person committing the offense knows or has reason to know the identity or position or employment of the victim. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

Cell Phone Policy for Students

A student may possess a cell phone on school property and at school-related functions, provided that during school hours, the cell phone remains off and is concealed. However, cell phones/headphones can be used during the school day, if use is part of the curriculum and outlined in the teacher’s lesson/syllabus. Violations of this policy may result in confiscation of the cell phone and/or other disciplinary actions. In addition, if the cell phone is used in a criminal act (such as sexting as outlined in Florida Statutes and the Code), the cell phone will be provided to law enforcement and the student may face criminal penalties.

If confiscated, the parent/guardian will make arrangements to pick up the cell phone from the school, unless law enforcement has taken possession of the cell phone for a criminal act.

At no time shall OCPS be responsible for theft, loss or damage to cell phones or other electronic devices brought onto its property.

These standards apply to all students in the public schools of Orange County, unless an exemption is granted by the principal. Any request for an exemption shall be made to the principal.

Sexting

In accordance with Board Policy JIC, entitled “Code of Student Conduct,” and Section 847.0141, Florida Statutes, sexting is defined as using any computer or electronic device to send, forward, display, retain, store or post sexually explicit, lewd, indecent or pornographic photographs, images or messages. Sexting will not be tolerated and shall be just cause for disciplinary action during:

- School hours or school activities on or off campus;
- While on Board property; or
- Beyond the hours of school operation if the behavior adversely affects the personal safety or well-being of school-related individuals, the governance, climate or efficient operation of the school; or the education process or experience.

Student Parking and School Locker Search

All OCPS parking areas and lockers are the property of the school district. School authorities have the right to inspect any student vehicle and/or lockers in order to protect the health, safety, and welfare of students. This includes use of sniffing K-9 detector dogs. Each student who uses OCPS property to park a vehicle or uses a school locker must sign an OCPS Student Parking and/or Student Locker Application and Consent to Search and Waiver of Liability form acknowledging and agreeing to the conditions as a prerequisite to, and in consideration for, the issuance of a student parking decal and/or a student locker. Individual student parked vehicles and/or locker searches will be conducted if school personnel have reasonable suspicion of a violation of the law or of the Code. A student will be presumed to be in possession of an object prohibited by the Code if the object is found in the car the student drove on campus or in the student’s locker. Routine locker clean-ups are not considered searches.

SECTION III: STUDENT NOTIFICATIONS

Search of Individual

Any individual on OCPs property is subject to search. To this end, OCPs recognizes the need to respect the rights of individuals while protecting the health, safety, and welfare of all students and school employees. OCPs has developed operational guidelines for random electronic scanning utilizing metal detectors and “hands-on” physical searches in schools as a means of helping to create and to maintain a safe educational environment in Orange County. As it relates to student discipline investigations, school personnel are authorized to search a student and their property if reasonable suspicion of a violation of the law or Code exists.

Bullying and Harassment

In accordance with Section 1006.147, Florida Statutes, entitled “Bullying and Harassment Prohibited,” and Board Policy ADD, entitled “Safe Schools,” the Board is committed to protecting its students, employees, and applicants for admission from bullying, harassment, or discrimination for any reason and of any type. The Board believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Substantiated allegations of bullying, harassment, or discrimination will not be tolerated and shall be just cause for disciplinary action. In addition, although unsubstantiated bullying and harassment do not result in disciplinary action, the unsubstantiated bullying and harassment must be documented and reported to the Florida Department of Education through the requirements of the School Environment and Incident Reporting structure. Any student who alleges bullying or harassment by another student may use the school’s student grievance procedure or may complain directly to the principal or designee.

Hazing

In accordance with Section 1006.135, Florida Statutes, entitled “Hazing at High Schools with Grades 6 – 12 Prohibited” and Board Policy JIC, entitled, “Code of Student Conduct,” OCPs is committed to protecting its students from any hazing activities at any time in school facilities, on school property, and off school property if the misconduct is connected to participation or membership of a club or organization of a school. Hazing will not be tolerated and shall be just cause for disciplinary action. Any student, employee, parent/guardian, or third party who has knowledge or engages in hazing, may report it directly to the principal or designee. The reporting of any act of hazing may be made anonymously.

Hazing is defined as any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6-12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a school with any of grades 6 through 12. “Hazing” includes, but is not limited to, pressuring or coercing the student into violating State or Federal law; forced consumption of any food, liquor, drug, or other substance; forced physical activity that could adversely affect the physical health or safety of the student; or any brutality of a physical nature, such as whipping, beating, branding, 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. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Title IX of the Education Amendments of 1972 and Sex Discrimination

In accordance with Title IX of the Education Amendments of 1972, and Board Policy JB, entitled “Equal Educational Opportunities,” OCPs is committed to protecting its students, employees, and applicants for admission from sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. OCPs believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Substantiated allegations of discrimination will not be tolerated and shall be just cause for disciplinary action. Any student who alleges sex discrimination by another student may use the school’s student grievance procedure or may complain directly to the Title IX Coordinator.

Teen Dating Violence and Abuse

~~In accordance with According to~~ Board Policy ~~ADDJB~~, entitled “~~Safe School~~Equal Educational Opportunities,” ~~all OCPs students should have an educational setting that is safe, secure, and free from dating violence or abuse of any kind. D~~ating violence is defined as violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim, a pattern of emotional, verbal, sexual, or physical abuse used by one person in a current or past intimate relationship to exert power and control over another when one or both of the partners is a student. Dating violence or abuse by any student is prohibited on school property, during any school related or school-sponsored program or activity, and on school-sponsored transportation, and will be subject to disciplinary action and may result in criminal penalties.

Anyone who suspects dating violence and abuse is occurring should report the dating violence and abuse to the school administration for further investigation. The reporter may choose to remain anonymous.

SECTION III: STUDENT NOTIFICATIONS

Trafficking

Any form of trafficking, either human trafficking or drug trafficking, is prohibited on all OCPS property, at school-sponsored activities, and on school transportation. Anyone who is a victim of trafficking or anyone who suspects trafficking is occurring and involves OCPS students or employees, should report the allegations to school administration for further investigation. School administration should consult with the school resource officer, or law enforcement officer of the school resource officer is unavailable, before beginning an investigation. The reporter may choose to remain anonymous.

Expulsion

Florida law (Section 1003.01, Florida Statutes) defines “expulsion” as the removal of the right and obligation of a student to attend a public school under conditions set by OCPS, and for a period of time not to exceed the remainder of the term or school year and 1 additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

All Level 4 Offenses may result in a 1 year expulsion from all OCPS schools with or without continuing educational services. Some Level 4 offenses require a mandatory 1 year expulsion as provided by the zero tolerance policy outlined Florida Statutes and this Code; these offenses include: firearm/weapon possession/use and/or threats or false reports.

Please note, the term “expulsion” is interchangeable with “full exclusion” and “expelled.”

Out-of-School Suspension

Florida law (Section 1003.01, Florida Statutes) defines “suspension” as the 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 10 school days and remanding of the student to the custody of the student’s parent with specific homework assignments for the student to complete.

The Code has certain offenses that could result in out-of-school suspension. If a student receives out-of-school suspension they are prohibited from attending school, any school-sponsored activity, or athletic program/event.

Students may qualify for an Alternative to Out-of-School Suspension (A2S) Program based on their disciplinary offense. A2S provides students with a safe, structured, alternative to complete assignments from teachers, while providing character education for life and social skills training. To qualify for A2S, the student’s school administration coordinates with the parent/guardian and student to discuss the A2S process.

Positive Alternative to School Suspension

Florida law (Section 1003.01, Florida Statutes) defines “in-school suspension” as the temporary removal of a student from the student’s regular school program and placement in an alternative program under the supervision of OCPS personnel, for a period not to exceed 10 days.

The Positive Alternative to School Suspension (PASS) program is a short-term, on-site intervention classroom initiative designed to address the unique needs of students who have committed a school level behavioral offense. The classroom components help students develop more effective coping skills, character development principles, pro-social behaviors, while remaining on track with academics in the classroom. Restorative Practices are included in the PASS program and used in congruence with the classroom components. PASS is designed as an enhancement to the Code. Only administrators, with official referral documentation, may place a student in PASS. These placements are to on a period by period basis or for an amount of days not to exceed 10 days for any single placement. The goal of this program is to allow schools and administrators to effectively deal with Code violations that do not require a student be removed from the school setting.

SECTION III: STUDENT NOTIFICATIONS

Restorative Practices

OCPS has implemented a Restorative Practices program designed to address the unique needs of students (Grades 6-12) who have committed a non-violent behavioral offense in violation of the Code. Incidents that may qualify for participation in the Restorative Practices programs include, but are not limited to, alcohol, drugs, and theft. Restorative Circles have been instituted with the person harmed, the offender and the school community members (administrator/dean/coordinator).

The foundation of the Restorative Practice program is both respect for community safety and a systemic understanding that builds on strengths of the participants, employs a System-of-Care team approach, embeds Multi-tier System of Supports (MTSS) practices, and identifies clear and specific expectations and outcome measures in order to help the youth develop more effective coping skills and pro-social behaviors. This approach focuses on the situation as being the problem rather than the individual student being the problem. Successful completion of the Restorative Practice program can serve as an acceptable consequence in lieu of an external suspension, expulsion, or other appropriate disciplinary response.

Dual Enrollment/Postsecondary Notification

Students who participate in a dual-enrollment program are subject to both the OCPS Code and the participating postsecondary institution's Code of Student Conduct. Any disciplinary offenses that occur on OCPS campus will be reported to the participating postsecondary school where the student is dually enrolled and may result in the student being excused from the program. In addition, any disciplinary offenses that occur on the postsecondary institution's campus will be reported to OCPS for further investigation.

Failure to Attend Classes

If a student arrives at school and then leaves campus, has temporary absences from classes, or fails to attend specific classes, the school can take disciplinary action for skipping.

Truancy

If a student is required by law to attend school, the school will not suspend the student for unexcused absences or truancy. Florida law requires the Superintendent to report to the Department of Highway Safety and Motor Vehicles the name, date of birth, sex, and social security number of all students (14-18 years of age) who accumulate 15 unexcused absences in any 90 calendar day period. These students could lose driver's licenses or the privilege to obtain a driver's license if deemed truant by the school and Florida Statutes. In addition, parents/guardians of habitually truant students are subject to actions taken through the judicial system.

Corporal Punishment

The Board prohibits the administration of corporal punishment in the school district.

SECTION III: STUDENT NOTIFICATIONS

Internet Policy: Student Technology Acceptable and Responsible Use Agreement

OCPS is committed to providing a safe, positive, productive, and nurturing educational environment. OCPS believes that all students should have access to technology (e.g. software, Internet, and network access) when they act in a responsible, efficient, courteous, and legal manner. This document contains the Student Technology Acceptable and Responsible Use Agreement for student use of the internet.

Educational Purpose

Technology access has been established for educational purposes and will be consistent with the district's curriculum and the Florida Standards. The term "educational purpose" includes academic activities that directly improve upon 21st century skills such as creativity, innovation, critical thinking, problem solving, communication, and collaboration.

Students are expected to follow the rules set forth in the Code and the law in the use of the Internet and network resources.

Students may not use the Internet for commercial purposes. This means they may not offer, provide, or purchase products or services through the Internet at any school using district resources.

Student Internet Access

All students will have district-supervised access to the Internet through the classroom, media center, or computer lab. In accordance with the Children's Internet Protection Act (CIPA) and the Children's Online Privacy Protection Act (COPPA), all OCPS web access is filtered. However, this does not preclude the possibility that inappropriate sites are not blocked.

Students will use OCPS Internet access for educational purposes only and will not access profane or obscene material, advocate illegal acts, or advocate violence or discrimination towards other people.

Responsible Uses

In order to ensure a safe, positive, productive, and nurturing educational environment for all, students are expected to demonstrate responsible technology uses. Student will keep information, such as his/her password, address, phone number, birthday, and other identifiable information private. Students will report anyone who tries to use technology to hurt or harass other students or staff or anyone who makes him/her feel uncomfortable.

Students will not login to any account other than their own or use OCPS technology to engage in any illegal acts, such as drug sales, purchasing alcohol, engaging in criminal gang activity, threatening the safety of another person, cyber-stalking, or cyberbullying.

Inappropriate Language

Students will treat others with respect by using appropriate language and offer constructive criticism if appropriate. Students will not use inappropriate language, harass others, knowingly or recklessly communicate false or defamatory information about a person or organization, share privately sent messages without permission of the person who sent it, share private information about another person, or participate in sexting.

System Security

All students will allow any teacher, administrator, or OCPS IT staff to review their work and activities created on a school device or OCPS network at any time. Students are required to ask for permission before connecting his/her personal device to the OCPS network and will make sure any devices used on the OCPS network are approved by the district.

Students will not use technology to gain access to student grades or private student records, download unauthorized software, apps, extensions, or plug-ins on a school device, intentionally spread computer viruses, or bypass, destruct, disrupt, modify, or abuse OCPS network access.

SECTION IV: DISCIPLINARY RESPONSE CODE FOR SECONDARY/POSTSECONDARY

Disciplinary Response Code Overview

The following section provides the disciplinary offenses and potential consequences for Secondary/Postsecondary students for behavior that occurs on OCPS property; on OCPS transportation; during school-sponsored activities, including, but not limited to distance learning, field trips, athletic functions, and similar activities; and if appropriate, any other area as permitted by Florida Statutes and/or State Board of Education Rules. Student disciplinary offenses and the responses to them are divided into four levels. Each level represents progressively more serious offenses and responses to them become progressively more severe. Some offenses require consultation with law enforcement if the offense is deemed to be a violation of state or federal laws.

OCPS promotes a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety. School based administrators shall provide consistent school-based discipline, where appropriate, and authorized by policy and this Code. In addition, pursuant to Section 1006.09, Florida Statutes, a good faith effort shall be made by the principal or designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by the Board and this Code.

OCPS is committed to providing a safe environment for all students and seeks support from the community and parents/guardians in achieving this goal. To that end, Section 1003.04, Florida Statutes, provides that the parent of each public K-12 student must cooperate with the authority of the Board, OCPS, the Superintendent, the Principal, teachers, and school bus drivers, to remove the student from the classroom and the school bus and, when appropriate and available, to place the student in an alternative educational setting, if the student is disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive.

Student Discipline Investigations

OCPS is responsible for investigating all allegations of student misconduct within its jurisdiction using the preponderance of the evidence legal standard. Therefore, OCPS employees are authorized to interview students and obtain witness statements from students involved in offenses of the Code, however, any student may refuse to participate in an investigation. It is important to note that if the behavior is believed to be criminal and a violation of Florida Statutes, the school resource officer, or law enforcement officer, if the school resource officer is not available, may participate in the investigation. Parents/guardians may request their student not participate in student discipline investigations without authorization from the parent/guardian by submitting the request, in writing, to the school administration. Refusal to participate in the investigation does not prohibit OCPS from continuing with the investigation and administering an appropriate disciplinary consequence. In addition, refusal does not prohibit the school resource officer, or law enforcement officer, from continuing the criminal investigation and imposing criminal penalties if warranted.

After the discipline investigation is complete, the parent/guardian may request a copy of all documentary evidence upon which the proposed disciplinary consequence is based; however, if available and used as evidence for disciplinary purposes, video evidence may only be reviewed, a copy will not be provided. Additional information pertaining to discipline offenses and procedures can be found within this section of the Code and Section VI.

If the discipline investigation is conducted due to allegations of a threat or threatening behavior, the investigation will be submitted to the School Threat Assessment Team for review. The School Threat Assessment Team is established by Board Policy JICK, entitled, "Threats," and Section 1006.07, Florida Statutes.

SECTION IV: DISCIPLINARY RESPONSE CODE FOR SECONDARY/POSTSECONDARY

Level I: Discipline Response Code

Level I offenses are minor acts of misconduct that interfere with the orderly operation of the classroom, a school function, extracurricular/co-curricular program or approved transportation.

The OCPS employee involved should intervene in the misconduct. If further action is necessary, the employee should refer the student to the school administrator for disciplinary action. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will decide on disciplinary action. Suspension is not an available disciplinary response for Level I violations.

| LEVEL I: OFFENSES | | |
|-------------------|--|---|
| A. | Cheating | Willful or deliberate unauthorized use of the work of another person for academic purposes, or unauthorized use of notes or other material in the completion of an academic assignment or test. In addition to disciplinary responses, the student may receive no credit for the assignment, test, or exam at the discretion of the teacher. |
| C. | Disorderly Conduct | Conduct or behavior that interferes with or disrupts the orderly process of the teaching/learning process, school environment, a school function, or extracurricular/co-curricular activity. |
| D. | Disrespect | Conduct or behavior that lacks regard, civility, politeness, and/or courteous consideration towards a student, OCPS employee, volunteer, or contracted personnel. <i>This offense may include, but is not limited to, speech or behavior that is insulting or rude.</i> |
| E. | Dress Code | Non-conformity to established dress code. |
| F. | Failure to Report for Detention | Failure to report for assigned discipline. |
| G. | False and/or Misleading Information | Intentionally providing false or misleading information to, or withholding valid information from an OCPS employee, contracted personnel, or volunteer, which does not cause a disruption to the school environment. |
| J. | Profane, Obscene, or Abusive Language/ Materials | The use of either oral or written language, or gestures, which are disrespectful or socially unacceptable and are not directed at another person. This section does not include threatening or intimidating language. |
| KK. | Electronic Device Violation | The misuse of wireless communication devices, which is not educational in nature, and may include, but is not limited, to cellphones, smartphones, smart watches, MP3 players, iPods, e-readers, tablets, laptops, and other electronic devices. |
| L. | Tardiness | Repeated late arrival to class, not to school. |
| M. | Unauthorized Absence from School or Class | A student arrives at school and then leaves campus, has temporary unauthorized absences from classes, or fails to attend specific classes. |
| N. | Other Misconduct | Any other minor act of misconduct which interferes with the orderly operation of the classroom, the school program, a school function or activity, an extracurricular/ co-curricular program, or approved transportation and cannot be coded as another Level I offense. |
| O. | Unsubstantiated Bullying | After a complete investigation and follow up of a reported bullying incident, the investigator determines that there is not enough evidence to substantiate that the incident meets the criteria of a prohibited act under the definition of bullying as listed in the Jeffery Johnston Stand Up for all Students Act (Section 1006.147, Florida Statutes). |
| P. | Unsubstantiated Harassment | After a complete investigation and follow up of a reported harassment incident, the investigator determines that there is not enough evidence to substantiate that the incident meets criteria of a prohibited act under the definition of harassment as listed in the Jeffery Johnston Stand Up for all Students Act (Section 1006.147, Florida Statutes). |

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|---|--|--|---------------------------------------|--|------------------------------|-------------------|---------------------|-----------------|-------------------------|----------------------------|----------------------------|---------------------|-----------------------------|-------------------------|-----------------------|--|--------------|-------------------------------------|-------------------------------------|--|
| Q. | Harassment | Any threatening, insulting, dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places an OCPS student or school employee in reasonable fear of harm to his/her person or damage to his/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 including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose. <i>This offense may include, but is not limited to, teasing, name calling, gossiping, spreading or starting rumors, and/or purposefully embarrassing or humiliating another person.</i> | | | | | | | | | | | | | | | | | | |
| R. | Horseplay | Any rough uncontrolled play or prank that involves two or more students who refuse to stop when directed by an adult. | | | | | | | | | | | | | | | | | | |
| LEVEL I: CONSEQUENCES | | | | | | | | | | | | | | | | | | | | |
| <table><tr><td>1. Parent/guardian contact mandatory*</td><td>10. Confiscation of unauthorized materials, objects, or contraband</td></tr><tr><td>2. Counseling and direction*</td><td>11. Assigned seat</td></tr><tr><td>3. Verbal reprimand</td><td>12. Safety plan</td></tr><tr><td>4. Restorative Practice</td><td>13. SAFE/Guidance referral</td></tr><tr><td>5. Special work assignment</td><td>14. Schedule change</td></tr><tr><td>6. Withdrawal of privileges</td><td>15. No contact contract</td></tr><tr><td>7. Return of property</td><td>16. Referral to mental health services</td></tr><tr><td>8. Detention</td><td>17. Warning of referral to Level II</td></tr><tr><td>9. Referral to intervention program</td><td></td></tr></table> | | | 1. Parent/guardian contact mandatory* | 10. Confiscation of unauthorized materials, objects, or contraband | 2. Counseling and direction* | 11. Assigned seat | 3. Verbal reprimand | 12. Safety plan | 4. Restorative Practice | 13. SAFE/Guidance referral | 5. Special work assignment | 14. Schedule change | 6. Withdrawal of privileges | 15. No contact contract | 7. Return of property | 16. Referral to mental health services | 8. Detention | 17. Warning of referral to Level II | 9. Referral to intervention program | |
| 1. Parent/guardian contact mandatory* | 10. Confiscation of unauthorized materials, objects, or contraband | | | | | | | | | | | | | | | | | | | |
| 2. Counseling and direction* | 11. Assigned seat | | | | | | | | | | | | | | | | | | | |
| 3. Verbal reprimand | 12. Safety plan | | | | | | | | | | | | | | | | | | | |
| 4. Restorative Practice | 13. SAFE/Guidance referral | | | | | | | | | | | | | | | | | | | |
| 5. Special work assignment | 14. Schedule change | | | | | | | | | | | | | | | | | | | |
| 6. Withdrawal of privileges | 15. No contact contract | | | | | | | | | | | | | | | | | | | |
| 7. Return of property | 16. Referral to mental health services | | | | | | | | | | | | | | | | | | | |
| 8. Detention | 17. Warning of referral to Level II | | | | | | | | | | | | | | | | | | | |
| 9. Referral to intervention program | | | | | | | | | | | | | | | | | | | | |
| <i>*Required Administrator Responsibilities</i> | | | | | | | | | | | | | | | | | | | | |

SECTION IV: DISCIPLINARY RESPONSE CODE FOR SECONDARY/POSTSECONDARY

Level II: Discipline Response Code

Level II offenses are more serious acts of misconduct than Level I offenses. Level II includes repeated acts of misconduct from Level I and acts directed against people or property that do not seriously endanger the health or safety of others.

The misconduct must be reported to the appropriate school administrator for further investigation. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedure designated for Level II violations in investigating the matter and deciding on the progressive disciplinary action. Out of school suspension is not an available disciplinary response for Level II violations.

| LEVEL II: OFFENSES | | |
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| A. | Destruction of Property/ Vandalism (under \$100) | The willful or malicious destruction of school property or the property of others. |
| B. | Disrespect | Repeated conduct or behavior that lacks regard, civility, politeness, and/or courteous consideration towards a student, OCPS employee, volunteer, or contracted personnel. <i>This offense may include, but is not limited to, inappropriate language directed towards another that is not profane.</i> |
| C. | Fighting | Minor physical contact between two or more students such as pushing, shoving, or altercation that stops upon verbal command. |
| D. | Forgery (Non-criminal) | To create or reproduce the signature or document of another for fraudulent purposes. <i>This offense may include, but is not limited to, signing a document with your parent's signature without permission.</i> |
| E. | Gambling | Any unlawful participation in games (or activities) of chance for money and/or other things of value. |
| F. | Insubordination/ Open Defiance | Verbal or non-verbal refusal to comply with school rules or directions from an OCPS employee, contracted personnel, or volunteer without causing a disruption or committing any further acts. |
| G. | Intimidation/ Threats | Any direct or indirect threat to do harm to another person's property. Or any direct or indirect harm to hit, fight, or beat up another student or a threat to another student's life if the threat to life is vague, said out of anger or frustration, an expression of humor or rhetoric and can be easily resolved. The content of the threat suggests the person is unlikely to carry it out. This section does not include threats made to OCPS employees; all threats to employees are a Level 3 or 4. |
| J. | Stealing (under \$375) | Taking the property of another without permission of the person. |
| K. | Unauthorized Assembly, Publications, etc. | Demonstrations and/or petitions by students, or possession and/or distribution of unauthorized publications, including misuse of electronic messages or computers which interfere with the orderly process of the school environment, a school function, or extracurricular/co-curricular activity. |
| L. | Bullying | A bullying offense includes repeatedly being cruel to other students, OCPS employees, volunteers, or contracted personnel, on or off OCPS property if it adversely impacts the educational environment at school for students or staff. <i>This offense may include, but is not limited to, repeated teasing, name calling, and/or minor physical contact.</i> |
| M. | Other Serious Misconduct | Any other intermediate act of misconduct or any more serious, harmful, or disruptive example of any of the offenses described in Level I, which interferes with the orderly operation of the school or school function and cannot be coded as another Level II offense. |
| N. | Gang Related | The possession, use, or displaying of items associated with gang activity that include, but is not limited to, clothing and accessories, gang related insignias, writings, signs, or symbols that promote gang affiliation and/or involvement. |
| O. | Harassment | Any threatening, insulting, dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places an OCPS student or school employee in reasonable fear or harm to his/her person or damage to his/her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, and has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose. <i>This offense may include, but is not limited to, name calling with profanity, and/or minor physical contact.</i> |

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| Q. | Electronic Device Violation | The repeated misuse of wireless communication devices, which is not educational in nature and may include, but is not limited to, cellphones, smartphones, smart watches, MP3 players, iPods, e-readers, tablets, laptops, and other electronic devices. |
| R. | Sexual Harassment | Any minor slur, innuendo, gesture, or other written or verbal conduct reflecting on an individual's gender which has the purpose of creating an offensive educational environment. <i>This offense may include, but is not limited to, unpleasant distasteful comments, jokes, or gestures that are sexual in nature; however, this does not include acts involving physical contact.</i> |
| S. | Horseplay | Any rough uncontrolled play or prank that involves two or more students who refuse to stop when directed by an adult and there is risk of injury as a result of the horseplay. |
| T. | Dress Code | Non-conformity to the dress code (second and subsequent offenses). |
| LEVEL II: CONSEQUENCES | | |
| 1. Parent/guardian contact mandatory* | | 11. Suspension from bus (1-10 days) |
| 2. Counseling and direction* | | 12. Referral to intervention program |
| 3. Behavior plan/contract | | 13. Alternative Classroom |
| 4. Restorative Practice | | 14. Safety plan |
| 5. P.A.S.S. (1-10 days) | | 15. Schedule change |
| 6. Special work assignment | | 16. No contact contract |
| 7. Detention | | 17. Temporary removal or participation in |
| 8. SAFE/Guidance referral | | extracurricular/co-curricular programs or activities |
| 9. Confiscation of unauthorized materials | | 18. Referral to mental health services |
| 10. Return of property | | 19. Warning of referral to Level III |
| *Required Administrator Responsibilities | | |

SECTION IV: DISCIPLINARY RESPONSE CODE FOR SECONDARY/POSTSECONDARY

Level III: Discipline Response Code

Level III offenses are major acts of misconduct that disrupts the orderly operation of the school, school function, or approved transportation that threatens the health, safety, and property of others.

The misconduct must be reported right away to the school administrator for further investigation. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedure designated for Level III violations in investigating the matter and deciding on the progressive disciplinary action, which may result in the removal of the student from the school or activity immediately.

| LEVEL III: OFFENSES | | |
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| A. | Physical Attack | An actual and intentional striking of another student against his/her will, without injury. This section does not include injury that is a result of fighting if students are mutual combatants. |
| C. | Destruction of Property/Vandalism (\$100 to \$999) | The willful or malicious destruction of OCPs property or the property of others. |
| D. | Disrespect | Conduct or behavior that lacks regard, civility, politeness, and/or courteous consideration towards a student, OCPs employee, volunteer, or contracted personnel. <i>This offense may include, but is not limited to, language and/or gestures that are abusive and/or profane directed towards another person.</i> |
| E. | Extortion/Blackmail | The willful or malicious threat of harm, injury, or violence to the person, property, or reputation of another with the intent to obtain money, information, services, or items of material worth. <i>This offense may include, but is not limited to, threatening to accuse another of a minor offense or crime in order to obtain lunch money.</i> |
| F. | Fighting | When two or more persons mutually participate in the use of force or physical violence that requires: (1) physical intervention; or (2) results in injury requiring first aid or medical attention. <u>Note: Self-defense is described as an action taken to restrain or block an attack by another person or to shield oneself from being hit by another person. Retaliating by hitting a person back is not self-defense and will be considered as fighting.</u> |
| G. | Firecrackers/Fireworks | Unauthorized possession, sale, or storage of unlit fireworks or firecrackers on OCPs property, at a school function, or extracurricular/co-curricular activity. |
| H. | Gross Insubordination/Open Defiance | Willful refusal to submit to or comply with authority; exhibiting contempt or open resistance to a direct order; challenging the authority of an OCPs employee, contracted personnel, or volunteer in the presence of others which causes a disruption. |
| I. | Illegal Organizations | Establishing or participating in a secret society on OCPs property, at a school function, or at an extracurricular activity. |
| J. | Possession of Contraband Material | Possession, use, and/or distribution of materials or items, other than weapons or firearms, which are forbidden. The parent/guardian will make arrangements to pick up the object from the school, if applicable. At no time shall OCPs be responsible for theft, loss or damage to contraband items brought onto its property. |
| L. | Smoking/Vaping and Other Use of Tobacco/Nicotine Products | The possession, use, distribution, or sale of tobacco/vaping nicotine products, or items represented to be of said nature. <i>This offense may include, but is not limited to, electronic cigarettes, CBD oil, Juuls, vapors and hookah pens that do not contain THC or any other illegal controlled substance.</i> |
| M. | Stealing (\$375 to \$749) | The taking of the property of another without the permission of the person. |
| N. | Trespassing | To enter or remain on school grounds/campus, school transportation, or at a school-sponsored event/off campus, without authorization or invitation and with no lawful purpose for entry. |
| O. | Violation of Curfew | Breaking of curfew regulations during an extracurricular/co-curricular activity. |

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| P. | Bullying | <p>The offense must include repeatedly inflicting physical hurt or psychological distress on one or more OCPS students, employees, volunteers, or contracted personnel that is severe or pervasive enough to create an intimidating, hostile, or offensive environment, or unreasonably interfere with the individual's school performance or participation, on or off OCPS property if it adversely impacts the educational environment at school for students or staff.</p> <p><i>This offense may include, but is not limited to, repeated name calling with threat, physical contact with minor injury, distribution or sharing of written texts/pictures/video to multiple recipients.</i></p> |
| Q. | Other Serious Misconduct | <p>Any other major act of misconduct which seriously disrupts the orderly operation of the school program, or any school activity which threatens the health, safety or property of self or of others or behavior not specifically described above which substantially disrupts the orderly conduct of a school, school function, or an extracurricular/co-curricular activity and cannot be coded as another Level III offense.</p> <p><i>This offense may include, but is not limited to, providing false/misleading information to staff members which causes a disruption to the school, language intended or reasonably calculated to insult and/or incite another person; or the activation of a fire alarm that was not the result of a willful or malicious act.</i></p> |
| RR. | Physical Aggression on an Employee or Contracted Personnel | <p>The willful use of force upon an employee or contracted personnel that does not result in bodily injury.</p> |
| S. | Sexual Harassment | <p>Any slur, innuendo, gestures, or other written, verbal or physical contact reflecting on an individual's gender which has the purpose of creating an intimidating, hostile, or offensive educational environment.</p> <p><i>These acts are sexual in nature and may include, but are not limited to, mooning, sharing/sending/showing images or video that have no bodily exposure but are taken in a private area, and/or minor physical contact that is sexual in nature.</i></p> |
| T. | Intimidation/Threats to a Person | <p>Repeated Level 2 threats or any direct or indirect threat to another student's life if the threat has some details and information obtained suggests that some thought was given to how the threat will be carried out, but there is no clear indication that the student has taken preparatory steps. This section also includes threats of harm or violence towards an OCPS employee without any further acts of aggression or where there is no intent to carry out the threat.</p> |
| U. | Gang Related | <p>Conduct or behavior that tends to promote gang activity, provoke violence, or seriously disrupt the orderly operation of the school program, any school activity or transportation services, including but not limited to the possession, use or displaying of gang paraphernalia, jewelry, tattoos, clothing, or other insignias and writings that promote gang affiliation/involvement/the use of gang related signs or symbols or any other gang associated behavior.</p> |
| V. | Harassment | <p>Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places an OCPS student or school employee in reasonable fear of harm to his/her person or damage to his/her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits and has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.</p> <p><i>This offense may include, but is not limited to, name calling with threat, physical contact with minor injury, distribution or sharing of written texts/pictures/video to multiple recipients.</i></p> |
| W. | Hazing | <p>Any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization.</p> <p><i>This offense may include, but is not limited to, false imprisonment not resulting in medical attention, verbal or physical behavior resulting in minor injury, or any other act that creates a substantial risk of physical injury.</i></p> |
| Y. | Electronic Device Violation | <p>The continual misuse of wireless communication devices, which is not educational in nature, and may include, but is not limited to, cellphones, smartphones, smart watches, MP3 players, iPods, e-readers, tablets, laptops, and other electronic devices.</p> |
| Z. | District Technology Violation | <p>Unauthorized modification of software/hardware configuration on a district issued device (i.e. factory reset); unauthorized access to programs and/or files not expected or intended for student use on a district issued and/or personal device (i.e. gaming); sharing another person's username and password; or providing access to another person to use the student's device while the student is logged in.</p> |

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| AA. | Horseplay | Any rough uncontrolled play or prank that involves two or more students who refuse to stop when directed by an adult and there is injury as a result of the horseplay. Any horseplay that results in serious injury where medical attention is needed may result in a Level IV offense. |
| LEVEL III: CONSEQUENCES | | |
| 1. Parent/guardian contact mandatory* | | 11. Referral to intervention program |
| 2. Counseling and direction* | | 12. Confiscation of unauthorized materials, objects, or contraband |
| 3. Behavior plan/contract | | 13. Schedule change |
| 4. Restorative Practice | | 14. Safety plan |
| 5. Return of property | | 15. No contact contract |
| 6. P.A.S.S. (1-10 days) | | 16. SAFE/Guidance referral |
| 7. Suspension from bus (1-10 days) | | 17. Referral to mental health services |
| 8. Suspension from school (1-10 days) | | 18. Warning of referral to Level IV |
| 9. Detention | | |
| 10. Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities | | |
| *Required Administrator Responsibilities | | |

SECTION IV: DISCIPLINARY RESPONSE CODE FOR SECONDARY/POSTSECONDARY

Level IV: Discipline Response Code

Level IV offenses are the most serious acts of misconduct and are grounds for expulsion. Any Level IV act shall result in a 10-day suspension with a potential recommendation for expulsion.

Major acts of misconduct must be reported right away to the school administrator for further investigation. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedure designated for Level IV violations in investigating the matter and refer the Level IV to District personnel for further review.

Students who commit a Level IV offense may be referred to local authorities for further investigation.

| LEVEL IV: OFFENSES | | |
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| A. | Alcohol | The possession, use, distribution, transmission, sale, purchase, solicitation, or being under the influence of alcoholic beverages. Distribution or transmission of alcohol is defined as delivery of alcohol to another person without the intent of communal or collective consumption. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation. |
| B. | Arson | The willful and/or malicious burning of or attempt to burn OCPs property, contents in or on the property, or personal property of others. |
| C. | Intimidation/ Threats to a Person | Any direct or indirect threat to hit, fight or beat up an OCPs employee with an aggressive act to carry out the threat. Or any direct or indirect threat which threatens the life of another person and the threat to life appears to pose an imminent or a serious danger to the safety of others. The threat is specific, detailed and plausible. Information obtained suggests steps may have been taken to carry out the threat, and/or there is a strong concern about the student's potential to act. <i>This offense includes, but is not limited to, threats made verbally or nonverbally by act, through social media, or by text.</i> |
| D. | Battery | An actual or intentional touching or striking of a student, OCPs employee, contracted personnel, or volunteer against his/her will, causing more serious bodily harm. More serious bodily harm involves a substantial risk of death; extreme physical pain; permanent disfigurement; permanent disability; uses a deadly weapon; or where the attacker knew or should have known the victim was pregnant. The harm must be documented through medical evaluation. The attack must be serious enough to warrant reporting to law enforcement. This section does not include injury that is a result of fighting if the students are mutual combatants. |
| E. | Threats to the School | Any direct or indirect threat that may harm the school or may disrupt the function of the school campus or school sponsored activity including, but not limited to, threats made verbally or nonverbally by act, through social media, or by text. All threats are taken seriously, regardless of intent. <i>Threats to the school may include, but are not limited to, bomb threats, threats to use firearms in a violent manner, and/or threats to conduct a mass shooting or an act of terrorism. Threats to the school are deemed zero tolerance by Sections 1006.07 and 1006.13, Florida Statutes.</i> |
| F. | Drugs/Possession/ Use | The possession, solicitation, use or being under the influence of any drugs, narcotics, controlled substances, or any other substance when used for chemical intoxication, or the possession or use of any substance represented to be of said nature. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation. The possession, solicitation, use, or being under the influence of over-the-counter medication or prescription medication in excess of the manufacturer's prescribed limits are included in this section. Also included in this section is any amount of THC oil. |

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| H. | Firearms/ Weapons | The possession, use, or control of any firearm or weapon (operable or inoperable, loaded or unloaded) as defined in Chapter 790, Florida Statutes. This section also includes the use or attempted use of any object that can be used to inflict harm on another person. Firearms/Weapons are deemed zero tolerance by Sections 1006.07 and 1006.13, Florida Statutes. <i>A firearm means any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. A weapon means any dirk, knife (blade length is 2.5 inches or more), metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon.</i> |
| I. | Major Disruption on Campus | Major disruption of all or a significant portion of campus activities, school-sponsored events, and/or school bus transportation. Disruptive behavior that poses a serious threat to the learning environment, or the health, safety, or welfare of others. <i>This offense may include, but is not limited to, inciting a riot, initiating a false fire alarm, incidents that result in closing the cafeteria, and/or incidents that prevent students from proceeding to the next class.</i> |
| J. | Larceny/Theft (\$750 or over) | The act, participating in the act, or attempted act of taking, carrying, riding away with, or concealing of property from the possession or constructive possession of another person, including motor vehicle, without threat of violence or bodily harm. <i>This offense may include, but is not limited to pocket picking, theft from a building, theft from a motor vehicle, theft from a vending machine, theft of a golf cart, motor vehicle, or anything that is self-propelled or motorized.</i> |
| K. | Other Dangerous Objects | The possession, sale, or control of any instrument or object, other than a firearm or weapon as defined under a 4H offense, which could be used to inflict harm on another person or to intimidate any person. The actual or attempted use of a dangerous object shall be coded as a 4H. <i>This offense includes, but is not limited to BB guns or pellet guns, air soft guns, paintball guns and replicas of any gun or weapon, common pocket knives (blade length is less than 2.5 inches), blunt bladed table knives, chains, pipes, common household tools, razor blades, box cutter/utility knife, ice picks, other pointed instruments, nunchucks Chinese stars, pepper spray, ammunition, firearm clips, firearm cartridges. This offense also includes igniting fireworks/firecrackers..</i> |
| L. | Repeated Misconduct of a More Serious Nature | Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extracurricular/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies. |
| M. | Robbery/ Extortion | The taking, participation in taking, or attempting to take anything of value that is owned by another person or organization, under the confrontational circumstances of force, or threat of force or violence and/or by putting the victim in fear. <i>This offense may include the taking of objects such as purses, phones, clothing etc.</i> |
| N. | Sexual Battery | Any sexual act or attempt directed against another person, forcibly, and/or against the person's will. The category includes rape, indecent liberties, child molestation, and sodomy. |
| O. | Sexual Harassment | Unwanted verbal or physical behavior with sexual connotations 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. <i>These acts are sexual in nature and may include, but are not limited to, sharing/sending/showing images or video that have bodily exposure, fondling or groping of another against their will.</i> |
| P. | Sexual Offenses | Any willful and/or deliberate act, behavior, or conduct intended to result in sexual gratification or furthering acts lewd or lascivious in nature. <i>This offense includes, but is not limited to, consensual sexual acts, and/or exposure of nude body parts in the presence of others or by sending through social media.</i> |
| Q. | Violation of Early Re-entry Plan | Any act or series of acts which violates or has the practical effect of violating an early re-entry plan from full exclusion / expulsion. |
| S. | Vandalism (\$1000 or over) | The willful or malicious destruction, damage, or defacement of public or private property including the act of defacing with graffiti, keying, or scratching a car or trashing a room resulting in damages. |

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| T. | Other | Any other intentional or wanton act which is clearly beyond the bounds of acceptable and tolerable student conduct in the community, which cannot be coded in another Level IV offense. <i>This offense may include, but is not limited to, hate crimes; any false accusation made by a student that jeopardizes the professional reputation, employment, or professional certification of any OCPS employee; any speech on the basis of race, sex, national origin, religion, or disability that does or would be likely to cause a substantial disruption to the educational environment; dating violence; human trafficking; or felony forgery.</i> |
| U. | Drugs/ Transmission/ Distribution/ Selling/ Buying | The manufacture, cultivation, transmission, distribution, buying, or selling of any drug, narcotic, controlled substance or any substance represented to be a drug, narcotic, or controlled substance. This includes any form of payment for any drug or contraband substance. |
| V. | Bullying | Repeatedly inflicting physical hurt, or psychological distress on one or more students, OCPS employees, volunteers, or contracted personnel, that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation on or off OCPS property if it adversely impacts the educational environment at school for students or staff. <i>This offense may include, but is not limited to, repeated name calling with threats, stalking/cyber stalking, distribution or sharing of written texts, picture/video to multiple recipients, posting picture or video to social media for public view, and/or physical contact with serious bodily injury.</i> |
| W. | Harassment | Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places an OCPS student or school employee in reasonable fear of harm to his/her person or damage to his/her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits and has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose. <i>This offense may include, but is not limited to, stalking/cyber stalking, placing another in reasonable fear of death or serious injury.</i> |
| X. | Hazing | Any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization. <i>This offense may include, but is not limited to, false imprisonment resulting in medical attention, verbal or physical behavior resulting in injury that requires medical attention, forcing indecent exposure of another, or any other act that creates a substantial risk of death or serious injury.</i> |
| Y. | Physical Attack | An actual and intentional striking of a student, OCPS employee, volunteer, or contracted personnel against his/her will, resulting in less serious bodily harm. Less serious bodily harm does <u>not</u> include a substantial risk of death, extreme physical pain, permanent disfigurement, or permanent disability. The injury must be documented. This section does not include injury that is a result of fighting if the students are mutual combatants. |
| Z. | Sexual Assault | An incident that includes a threat of rape, fondling, indecent liberties, or child molestation. Both male and female students can be victims of sexual assault. |
| AA. | District Technology Violation | Use of unauthorized access to programs and/or files not expected or intended for student use on a district issued and/or personal device; or any use that violates Board policies, local, state, and/or federal laws and regulations. <i>This offense may include, but is not limited to, gaining access to the OCPS mainframe with intent to do harm or alter records.</i> |
| CC. | Burglary | Unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein or cause damage. This offense is more severe than trespassing. |
| DD. | Homicide | The unjustified killing of one human being by another. |
| EE. | Kidnapping | Forcibly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority. |
| LEVEL IV: CONSEQUENCES | | |

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| <ol style="list-style-type: none">1. Parent/guardian contact mandatory*2. Counseling and direction*3. Up to a 10 day suspension with a recommendation for expulsion (mandatory)4. Expulsion from the school district5. Assignment to an alternative school6. Referral to an intervention program7. Bus expulsion | <ol style="list-style-type: none">8. Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities, e.g., to include, but not limited to, senior graduation9. Restorative Practice10. Schedule change11. Safety plan12. No contact contract13. SAFE/Guidance referral14. Referral to mental health services |
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**Required Administrator Responsibilities*



SECTION V: DISCIPLINARY RESPONSE CODE FOR ELEMENTARY

Disciplinary Response Code Overview

The following section provides the disciplinary offenses and potential consequences for Elementary students for behavior that occurs on OCPS property; on OCPS transportation; during school-sponsored activities, including, but not limited to distance learning, field trips, athletic functions, and similar activities; and If appropriate, any other area as permitted by Florida Statutes and/or State Board of Education Rules. Student disciplinary offenses and the responses to them are divided into four levels. Each level represents progressively more serious offenses and responses to them become progressively more severe. Some offenses require consultation with law enforcement if the offense is deemed to be a violation of state or federal laws.

OCPS promotes a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety. School based administrators shall provide consistent school-based discipline, where appropriate, and authorized by policy and this Code. In addition, pursuant to Section 1006.09, Florida Statutes, a good faith effort shall be made by the principal or designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by the Board and this Code.

OCPS is committed to providing a safe environment for all students and seeks support from the community and parents/guardians in achieving this goal. To that end, Section 1003.04, Florida Statutes, provides that the parent of each public K-12 student must cooperate with the authority of the Board, OCPS, the Superintendent, the Principal, teachers, and school bus drivers, to remove the student from the classroom and the school bus and, when appropriate and available, to place the student in an alternative educational setting, if the student is disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive.

Student Discipline Investigations

OCPS is responsible for investigating all allegations of student misconduct within its jurisdiction using the preponderance of the evidence legal standard. Therefore, OCPS employees are authorized to interview students and obtain witness statements from students involved in offenses of the Code, however, any student may refuse to participate in an investigation. It is important to note that if the behavior is believed to be criminal and a violation of Florida Statutes, the school resource officer, or law enforcement, if the school resource officer is not available, may participate in the investigation. Parents/guardians may request their student not participate in student discipline investigations without authorization from the parent/guardian by submitting the request, in writing, to the school administration. Refusal to participate in the investigation does not prohibit OCPS from continuing with the investigation and administering an appropriate disciplinary consequence. In addition, refusal does not prohibit the school resource officer, or law enforcement, from continuing the investigation and imposing criminal penalties if warranted.

After the discipline investigation is complete, the parent/guardian may request a copy of all documentary evidence upon which the proposed disciplinary consequence is based; however, if available and used as evidence for disciplinary purposes, video evidence may only be reviewed, a copy will not be provided. Additional information pertaining to discipline offenses and procedures can be found within this section of the Code and Section V.

If the discipline investigation is conducted due to allegations of a threat or threatening behavior, the investigation will be submitted to the School Threat Assessment Team for review. The School Threat Assessment Team is established by Board Policy JICK, entitled, "Threats," and Section 1006.07, Florida Statutes.

SECTION V: DISCIPLINARY RESPONSE CODE FOR ELEMENTARY

Level 1: Discipline Response Code

Level 1 offenses are minor acts of misconduct that interfere with the orderly operation of the classroom, a school function, extracurricular/co-curricular program, or approved transportation.

The OCPS employee involved should intervene in the misconduct. If further action is necessary, the employee should refer the student to the school administrator for disciplinary action. After hearing the student's side of the story, speaking with staff members and other students, and doing any other investigation necessary, the administrator will decide on the consequence. Suspension is not an available response for Level 1 violations.

| LEVEL 1: OFFENSES | | |
|-----------------------|---|--|
| A. | Cheating | Using another person's work and calling it your own; using notes or other methods, without the teacher's knowledge, to complete a test or assignment. |
| C. | Disorderly Conduct | Saying or doing something that upsets the classroom, normal school day, or any school activity. |
| D. | Disrespect | Saying or doing something that puts down, annoys, insults, or embarrasses a person or a group of people. |
| E. | Dress Code | Wearing anything that does not follow the dress code. |
| F. | Failure to Report for Detention | Failing to show up for detention. |
| G. | False and/or Misleading Information | Knowingly not being truthful. The behavior does not disrupt the school campus. |
| J. | Profane, Obscene, or Abusive Language/Materials | Using words, gestures, pictures, or objects that are not acceptable at school. This does not include threatening or intimidating language. |
| KK. | Electronic Device Violation | The misuse of wireless communication devices which is not related to school, and may include, but not limited to, cellphones, smart phones, smart watches, MP3 players, iPods, e-readers, tracker watches, tablets, laptops, and other electronic devices. |
| L. | Tardiness | Being late for class after arriving to school on time, without an excuse. |
| M. | Unauthorized Absence from School or Class | Being absent from school or class without permission of the parent/guardian or school. |
| N. | Other Misconduct | Any other minor act of misconduct that disrupts the classroom, school program, school activity, or the school bus, and cannot be coded as another Level 1 offense. |
| O. | Unsubstantiated Bullying | After a complete investigation and follow up of a reported bullying incident, the investigator determines that there is not enough evidence to substantiate that the incident meets the criteria of a prohibited act under the definition of bullying as listed in the Jeffery Johnston Stand Up for all Students Act (Section 1006.147, Florida Statutes). |
| P. | Unsubstantiated Harassment | After a complete investigation and follow up of a reported harassment incident, the investigator determines that there is not enough evidence to substantiate that the incident meets criteria of a prohibited act under the definition of harassment as listed in the Jeffery Johnston Stand Up for all Students Act (section 1006.147, Florida Statutes). |
| Q. | Harassment | Any threatening, insulting, or rude gesture, use of electronic devices, or written, verbal, or physical act that places an OCPS student or school employee, volunteer, or contracted personnel in fear of harm to his/her person or damage to his/her property, has the effect of interfering with another student's learning and/or has the effect of disrupting the school including any act that causes stress to another person for no reason. <i>This offense may include, but is not limited to, teasing, name calling, gossiping, spreading or starting rumors, and/or purposefully embarrassing another person.</i> |
| R. | Horseplay | Any rough uncontrolled play or prank that involves two or more students who refuse to stop when directed by an adult. |
| LEVEL 1: CONSEQUENCES | | |

1. **Contact your parent/guardian mandatory***
2. **Talk with you about your behavior***
3. Verbal reprimand
4. Assign special project or work
5. Withdraw privileges
6. Return property
7. Detention
8. Take away materials/objects that do not belong at school

9. Restorative Practice
10. Assigned seat
11. Safety plan
12. Guidance referral
13. No contact contract
14. Referral to mental health services
15. Warning of referral to Level 2

** Required Administrator Responsibilities*

SECTION V: DISCIPLINARY RESPONSE CODE FOR ELEMENTARY

Level 2: Discipline Response Code

Intermediate acts of misconduct are more serious or disruptive examples of the offenses in Level 1. Level 2 also includes repeated acts of misconduct from Level 1 and acts directed against people or property that do not seriously endanger the health or safety of others.

The misconduct must be reported to the appropriate school administrator for further investigation. After hearing the student's side of the story, speaking with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedures for Level 2 violations in investigating the matter and deciding on the consequence. Out of school suspension is not an available disciplinary response for Level 2 violations.

| LEVEL 2: OFFENSES | | |
|-------------------|--|---|
| A. | Destruction of Property/ Vandalism (under \$100) | Breaking or destroying things that belong to the school or to another person. |
| B. | Disrespect | Repeatedly showing behavior that is hurtful, or that embarrasses another person or group of persons, including employees. (More serious than Level 1). <i>This offense may include, but is not limited to, hurtful language that does not include curse words.</i> |
| C. | Fighting | Hitting, pushing or any physical contact with another student that is disruptive, but stops when an adult asks the students to stop. |
| D. | Forgery | Writing a note with the intent of misleading a staff member. Signing or allowing others to sign your parent's/guardian's name to a school paper. |
| E. | Gambling | Betting on games or activities for money or other valuables. |
| F. | Insubordination/ Open Defiance | Repeatedly refusing to follow written or verbal school rules or directions from the school staff without causing a disruption. |
| G. | Intimidation/ Threats | Threatening words or actions to do harm to another person's property. Or threatening words or actions towards another student to hit, fight, beat up the student or threatening another student's life and the threatening words do not have any details, are said in anger or frustration, are said as a joke, and can be easily resolved. This section does not include threatening words or actions made to OCPs employees; all threats to employees are a Level 3 or 4. . |
| J. | Stealing (under \$375) | Taking something that is not yours without permission. |
| K. | Unauthorized Assembly, Publications, etc. | Holding meetings or passing out materials to other students, without permission, that upset the normal school day or any school activity. |
| L. | Bullying | Repeated behavior toward another person that causes that person to be afraid on school property or off school grounds. <i>This offense may include, but is not limited to, repeated pushing, shoving, name calling with curse words and verbal cruelty.</i> |
| M. | Other Serious Misconduct | Any other act of misconduct or any more serious, harmful, or disruptive example of any of the offenses described in Level 1, which interferes with the school or school activity and cannot be coded as another Level 2 offense. |
| N. | Gang Related | The possession, use or displaying of items associated with gang activity that include, but is not limited to, clothing and accessories, gang related insignias, writings, signs or symbols that promote gang affiliation and/or involvement. |
| O. | Harassment | Any threatening, insulting, or rude gesture, use of electronic devices, or written, verbal, or physical act that places an OCPs student or school employee, volunteer, or contracted personnel in fear of harm to his/her person or damage to his/her property, has the effect of interfering with another student's learning and/or has the effect of disrupting the school including any act that causes stress to another person for no reason. <i>This offense may include, but is not limited to, name calling with cussing, and/or minor touching.</i> |
| Q. | Electronic Device Violation | The repeated misuse of wireless communication devices, which is not related to school and may include, but not limited to, cellphones, smart phones, smart watches, MP3 players, iPods, e-readers, tracker watches, tablets, laptops, and other electronic devices. |

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|--|--|---|---|------------------------|--|-------------------------------------|---|--------------------------------------|---------------------------|---------------------------|-------------------------|-----------------|-------------------------|-------------------------|----------------------------|--|--------------|--|----------------------|------------------------------------|--|--|
| R. | Sexual Harassment | Saying or doing something that reflects on another's gender which has the purpose of interfering with another student's learning or disrupts the school creating an offensive educational environment. <i>This offense may include, but is not limited to, unpleasant comments, jokes, or movements that are sexual in nature. This does not include acts involving physical contact.</i> | | | | | | | | | | | | | | | | | | | | |
| S. | Horseplay | Any rough uncontrolled play or prank that involves two or more students who refuse to stop when directed by an adult and there is risk of injury as a result of the horseplay. | | | | | | | | | | | | | | | | | | | | |
| T. | Dress Code | Wearing anything that does not follow the dress code (two or more offenses). | | | | | | | | | | | | | | | | | | | | |
| LEVEL 2: CONSEQUENCES | | | | | | | | | | | | | | | | | | | | | | |
| <table><tr><td>1. Contact your parent/guardian mandatory*</td><td>11. Return of property</td></tr><tr><td>2. Talk with you about your behavior*</td><td>12. Suspension from bus (1-10 days)</td></tr><tr><td>3. Hold a meeting with your parent/guardian</td><td>13. Referral to intervention program</td></tr><tr><td>4. Behavior contract/plan</td><td>14. Alternative Classroom</td></tr><tr><td>5. Restorative Practice</td><td>15. Safety plan</td></tr><tr><td>6. P.A.S.S. (1-10 days)</td><td>16. No contact contract</td></tr><tr><td>7. Special work assignment</td><td>17. Temporary removal or participation in extracurricular/co-curricular programs or activities</td></tr><tr><td>8. Detention</td><td>18. Referral to mental health services</td></tr><tr><td>9. Guidance referral</td><td>19. Warning of referral to Level 3</td></tr><tr><td>10. Take away materials/objects that do not belong at school</td><td></td></tr></table> | | | 1. Contact your parent/guardian mandatory* | 11. Return of property | 2. Talk with you about your behavior* | 12. Suspension from bus (1-10 days) | 3. Hold a meeting with your parent/guardian | 13. Referral to intervention program | 4. Behavior contract/plan | 14. Alternative Classroom | 5. Restorative Practice | 15. Safety plan | 6. P.A.S.S. (1-10 days) | 16. No contact contract | 7. Special work assignment | 17. Temporary removal or participation in extracurricular/co-curricular programs or activities | 8. Detention | 18. Referral to mental health services | 9. Guidance referral | 19. Warning of referral to Level 3 | 10. Take away materials/objects that do not belong at school | |
| 1. Contact your parent/guardian mandatory* | 11. Return of property | | | | | | | | | | | | | | | | | | | | | |
| 2. Talk with you about your behavior* | 12. Suspension from bus (1-10 days) | | | | | | | | | | | | | | | | | | | | | |
| 3. Hold a meeting with your parent/guardian | 13. Referral to intervention program | | | | | | | | | | | | | | | | | | | | | |
| 4. Behavior contract/plan | 14. Alternative Classroom | | | | | | | | | | | | | | | | | | | | | |
| 5. Restorative Practice | 15. Safety plan | | | | | | | | | | | | | | | | | | | | | |
| 6. P.A.S.S. (1-10 days) | 16. No contact contract | | | | | | | | | | | | | | | | | | | | | |
| 7. Special work assignment | 17. Temporary removal or participation in extracurricular/co-curricular programs or activities | | | | | | | | | | | | | | | | | | | | | |
| 8. Detention | 18. Referral to mental health services | | | | | | | | | | | | | | | | | | | | | |
| 9. Guidance referral | 19. Warning of referral to Level 3 | | | | | | | | | | | | | | | | | | | | | |
| 10. Take away materials/objects that do not belong at school | | | | | | | | | | | | | | | | | | | | | | |
| <i>*Required Administrator Responsibilities</i> | | | | | | | | | | | | | | | | | | | | | | |

SECTION V: DISCIPLINARY RESPONSE CODE FOR ELEMENTARY

Level 3: Discipline Response Code

Level 3 offenses are major acts of misconduct that disrupts the school, school function, or approved transportation that threatens the health, safety, and property of others.

The misconduct must be reported right away to the school administrator for further investigation. After hearing the student's side of the story, speaking with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedures for Level 3 violations in investigating the matter and deciding on the consequence, which may include in the removal of the student from the school or activity immediately.

| LEVEL 3: OFFENSES | | |
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| A. | Physical Attack | Attacking another student against his/her will and without injury. This offense does not include an injury that is caused by fighting. |
| C. | Destruction of Property/ Vandalism (\$100 to \$999) | Breaking or destroying things that belong to the school or to another person. |
| D. | Disrespect | Showing behavior that is hurtful, embarrassing, or makes another person feel bad. <i>This offense may include, but is not limited to, words or movements that are mean and/or cussing.</i> |
| E. | Extortion/ Blackmail | Making threats to hurt others in order to get something from them. <i>This offense may include, but is not limited to, threatening another student to get their lunch money.</i> |
| F. | Fighting | Hitting, pushing, or any harmful, physical contact with another student that requires an adult to physically break up the fight or someone gets hurt and needs medical attention. Note: Self-defense is described as an action to restrain or block an attack by another person or to shield yourself from being hit by another person. Retaliating by hitting a person back is not self-defense and will be considered as fighting. |
| G. | Firecrackers/ Fireworks | Having, storing, or selling fireworks or firecrackers on OCPS property or at a school activity without lighting them. |
| H. | Gross Insubordination/ Open Defiance | Willfully refusing to do as told by the school staff; saying or doing something that shows you will not follow any directions; or arguing with an adult in front of others which causes a disruption. |
| I. | Illegal Organizations | Belonging to or being a part of secret groups or clubs while at school. |
| J. | Possession of Contraband Material | Having, using, or giving to others things not allowed at school such as: matches, lighters, toy guns, sharp objects, tools, etc. The parent/guardian will make arrangements to pick up the object from the school, if applicable. At no time shall OCPS be responsible for theft, loss, or damage to contraband items brought onto its property. |
| L. | Smoking/Vaping and (Other Use of Tobacco/Nicotine Products) | Having, using, selling, or giving tobacco/vaping nicotine products to other students, such as electronic cigarettes, CBD oil, Juuls, vapors, and hookah pens that do not have THC or any other drug, at school or at a school activity. |
| M. | Stealing (\$375 to \$749) | Taking the property of others without their permission. |
| N. | Trespassing | Entering or staying on school property, school transportation, or at a school activity, without approval or after being told to leave by the school staff. |

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| O. | Violation of Curfew | Breaking of curfew rules during a school-sponsored activity. |
| P. | Bullying | Repeated behavior toward another person that causes that person to be afraid on school property or off school grounds. <i>This offense may include, but is not limited to, repeated name calling with threat, physical contact with minor injury, sharing or giving texts/pictures/videos to multiple recipients.</i> |
| Q. | Other Serious Misconduct | Behavior which seriously disrupts the school, school function, or extracurricular/co-curricular activity, or which threatens the health/safety of others and cannot be coded as another Level 3 offense. <i>This offense may include, but is not limited to, providing false/misleading information to OCPS staff members or the activation of a fire alarm that was not done on purpose.</i> |
| RR. | Physical Aggression on an Employee or Contracted Personnel | The willful use of force upon an employee or contracted personnel that does not result in bodily injury. |
| S. | Sexual Harassment | Saying or doing something that reflects on another's gender which has the purpose of interfering with another student's learning or disrupts the school creating an offensive educational environment. <i>These acts are sexual in nature and may include, but are not limited to, mooning, sharing/sending/showing images or video that have no private body parts showing, but are taken in a private area or room, and/or minor touching.</i> |
| T. | Intimidation/ Threats to a Person | Repeated Level 2 threats or using threatening words or actions toward another student's life if the words have some details and there is some thought that was given as to how the threat will be carried out, but there is no clear indication that the student has started carrying out the threat. This section also includes threat of harm or violence towards an OCPS employee without any further acts of aggression or where there is no intent to carry out the threat. |
| U. | Gang Related | Conduct or behavior that tends to promote gang activity, provoke violence, or seriously disrupt the orderly operation of the school program, any school activity or transportation services, including, but not limited to, the possession, use, or displaying of gang paraphernalia, jewelry, tattoos, clothing, or other insignias and writings that promote gang affiliation/involvement/the use of gang related signs or symbols or any other gang associated behavior. |
| V. | Harassment | Any threatening, insulting, or rude gesture, use of electronic device, or written, verbal, or physical act that places a student or school employee, volunteer, or contracted personnel in fear of harm to his/her person or damage to his/her property, has the effect of interfering with another student's learning and/or has the effect of disrupting the school including any act that causes stress to another person for no reason. <i>This offense may include, but is not limited to, name calling with threat, physical contact with minor injury, sharing or giving texts/pictures/videos to multiple recipients.</i> |
| W. | Hazing | Secondary only. |
| Y. | Electronic Device Violation | The continual misuse of wireless communication devices, which is not related to school and may include, but not limited to, cellphones, smart phones, smart watches, MP3 players, iPods, e-readers, tracker watches, tablets, laptops, and other electronic devices. |
| Z. | District Technology Violation | Changing software/hardware configuration on a district issued device (i.e. factory reset) without permission; access to programs and/or files without permission which are not expected or intended for student use on a district issued and/or personal device (i.e. gaming); sharing another person's username and password; or allowing another person to use the student's device while the student is logged in. |

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| AA. | Horseplay | Any rough uncontrolled fooling around, play or prank that involves two or more students who refuse to stop when directed by an adult and there is injury as a result of the horseplay. Any horseplay that results in serious injury where medical attention is needed may result in a Level 4 offense. |
| LEVEL 3: CONSEQUENCES | | |
| <div> <div> 1. Contact your parent/guardian mandatory* 2. Talk with you about your behavior* 3. Hold a meeting with parent/guardian 4. Behavior contract/plan 5. Restorative Practice 6. Return property 7. P.A.S.S. (1-10 days) 8. Bus suspension (1-10 days) 9. Out of school suspension (1-10 days) 10. Detention </div> <div> 11. Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities 12. Referral to intervention program 13. Take away materials/objects that do not belong at school 14. Alternative classroom 15. Safety plan 16. No contact contract 17. Guidance referral 18. Referral to mental health services 19. Warning of referral to Level 4 </div> </div> | | |
| <i>*Required Administrator Responsibilities</i> | | |

SECTION V: DISCIPLINARY RESPONSE CODE FOR ELEMENTARY

Level 4: Discipline Response Code

Level 4 offenses are the most serious acts of misconduct and are grounds for expulsion. Any Level 4 act shall result in up to a 10-day suspension with a potential recommendation for expulsion.

Major acts of misconduct must be reported right away to the school administrator for further investigation. After hearing the student's side of the story, speaking with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedures for Level 4 violations in investigating the matter and deciding on the consequence, which may include in the removal of the student from the school or activity immediately.

Students who commit a Level IV offense may be referred to local authorities for further investigation.

| LEVEL 4: OFFENSES | | |
|-------------------|---|---|
| A. | Alcohol | Having, using, sharing, giving, asking for, or being under the influence of alcoholic beverages. Use means the person is caught using alcohol, admits to using alcohol, or is discovered to have used alcohol. |
| B. | Arson | Setting a fire or trying to set fire to school property or the property of others. |
| C. | Intimidation/ Threats to a Person | Threatening words or actions to hit, fight, or beat up an OCPS employee with an aggressive act to carry out the threat. Or any threatening words or actions which threaten the life of another person and the threat to life appears to pose an immediate or a serious danger to the safety of others. The threat has details and is specific. The threat suggests steps have been taken to carry out the threat and/or there is a strong concern about the ability to act. This may include, but is not limited to, threats made verbally or nonverbally, by act, through social media, or by text. |
| D. | Battery | Touching or striking a student, OCPS employee, contracted personnel, or volunteer, against his or her will or intentionally causing more serious bodily harm to another. More serious bodily harm means the victim is at risk of death or in extreme pain that requires the victim to go to the hospital. The harm must require documented medical assistance and be serious enough to report to law enforcement. This offense does not include injury that happens from a fight. |
| E. | Threats to the School | Any direct or indirect threat that may harm the school or may disrupt the function of the school campus or school sponsored activity including, but not limited to, threats made verbally or nonverbally, by act, through social media, or by text. All threats are taken seriously, regardless of intent. <i>Threats to the school may include, but are not limited to, bomb threats, threats to use firearms in a violent manner, and/or threats to conduct a mass shooting or an act of terrorism. Threats to the school are deemed zero tolerance by Sections 1006.07 and 1006.13, Florida Statutes.</i> |
| F. | Drugs/Possession/ Use | Having, using, sharing, or being under the influence of any drugs or any other substance that can change your mood or behavior, or having or using anything represented or thought to be a drug. Use means the person is caught in the act of using drugs, admits to using drugs or is discovered to have used drugs. Having, using, sharing, or being under the influence of medicine you can buy in the store or medicine your doctor prescribes, over the limits allowed are included in this section. Also included in this section is any amount of THC oil. |
| H. | Firearms/ Weapons | Having or using any firearm or weapon (working or not working, loaded or unloaded) as defined in Chapter 790, Florida Statutes. This section also includes the use or attempted use of any object that can be used to inflict harm on another person. Firearms/Weapons are deemed zero tolerance by Sections 1006.07 and 1006.13, Florida Statutes. <i>A firearm means any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. A weapon means any dirk, knife (blade is 2.5 inches or more), metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon.</i> |
| I. | Major Disruption on Campus | Major disruption of all or most of campus activities, school-sponsored events, and/or school bus transportation. Disruptive behavior that is a serious threat to the school, or health, safety, or welfare of others. <i>This offense may include, but is not limited to, starting, encouraging, or participating in any major disruption, pulling fire alarm when there is not a fire, incidents that result in closing the cafeteria, and/or incidents that prevent students from proceeding to the next class.</i> |

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| J. | Larceny/Theft (\$750 or over) | Taking, carrying, riding away with, or hiding property from another person, including motor vehicles, or attempting to do it, without threat or harm. <i>This offense may include, but is not limited to, pocket picking, theft, from a building, theft from a motor vehicle, theft from a vending machine, theft of a golf cart, motor vehicle or anything that is self-propelled or motorized.</i> |
| K. | Other Dangerous Objects | Having, selling/buying or controlling any instrument or object, other than a firearm or weapon as defined under a 4H offense, which could be used to harm another person, or to scare any person. The actual or attempted use of a dangerous object shall be coded as a 4H. <i>This offense may include, but is not limited to, BB guns or pellet guns, air soft guns, paintball guns and replicas of any gun or weapon, common pocket knives (blade is less than 2.5 inches), blunt bladed table knives, chains, pipes, razor blades, box cutter/utility knife, ice picks, other pointed instruments, nunchucks, Chinese stars, pepper spray, bullets, firearm clips, or firearm cartridges. This offense also includes lighting fireworks or firecrackers.</i> |
| L. | Repeated Misconduct of a More Serious Nature | Repeated misconduct that tends to seriously disrupt the school, school function, or extracurricular/co-curricular program or activity. |
| M. | Robbery/Extortion | Taking or attempting to take something valuable from another person by force or threat of force or violence and/or putting the victim in fear that you're going to take it. <i>This offense may include the taking of objects such as purses, phones, clothing etc.</i> |
| N. | Sexual Battery | Doing or attempting to do any sexual act against another person, forcibly and/or against the person's will. |
| O. | Sexual Harassment | Saying or doing something that reflects on another's gender which has the purpose of interfering with another student's learning or disrupts the school creating an offensive school environment. <i>These acts are sexual in nature and may include, but are not limited to, sharing/sending/showing images or video that have private body parts showing, grabbing, rubbing or feeling private body parts.</i> |
| P. | Sexual Offenses | Any willful and/or deliberate act, behavior, or conduct intended to result in sexual gratification, or furthering acts of lewd or lascivious in nature. <i>This offense includes, but is not limited to, consensual sexual acts, and/or exposure of naked body parts in front of other people or by sending naked pictures through social media.</i> |
| Q. | Violation of Early Re-entry Plan | Committing any act or series of acts that violates or has the effect of violating a re-entry plan from expulsion. |
| S. | Vandalism (\$1000 or over) | Purposely destroying, damaging, or ruining public or private property including act of ruining with graffiti, keying, or scratching a car or trashing a room resulting in damages. |
| T. | Other | Any behavior which goes beyond what is expected at school and in the community, which cannot be coded in another Level 4 offense. <i>This offense may include, but is not limited to, hate crimes; making up stories that can hurt adults on campus; any speech on the basis of race, sex, national origin, religion, or disability that does or would be likely to cause a substantial disruption to the educational environment; dating violence; human trafficking; or pretending to be another person and creating or signing documents with their name.</i> |
| U. | Drugs/ Transmission/ Distribution/ Selling/Buying | Giving, making, buying, or selling any drug, or giving, making, buying, or selling anything represented to be a drug. This includes any form of payment for any drug or substance. |
| V. | Bullying | Repeated behavior toward another person that causes that person to be afraid on school property or off school grounds. <i>This offense may include, but is not limited to, repeated name calling with threats, sharing/showing/sending texts or video/pictures to more than one person, posting video/pictures to social media, and/or physical contact which seriously hurts another.</i> |
| W. | Harassment | Any threatening, insulting, or rude gesture, use of electronic device, or written, verbal, or physical act that places a student or school employee, volunteer, or contracted personnel in fear of harm to his/her person or damage to his/her property, has the effect of interfering with another student's learning and/or has the effect of disrupting the school including any act that causes stress to another person for no reason. <i>This offense may include, but is not limited to, stalking or cyberstalking, and/or making another person fearful of serious injury or death.</i> |
| X. | Hazing | Secondary only. |

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| Y. | Physical Attack | An actual and intentional hitting of a student OCPS employee, contracted personnel, or volunteer, against his/her will, resulting in less serious harm. Less serious bodily harm does <u>not</u> include risk of death or the victim being in extreme pain that requires him/her to go to the hospital. The injury must be documented. This section does not include an injury from fighting. |
| Z. | Sexual Assault | An incident that includes a threat of rape, fondling, indecent liberties, or child molestation. Both male and female students can be victims of sexual assault. |
| AA. | District Technology Violation | Use or access to programs and/or files without permission which are not expected or intended for student use on a district issued and/or personal device; or any use that violates Board policies, local, state, and/or federal laws and regulations. <i>This offense may include, but is not limited to, gaining access to the OCPS mainframe with intent to do harm or change records.</i> |
| CC. | Burglary | Entering OCPS property without permission and causing damage or breaking the law. This offense is more severe than trespass. |
| DD. | Homicide | The unjustified killing of one human being by another. |
| EE. | Kidnapping | Forcibly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority. |

LEVEL 4: POSSIBLE CONSEQUENCES

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| 1. Contact your parent/guardian mandatory* | 8. Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities |
| 2. Talk with you about your behavior* | 9. Restorative Practice |
| 3. Up to a 10 day suspension with a recommendation for expulsion (mandatory) | 10. Alternative classroom |
| 4. Expulsion from the school district | 11. Safety plan |
| 5. Assignment to an alternative school | 12. No contact contract |
| 6. Referral to an intervention program | 13. Guidance referral |
| 7. Bus expulsion | 14. Referral to mental health services |

** Required Administrator Responsibilities*

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Disciplinary Action

In order to protect student rights, certain procedures are followed with regard to disciplinary actions. These procedures are developed as suggested or required by law or regulation. School/classroom management strategies not covered by these specific procedures are encouraged.

Procedures for Level I-III Offenses for Elementary and Secondary

A student accused of misconduct for a Level I-III offense, shall be afforded the following procedures. In emergency situations, these procedures may be modified so long as reasonable efforts are made to provide substantially similar opportunities for the procedural safeguards.

Please note, these procedures should be used in conjunction with the procedures set forth herein which align with Title IX of the Education Amendments Act of 1972 and Board Policy JB, entitled, "Equal Educational Opportunities."
~~do not apply for offenses that fall under the 2020 regulations issued pursuant to Title IX of the Education Amendments Act of 1972.~~

| PROCEDURES | |
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| Step 1: | The student must be told by the principal or designee of the reason(s) for the referral. |
| Step 2: | The student must be given the opportunity to present his/her side of the matter either verbally or in writing and must have the opportunity to present witnesses to the incident. |
| Step 3: | The principal/designee shall make a determination as to whether the evidence supports the offense. If so, the principal/designee determines the appropriate discipline response according to the Code. The student shall be informed of the disciplinary response. |
| Step 4: | The principal/designee shall report each suspension in writing to the student's parent/guardian and to the area superintendent or designee. This report shall be mailed or delivery initiated within 24 hours of the start of the suspension or on the next regular workday. Reasonable efforts shall be made to contact the parent/guardian prior to the start of the suspension. If the parent/guardian cannot be reached prior to the start of the suspension, the principal or his designee may determine that the suspension will start without the prior contact with the parent/guardian, but continued reasonable efforts to contact the parent/guardian shall be made. |
| Step 5: | After the discipline investigation is complete, the parent/guardian may request a copy of all documentary evidence upon which the proposed disciplinary consequence is based; however, if available and used as evidence for disciplinary purposes, video evidence may only be reviewed, a copy will not be provided. |
| Step 6: | The student and parent/guardian have a right to request a conference with the principal or designee upon request of the parent/guardian to appeal the discipline imposed. All such requests must be made within three (3) school days of the first notification of a discipline referral. The principal shall have the discretion to adjust the discipline response. |
| Step 7: | A meeting should be held each time any student with disabilities has been suspended from classroom or transportation for ten (10) days cumulative during a school year. The purpose is to determine if the placement is appropriate and if any changes need to be made in order to more effectively deal with the student's behavior concern. |
| Step 8: | At the discretion of the principal, a written behavior contract or safety plan may be required upon return of the student. |
| Step 9: | If the parent/guardian feel that procedural safeguards were not provided, they may appeal by contacting an area administrator. The area administrator shall discuss the matter with the parent/guardian, and if appropriate, schedule a meeting between the principal, the area administrator, and the parent/guardian to further discuss the matter.. This shall not be interpreted as permitting the area administrator to substitute their judgment for the decision the principal made. |

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Level IV Offenses for Elementary and Secondary

A student accused of a violation of the Code which, in the opinion of the principal or designee, may require expulsion from school or transportation, shall be afforded the procedural safeguards described below. In emergency situations, these procedures may be modified so long as reasonable efforts are made to provide substantially similar opportunities for these procedural safeguards.

Please note, these procedures should be used in conjunction with the procedures set forth herein which align with Title IX of the Education Amendments Act of 1972 and Board Policy JB, entitled, "Equal Educational Opportunities." ~~do not apply for offenses that fall under the 2020 regulations issued pursuant to Title IX of the Education Amendments Act of 1972.~~

| PROCEDURES | |
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| Step 1: | The principal or designee must inform the student of the reason(s) for consideration of expulsion. |
| Step 2: | The student shall be given the opportunity to present his/her side of the matter either verbally or in writing and must have the opportunity to offer witnesses to the incident. |
| Step 3: | The principal or designee shall make a determination in writing as to whether the evidence supports the offense. If so, the principal/designee determines the appropriate discipline response according to the Code. The student shall be informed of the Level IV offense. If the principal/designee determines that there are sufficient grounds for expulsion, then the principal/designee shall inform the student that he or she is being suspended from school for ten (10) days and a recommendation that the student be expelled is being considered. |
| Step 4: | The principal shall report in writing to the student's parent/guardian and the district that the student has been suspended for ten (10) days and a recommendation that the student be expelled from school is being considered. The report shall be mailed or delivery initiated within 24 hours of the start of the initial ten (10) day suspension or on the next regular school day. Reasonable effort shall be made to contact the parent/guardian prior to the start of the suspension. If the parent/guardian cannot be reached prior to the start of the suspension, the principal or a designee may determine that the suspension will start without the prior contact with the parent/guardian. |
| Step 5: | The student and parent/guardian have a right to request a conference with the principal or designee to review the Level IV offense. All such requests must be made within three (3) school days of the first notification of suspension that the parent/guardian receives. |
| Step 6: | After the discipline investigation is complete, the parent/guardian may request a copy of all documentary evidence upon which the proposed expulsion is based; however, if available and used as evidence for disciplinary purposes, video evidence may only be reviewed, a copy will not be provided. |
| Step 7: | <p>The area administrator shall convene a Discipline Team Meeting (DTM) as soon as possible. The OCPS employees present at the DTM shall include the area administrator, principal or designee and other appropriate personnel, including, but not limited to, a counselor, school psychologist, administrative dean, or Positive Pathways Transition Center staff. The school will also request that the parent/guardian and student attend the DTM.</p> <p>The purpose of the DTM is to:</p> <ol style="list-style-type: none"> 1) Review all documentary evidence upon which the proposed expulsion is based; 2) Ensure the student received due process during the investigation; 3) Provide the student and parent/guardian the opportunity to present new information and/or explain the student's involvement; and 4) Whether a referral will be made to an alternative program/school or expulsion. |
| Step 8: | No later than one (1) school day prior to the DTM, parents/guardian/students must notify the school principal or designee of all parties that will attend the DTM on behalf of the student. The parent/guardian/student may elect to bring parties to the DTM of their choosing. If the parent/guardian retains legal counsel the Office of Legal Services must be notified prior to the DTM at (407) 317-3411. |
| Step 9: | <p>If the decision is made by the area administrator to verify the Level IV and the consequence is a full exclusion, without continuing educational services, the Superintendent may invoke Section 1006.08, Florida Statutes, and either extend the student's suspension or temporarily administratively place a student in an alternative setting pending the final decision of expulsion from the Board.</p> <p>If a decision is made by the area administrator to verify the Level IV and the consequence is an alternative placement, Section 1006.08, Florida Statutes, will be invoked and the student will be administratively placed at the alternative school within Orange County. It is important to note, once the student is withdrawn from their home school the only OCPS school the student may attend is the school designated by the area administrator at the DTM, however, the parent/guardian may instead elect to enroll their child in home school, or Florida Virtual School, private school, or another county, if permissible.</p> |

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| Step 10: | <p>If the decision is made by the area administrator to verify the Level IV and the parent/guardian believes the student is entitled to further procedural safeguards or would like to dispute documentary evidence upon which the proposed expulsion is based, the parent/guardian may request an administrative hearing by providing notice of such request to the applicable area administrator or designee. Failure of the parent/guardian to request an administrative hearing from the applicable area administrator or his/her designee within fourteen (14) days after the Discipline Team meeting shall be deemed a waiver of any challenge to the procedures utilized by the Discipline Team in making its decision. Administrative hearings shall be granted or denied within fifteen (15) days from the time they are requested unless an extension is agreed upon in writing. The area administrator and the principal or his/her designee may attend the administrative hearing. The parent/guardian shall notify the applicable area administrator of all parties attending the administrative hearing on behalf of the student no later than three (3) school days prior to the administrative hearing. If the parent/guardian retains legal counsel the Office of Legal Services must be notified prior to the Administrative Hearing at (407) 317-3411.</p> <p>If the student is recommended for a full exclusion without educational services, the administrative hearing will be governed by the provisions in Sections 120.569 and 120.57(2), Florida Statutes.</p> |
| Step 11: | <p>The Administrative Hearing Officer will either recommend to uphold the DTM decision or recommend to overturn the decision based on the specific facts and charges upon which the proposed consequence is based. Both the principal or designee and the parent/guardian shall have the right, but not obligation, to submit a recommended order to the Administrative Hearing Officer containing proposed findings of facts and conclusions of law. The Administrative Hearing Officer may, in his/her discretion, use a proposed order submitted by either the principal/designee or the parent/guardian; provided however, the Administrative Officer may reject both proposed orders and issue his/her own order.</p> |
| Step 12: | <p>If the recommendation of the Administrative Hearing Officer is to uphold the Level IV, the student/parent/guardian may request a meeting with the area superintendent to discuss the recommendation of the area administrator and Administrative Hearing Officer. The area superintendent will review the documentary evidence and procedural safeguards and provide a recommendation to the Superintendent for review. The Superintendent shall then review the area superintendent's recommendation and shall have the authority to recommend to the Board that the student be expelled or take whatever action he/she deems appropriate. The Superintendent shall notify the parent/guardian and the principal or designee prior to the Board meeting at which the Board will consider his/her recommendation.</p> |
| Step 13: | <p>The parent/guardian shall have the right to appear before the Board. Factual evidence which was not properly presented either at the DTM or the Administrative Hearing may not be presented to the Board. The parent/guardian/student is limited to challenging whether the facts as found at the DTM may appropriately lead to the consequence under the Code.</p> |

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Students Who Commit Serious Acts of Misconduct Eligible for Services under the Individuals with Disabilities Education Act (IDEA) (Suspension/Removal)

Students who commit serious acts of misconduct eligible for services under the Individuals with Disabilities Education Act (Students with Disabilities) are subject to being suspended/removed from school for up to ten (10) days, cumulative or collective, when the misconduct meets the definition of a Level III or Level IV offense as defined in the Code. This removal is permitted whether or not the behavior causing the offense is related to the student's disability. The school district has the right to obtain relief from an Administrative Law Judge (ALJ) to remove a student with dangerous behavior.

Students with disabilities may be subjected to short-term or long-term removals depending on the disciplinary offense of the Code. The general guide for a school to follow is that a disabled student may be suspended/removed from a school for up to 10 school days within a school year without providing services identified in the Individual Educational Plan (IEP). A manifestation determination is not required until the student has been suspended/removed in most circumstances for ten (10) days; cumulative or collective. However, IEP teams should review a student's misconduct as early as possible to determine the need for additional behavior supports and/or services. The Discipline Team meeting should occur in conjunction with the manifestation meeting if the behavior may be a Level IV offense.

Regardless of the misconduct, OCPS shall not cease educational services to a disabled student after the student has been suspended/removed from school for more than ten (10) school days, total, in a school year.

Please note, these procedures should be used in conjunction with the procedures set forth herein which align with Title IX of the Education Amendments Act of 1972 and Board Policy JB, entitled, "Equal Educational Opportunities." ~~do not apply for offenses that fall under the 2020 regulations issued pursuant to Title IX of the Education Amendments Act of 1972.~~

| PROCEDURES | |
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| Step 1: | The student must be told by the principal or designee of the reason(s) for consideration of a suspension/removal. |
| Step 2: | The student must be given the opportunity to present his/her side of the matter either verbally or in writing and must have the opportunity to present witnesses to the incident. |
| Step 3: | The principal or designee shall promptly make a determination in writing as to whether or not the student is guilty of the misconduct. If the principal's determination is that the student committed a Level IV offense, the school staff shall convene a Discipline IEP Team meeting and a manifestation determination meeting. In some cases it is appropriate for a Discipline IEP Team meeting to be convened for a Level III offense and/or conduct a manifestation determination. The procedures for the Discipline IEP Team meeting in the Exceptional Student Education (ESE) Staffing Procedures Handbook must be followed. |
| Step 4: | <p>Once a student has been removed for ten (10) days, cumulative or collective, the IEP Team must meet to develop and/or review the student's Functional Behavioral Assessment (FBA) and Behavioral Intervention Plan (BIP). [Note Procedures for Discipline in the Staffing Procedures Handbook.] The IEP Team must be composed of personnel empowered to make placement decisions for students with disabilities. The IEP Team must include the parent, student (if appropriate), not less than one general education teacher, not less than one special education teacher, a representative of the district qualified to provide or supervise the provision of specially designed instruction (usually the staffing specialist), and an individual who can interpret the instructional implications of evaluation results (may be a person already listed in the section). The IEP Team may also include persons such as the principal or designated administrator, counselor, psychologist, social worker, speech therapist, and an area administrator. Other school or learning community/district personnel may be invited if appropriate. Parents may also bring additional people to the meeting. The Procedural Safeguards must be provided at the meeting and parents must receive a copy.</p> <p>Any student who has been removed for more than ten (10) school days must receive appropriate services. The services provided during the removal may or may not be identical to the services on the child's IEP. The school district will determine the appropriate services for the student.</p> |
| Step 5: | <p>The IEP Team will determine whether or not the offense is related to the student's disability, e.g., the manifestation determination, based on federal statutes and regulations under the Individuals with Disabilities Act (IDEA), as well as Florida Statutes and State Board of Education Rules. The manifestation determination must be made within 10 days of any decision to change the placement of a student with a disability because of a violation to the Code.</p> <p>If the IEP Team determines that the child's conduct was the direct result of the school district's failure to implement the IEP, immediate steps must be taken to remedy those deficiencies. 34 CFR 300.530(e)(3).</p> |

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| Step 6: | <p>The IEP team will determine appropriate alternatives for allowing the student to continue to receive FAPE and services during the removal. These alternatives may include but are not limited to:</p> <ul style="list-style-type: none"> • Modification of the IEP including BIP in current placement • Transfer to a more restrictive placement for a designated period of time • Reduced or modified school day (After School Academy, Saturday School, etc.) • In-school suspension program • Individual/group counseling with school personnel • Placement on Home Instruction or Teleclass • Special school placement <p>Other options or some combination of the above</p> |
| Step 7: | <p>OCPS can immediately remove students from their current educational placement to an Interim Alternative Educational Setting (IAES) for no more than forty-five (45) school days for violation of the Code for certain drugs, weapons, and infliction of serious bodily injury upon another person while at school, on school premises, or at a function under the jurisdiction of OCPS regardless of a determination if the behavior was a manifestation of the student's disability.</p> |
| Step 8: | <p>The staffing specialist shall inform the parent/guardian of:</p> <ol style="list-style-type: none"> 1. The due process rights of disabled students should they disagree with the recommendations of the IEP Team. 2. The right to request a due process hearing by an Administrative Law Judge (ALJ) if the parent/guardian believes the student's procedural safeguards have been violated. 3. The school district's right to request a due process hearing for a student exhibiting dangerous behavior or to petition the court for a change in placement. 4. Either party's right to request an expedited due process hearing to challenge a disciplinary decision or manifestation determination. Stay put during the proceedings will be in accordance with the Discipline IEP Team decision. |
| Points of Clarification | |
| <ol style="list-style-type: none"> 1. Children not yet identified as ESE students may assert protections under these procedures if OCPS knew or should have known that the child might have a disability. Parental consent for evaluation should be requested in these meetings, if an evaluation is not already in progress, during the disciplinary proceedings. 2. When the behavior is not a manifestation of the disability, the student may be disciplined under the regular education guidelines. However, educational services must continue. 3. Students with behavior problems can be removed to another placement through the IEP process. 4. Bus suspensions and partial day removals may count as removal/suspensions. | |

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Students Who Commit Serious Acts of Misconduct Eligible Under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Americans with Disabilities Act (ADA) (Suspension/Removal)

Students eligible under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Americans with Disabilities Act (ADA) may be subjected to short-term or long-term removals depending on the disciplinary offense of the Code of Student Conduct. The general guide for a school to follow is that a Section 504 eligible student may be suspended/ removed from a school up to ten (10) school days within a school year without providing services identified in the student's Section 504 Individual Accommodation Plan. A manifestation determination is not required until the student has been suspended/removed for ten (10) days, cumulative or collective.

A student with a Section 504 Individual Accommodation Plan may be recommended for expulsion as defined for all students when the behavior, as determined by the Section 504 team, is not a manifestation of the student's disability.

OCPS is not required to hold a manifestation determination meeting for use of illegal drugs or alcohol committed by a student eligible under Section 504. The student may be disciplined in the same manner as non-disabled students for use of illegal drugs or alcohol and will receive the same due process and consequences as other students.

Please note, these procedures should be used in conjunction with the procedures set forth herein which align with Title IX of the Education Amendments Act of 1972 and Board Policy JB, entitled, "Equal Educational Opportunities." ~~do not apply for offenses that fall under the 2020 regulations issued pursuant to Title IX of the Education Amendments Act of 1972.~~

| PROCEDURES | |
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| Step 1: | The student must be told by the principal or designee of the reason(s) for consideration of a suspension/removal. |
| Step 2: | The student must be given the opportunity to present his/her side of the matter either verbally or in writing and must have the opportunity to present witnesses to the incident. |
| Step 3: | The principal or designee shall promptly make a determination in writing as to whether or not the student is guilty of the misconduct. If the principal's determination is that the student committed an offense that will result in suspension of 10 days (cumulative or collective) the school staff shall convene a Section 504 Discipline Team meeting and a manifestation determination meeting. The procedures for the Section 504 Discipline Team meetings located on the OCPS Section 504 website must be followed. |
| Step 4: | Once a child has been removed for ten (10) days, the Section 504 Team must convene a meeting to review the student's conduct. The Section 504 team must be composed of personnel empowered to make placement decisions for students requiring accommodations pursuant to Section 504. The Section 504 Team may include, in addition to the parent and student, if appropriate, persons such as the principal or designated administrator, school-based Section 504 representative, staffing specialist, counselor, ESE teacher, regular teacher, psychologist, social worker, speech therapist, and an area administrator. Other school or learning community/district personnel may be invited if appropriate. Parents may also bring additional people to the meeting. The Procedural Safeguards must be provided at the meeting and parents must receive a copy. |
| Step 5: | <p>The Section 504 Team will determine whether or not the offense is related to the student's disability, e.g., the manifestation determination. NOTE: If a student with an active Section 504 Plan has been referred for ESE testing, the manifestation team must treat the student as an ESE student.</p> <p>If the Section 504 Team determines that the student's behavior is not a manifestation of the disability, the student may be disciplined in the same manner as their non-disabled peers, which may include a full exclusion from school without continuing education services.</p> <p>If it is determined that the student's behavior is a manifestation of the student's disability, federal law does not permit a school district to cease all educational services. The student may be excluded with services (as with students eligible for services under the Individuals with Disabilities Education Act). The Section 504 Team must review the Section 504 Plan and make modifications with the intent to reduce inappropriate behaviors, when appropriate.</p> |

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Title IX of the Education Amendments Act of 1972

A student accused of sexual harassment pursuant to Title IX of the Education Amendments Act of 1972 (Title IX) definition and Board Policy JB, entitled “Equal Educational Opportunities,” shall be afforded the following procedures. In emergency situations, these procedures may be modified so long as reasonable efforts are made to provide substantially similar opportunities for the procedural safeguards.

These procedures must be implemented for sexual harassment claims if they meet the definition under Title IX and/or Board Policy JB before any discipline consequence is given to the respondent, unless an emergency removal of the respondent is required due to an immediate threat of physical health or safety to others. The definition for “sexual harassment” as outlined in Title IX and Board Policy JB includes: (1) an OCPS employee conditioning the provision of an aid, benefit, or service of the school on an individual’s participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or (3) sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

The initiation of these procedures does not prohibit the school from implementing supportive measures which are designed to protect the safety of all parties and/or the educational environment.

The student discipline investigation as detailed throughout this Code shall be conducted **after** these Title IX procedures have been completed. Nothing in the section prohibits the school from implementing discipline consequences if the respondent is found to have committed an offense in the Code through the discipline investigation, regardless of whether the Title IX complaint was dismissed.

For reference, as used in this section, the “complainant” is the individual who is the alleged victim and the “respondent” is the individual who has been reported to be the perpetrator of the conduct.

| <u>PROCEDURES</u> | |
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| <u>Step 1:</u> | <u>A school must follow these procedures within twenty-four (24) hours or no more than two (2) school days when the school has actual knowledge of sexual harassment occurring in an OCPS education program or activity. Education activity or program includes location, events, or circumstances over which OCPS has exercised substantial control over both the respondent and the context in which the sexual harassment occurred. A report may be made by any person with knowledge of sexual harassment incidents occurring.</u> <u>If the school believes the alleged sexual harassment constitutes a crime, the matter shall be immediately reported to the School Resource Officer or appropriate law enforcement agency. In addition, the alleged sexual harassment may constitute child abuse and shall be immediately reported to the Florida Department of Children and Families. If the alleged sexual harassment is against an OCPS employee, the Title IX Coordinator or school administrator shall immediately notify OCPS Professional Standards.</u> |
| <u>Step 2:</u> | <u>The school-based Title IX Coordinator must promptly notify the complainant of available supportive measures and explain the process for filing a formal complaint. If there is an immediate threat of physical health or safety to others the student shall be removed from the school under the emergency removal provisions in Title IX and/or Board Policy JB.</u> |
| <u>Step 3:</u> | <u>The complainant or parent/guardian of the complainant must file a formal written complaint with the school alleging sexual harassment against a respondent and requesting an investigation of the allegations within ten (10) school days of the alleged misconduct occurring. The school-based Title IX Coordinator may also file the formal written complaint on behalf of the complainant if a written complaint is not received from the complainant or parent/guardian. At the time of filing the complaint the complainant must be participating in or attempting to participate in the educational program or activity of the school where he/she is filing the complaint in order for the school to investigate under Title IX and Board Policy JB; however, this provision does not prohibit the school from continuing with a discipline investigation.</u> |

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| <u>Step 4:</u> | <p>If a formal complaint is filed, the school must immediately determine if: (1) the allegations meet the definition of sexual harassment under Title IX and/or Board Policy JB; (2) the conduct occurred in an OCPS education program or activity; and (3) the allegation is against a person in the United States. If the allegations meet the above criteria the school shall continue with the following procedures as detailed herein and provided in Board Policy JB. If the allegations do not meet the above criteria the school shall dismiss the formal complaint and conduct a discipline investigation as detailed in the Code. The complainant must be notified of the dismissal within twenty-four (24) hours or no more than two (2) school days.</p> <p>The complainant may request an appeal from the decision of the school to dismiss the formal complaint as outlined under Title IX and Board Policy JB, The request for an appeal should be provided to the principal within two (2) school days of notice of the dismissal. Failure to request an appeal within two (2) school days shall be deemed a waiver of the appeal.</p> |
| <u>Step 5:</u> | If the complaint is not dismissed, then the school must provide the respondent and complainant and his/her parent/guardian written notice of the allegations against the respondent upon the receipt of the sexual harassment complaint within two (2) school days. The respondent and complainant may elect to have an advisor of their choice to assist them throughout the Title IX process. The advisor may be an attorney, but is not required to be. |
| <u>Step 6:</u> | The respondent shall be afforded the opportunity to prepare a response regarding the complaint and provide that response during the initial interview. The respondent shall have no less than two (2) school days from the date of the written notice to prepare a response and conduct the initial interview; the time to provide the response and conduct the initial interview shall not exceed five (5) school days. This time may be modified for good cause as outlined in Title IX and/or Board Policy JB. |
| <u>Step 7:</u> | The Title IX Coordinator/investigator must conduct a Title IX investigation into the allegations of the sexual harassment. Both the respondent and complainant will be given an equal opportunity to: present witnesses; present evidence; and inspect and review all evidence related to the investigation once the investigation is complete. The investigation must be completed and evidence provided to the respondent and complainant within five (5) school days of the initial interviews with the complainant and respondent, whichever interview is later. |
| <u>Step 8:</u> | After the evidence is provided, the respondent and complainant will be given ten (10) days to review and submit a written response to the evidence for the Title IX Coordinator/investigator to consider before the Title IX Coordinator/investigator completes his/her investigative report. If a response is not received within ten (10) days the Title IX Coordinator/investigator will deem the non-response as a waiver and continue with his/her investigative report. |
| <u>Step 9:</u> | After reviewing the evidence and responses, the Title IX Coordinator/investigator shall create an investigative report summarizing his/her findings. The investigative report will be provided to the respondent and complainant for review. Both the respondent and complainant will have no more than two (2) school days to provide written relevant questions to the Title IX Coordinator/investigator to be asked of any party or witness. The party or witness has no more than two (2) school days to respond to the questions. Responses will be provided to the complainant and respondent by the Title IX Coordinator/investigator. The respondent and complainant will then have no more than two (2) school days to provide no more than five (5) written relevant follow-up questions. The party or witness has no more than two (2) school days to respond to the follow-up questions. The respondent and complainant will have ten (10) days from receipt of the investigative report to provide a written response to the investigative report. |
| <u>Step 10:</u> | The investigative report and written responses will be provided to the Principal/decision-maker. If a response is not received within ten (10) days, the Principal/decision-maker will deem the non-response as a waiver and continue with his/her determination of responsibility. |
| <u>Step 11:</u> | The Principal/decision-maker shall issue a written determination regarding the responsibility of the respondent to the respondent and complainant within three (3) school days. The Principal/decision-maker shall apply the preponderance of the evidence standard when making his/her determination. The school-based Title IX Coordinator will be responsible for implementation of all remedies stated in the written determination. The determination of responsibility will become final after two (2) school days if an appeal of the determination is not requested. |

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| Step 12: | <p><u>If either the respondent or complainant do not agree with the Principal's/decision-maker's determination, either party may appeal the decision in writing to the Principal/decision-maker. A request for an appeal must be made within two (2) school days of issuance of the determination of responsibility. An appeal will be granted if: (1) procedural issues affected the outcome; (2) there is new evidence that becomes available that could affect the outcome; or (3) there was a conflict of interest or bias by the Title IX Coordinator/investigator or Principal/decision-maker against the respondent or complainant. The respondent and complainant shall have three (3) school days to submit a written statement challenging or supporting the determination of responsibility issued by the Principal/decision-maker. If a statement is not received within three (3) school days, the appeals decision-maker will deem the non-response as a waiver and continue with his/her decision regarding the appeal. The appeals decision-maker will review the statements, if available, the investigative report, and the determination of responsibility before submitting his/her written decision to the respondent and complainant. The written appeals determination describing the result and rationale for the decision must be provided simultaneously to the complainant and respondent and his/her parent/guardian within five (5) school days. The decision of the appeals decision-maker will become final upon issuance.</u></p> |
| Additional Guidelines | |
| <ol style="list-style-type: none"> <u>1. No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.</u> <u>2. Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Student Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.</u> <u>3. Schools are required to keep confidential the identity of the following individuals: any individual who makes a report or complaint of sex discrimination; any individual who makes a report or filed a formal complaint of sexual harassment; any complainant; any respondent; any individual reported to be the perpetrator of sex discrimination; and any witness. Disclosure of the aforementioned individuals may be permitted according to FERPA or as required by law.</u> <u>4. A Code of Student Conduct violation for making a materially false statement in bad faith during the course of the grievance process does not constitute retaliation. A determination regarding responsibility alone is insufficient to conclude that any party made a materially false statement in bad faith.</u> | |

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Felony Suspension

Section 1006.09(2), Florida Statutes, allows the principal to suspend a student enrolled at his/her school who has been formally charged with a felony or similar offense by a prosecuting attorney and the incident for which he/she has been charged occurred off of school property, and under circumstances in which the student would not already be subject to the rules and regulations of OCPS, and the incident would have an adverse impact on the educational program, discipline or welfare in the school in which the student is enrolled.

| PROCEDURES | |
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| Step 1: | Determine that the student has actually been formally charged with a felony (or has been charged with an offense in juvenile court which, if the student were an adult, would be classified as a felony) by notifying an area administrator who will contact the State Attorney's office for confirmation. |
| Step 2: | If the student attempts to return to school, the principal must decide whether the student's return would have an adverse impact on the school. The principal should consider the possibility of harm to the accused student or to others created by the presence of the accused student in the school. Felony suspension should be used only when the principal identifies and documents a definite adverse impact on other students or on the accused student. In determining "adverse impact", the principal should consider the nature of the alleged offense (e.g., a student charged with rape, robbery, murder, etc.). The principal should also consider the publicity of the offense or any other circumstances which might increase the possibility that the student's presence would pose a threat to the students and staff and substantially disrupt the school. The principal should also consider whether the student's continued attendance would pose a threat to the student charged with the felony. |
| Step 3: | The principal must contact the area administrator to schedule the hearing within ten (10) school days of receiving the notice of the felony charges against the student. A hearing is conducted by the principal/designee and area administrator in every felony suspension procedure. It is not necessary for the parent to request a hearing. |
| Step 4: | <p>If a felony suspension related to the documented adverse impact is imposed, the parent/guardian must be notified in writing of the following:</p> <ol style="list-style-type: none"> 1. Recommendation for suspension until the determination of student's guilt or innocence, or dismissal of charges. 2. Specific charges against a student. 3. The date and time of a hearing with the area administrator. 4. Pending the hearing, the student is temporarily suspended. 5. If the hearing results in a felony suspension, the student will need to be temporarily placed at an alternative education site until the outcome of the felony charge has been determined. 6. Conditions under which a waiver of felony suspension may be granted in the case of unlawful use of an illegal controlled substance as provided in Section 1006.09(2)(b), Florida Statutes: <ol style="list-style-type: none"> a. If there is not an adverse impact on the school. b. If the student divulges information leading to the arrest and conviction of the person who supplied the controlled substance to him. c. If the student voluntarily discloses his/her unlawful possession of such controlled substances prior to his/her arrest. d. If the student commits himself/herself, or is referred by the court in lieu of sentence, to a state-licensed substance abuse program and successfully completes the program. |
| Step 5: | The hearing will be conducted by the area administrator and must be attended by the principal/designee, the student, the parent/guardian, and the student's representative or counsel (if applicable). The student may speak in his/her own defense, may present any evidence indicating his or her eligibility for waiver of disciplinary action, and may be questioned on his testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify. The person conducting the hearing is not bound by courtroom procedure or testimony and no transcript of the testimony shall be required. The purpose of the hearing is not to determine the student's guilt or innocence of the felony. The purpose of the hearing is to determine whether knowledge of the offense with which the student has been charged would have an adverse impact on the educational program, discipline, or welfare of the school. |

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| Step 6: | Following the hearing, the area administrator will provide the student and parent/guardian with a decision in writing as to whether or not the felony suspension will be made. In arriving at a decision, the area administrator will consider conditions under which a waiver may be granted and may grant a waiver when he/she determines such actions to be in the best interest of the school and student. The letter should also instruct the parent and student to provide documentation to the principal of the satisfactory resolution of the charges. The area administrator has the authority to modify the decision to either grant or deny a waiver at any time prior to adjudication of the student's guilt by a court. However, any modification that is adverse to the student shall be made only following a hearing conducted in accordance with the procedure described. |
| Step 7: | If the decision by the district is to impose the felony suspension, an area administrator will make arrangements to place the student in an alternative education setting. |
| Step 8: | If the charges are dropped (nolle prosequi) or the student is adjudicated not guilty or not delinquent by the court, the student may return to their zoned school upon presenting documentation of the court's decision. |
| Step 9: | If the student is adjudicated guilty or delinquent by the court, the area superintendent may provide a recommendation for expulsion to the Superintendent. The Superintendent shall review the recommendation and shall have the authority to recommend to the Board that the student be expelled through the normal expulsion procedure or assigned to an alternative program/school for one (1) year from the date of adjudication. |
| <p>Notice: Florida law prohibits any student who commits, and is adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or nolo contendere, of any kind of the felony offenses specified by Section 1006.13, Florida Statutes, [homicide, assault-battery-culpable negligence, kidnapping-luring or enticing-false imprisonment-custody offense, sexual battery, lewdness-indecency exposure, abuse, robbery, sudden snatching, carjacking, home invasion robbery] against another student from attending school with, or riding the same school bus as, the victim or any sibling of the victim, or if a "no contact" order is issued by the court and notification is reported by the Department of Juvenile Justice.</p> | |

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Early Re-entry of Fully Expelled Students

Following Board action to fully expel a student, the student shall not have the right to attend public schools (including virtual and charter schools) in Orange County, Florida, unless the Board, in its sole discretion and acting upon the recommendation of the superintendent, revokes the existing expulsion based upon an early re-entry plan. A student who receives an early re-entry back to Orange County Public Schools will attend an alternative placement site. Failure of the student to abide by an early re-entry plan may be grounds to reactivate the expulsion.

It is intended that the procedure to be followed in developing early re-entry plans shall be flexible, but shall require a commitment on the part of the student and his/her parent/guardian to cooperate with school authorities in reasonably assuring that the behavior which led to the original expulsion will not recur.

Early re-entry plans are to be developed when appropriate, following the procedures described below.

| PROCEDURES | |
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| Step 1: | A request for an early re-entry plan may be made at the midpoint of the expulsion to the area superintendent. If a request for early re-entry is received, a review of the expulsion and other school records relating to the performance of the student will be made by the area superintendent/designee to determine the probability of success of an early re-entry. |
| Step 2: | The following documents shall be required to determine eligibility for an early re-entry plan: <ol style="list-style-type: none">1. Documentation of third party counseling relating to the offense;2. Positive community service;3. Minimum of 2.0 GPA for current course work;4. Consistent attendance and no disciplinary behaviors at the student's current school of enrollment;5. Review from Orange County Public Schools Department of Student Services as to the student's well-being; and6. Other documentation as required by Orange County Public Schools.7. An indication from the parents/guardians that they understand and accept the conditions set forth in the re-entry plan. |
| Step 3: | After review of this information, the area superintendent will consider the request. If the area superintendent does consider that an early re-entry would be in the best interest of the student and of the school system a meeting shall be held with the area superintendent/designee, area administrator, alternative placement site principal/designee, parent/guardian, and student to develop a written early re- entry plan which details the conditions for an alternative placement site. |
| Step 4: | Following completion of the re-entry plan which is acceptable to the school administrator who will be responsible for supervision of the student, the plan shall be submitted to the superintendent. |
| Step 5: | If the superintendent approves the early re-entry of the student, he/she shall submit the recommendation to the Board. The parents/guardians will be notified of the action taken by the Board. |

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Removal from Participation in Extracurricular/Co-Curricular Programs

| PROCEDURES | |
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| Step 1: | Temporary removal of a student from participation in an extracurricular/co-curricular program or activity may be determined by the teacher/sponsor. The principal is to be notified of the action. |
| Step 2: | Permanent removal of a student from participation in any extracurricular/co-curricular program or activity will be recommended by the teacher/sponsor with the final decision to be made by the principal. |
| Step 3: | Parent/guardian notification of temporary or permanent removal is mandatory. |
| Step 4: | Upon notification, a parent/guardian may, within three days, request a conference with the teacher/sponsor and/or the principal for the purpose of discussing the removal of the student from participation in the extracurricular/co-curricular program or activity. |
| Step 5: | A student may be readmitted to participation in an extracurricular/co-curricular program or activity at any time upon the recommendation of the teacher/sponsor, with the final decision by the principal. |