

5500.08 - CODE OF STUDENT CONDUCT - MISCONDUCT THAT REQUIRES SPECIFIC CONSEQUENCES

In General

There are some things that result in a specific consequence if a student is found to have done them. These include acts involving:

- A. use of tobacco products;
- B. illegal drugs, alcoholic beverages, and harmful substances;
- C. bombs and bomb threats;
- D. chemical and biological attacks or threats;
- E. guns, weapons, and dangerous objects;
- F. violent acts resulting in serious injury;
- G. felony charges and convictions.

An administrator shall report an incident of student misconduct to law enforcement (School Resource Officer, Pinellas County Schools Police, or outside law enforcement) if the administrator reasonably believes that the conduct poses a threat to the safety of students, staff, volunteers, or other persons, or a threat of harm to School Board property.

Certain acts are considered a serious threat to schools safety and must be reported to law enforcement. These acts include, but are not limited to, the following:

- A. possession or use of a bomb and making of a bomb threat;
- B. chemical and biological attacks or threats;
- C. possession or use of a gun, weapon, or firearm.

Petty acts of misconduct need not be reported to law enforcement. Petty acts of misconduct are those that an administrator reasonably believes do not pose a threat to the safety of students, staff, volunteers, or other persons, or a threat of harm to Board property.

Tobacco and Nicotine

Use of tobacco and nicotine products on school grounds is a violation of the Code of Student Conduct.

A. Illegal Use of Tobacco

Smoking by minors within 1,000 feet of a school is illegal. Also, if a student is caught smoking inside a school building s/he will receive a written citation from the School Resource Officer. The first time a student receives a citation the court may fine the student up to \$100. For any additional citations, the court may fine a student up to \$500.

B. Violation of Code of Student Conduct

In addition to possible fines, if a student is caught using any form of tobacco or nicotine product at school, at any school-sponsored activity, at a bus stop, or on the bus, the student will be suspended for three (3) days. The first time a student is caught, s/he can avoid the suspension by completing a smoking treatment program approved by the principal.

For purposes of this policy, "use of tobacco and nicotine products" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, ~~or~~ any other substance or product that contains tobacco or nicotine, as well as any uses of electronic cigarette/cigar or any other product designed or manufactured to imitate any of the products mentioned herein regardless of whether it contains tobacco or nicotine. "Use of tobacco and nicotine products" ~~Such use~~ shall not include use of ~~smoking-cessation products such as~~ nicotine patches or nicotine gum for their intended purposes, so long as Florida law does not prohibit the student, based upon his/her age, from possessing nicotine patches or nicotine gum. ~~If a student is found with a lit cigarette, pipe, or cigar the student will be considered to be using tobacco.~~

Illegal Drugs, Alcoholic Beverages, Harmful, and Other Substances

A. Elementary School Students

If a student is an elementary student when s/he violates this policy for the first or second time, the principal will suspend the student for ten (10) days and, if appropriate, may recommend reassignment to an alternative program. Before a student may return to his/her regular school, the student's parent must have a conference with the principal or someone designated by the principal. If the student's parent agrees that s/he will complete an approved drug or alcohol educational program, the student's suspension will be reduced to five (5) days. The program specialist must provide proof that the student successfully completed the educational program within the allocated period of time. If the student violates this policy a third time while in elementary school, then s/he will be suspended for ten (10) days and may be recommended for expulsion.

B. Middle School and High School Students

If a student is in middle or high school when s/he violates this policy s/he will be suspended for ten (10) days and reassigned to an alternative program, for one (1) or two (2) semesters. If this is the student's first offense and s/he was not charged with a felony offense, the student and his/her parent will be offered an opportunity to participate in the District's drug/alcohol educational program. If the student's parent agrees that s/he will complete this program, the student's suspension will be reduced to five (5) days. The program specialist must provide proof that the student successfully completed the program within the allocated period of time. Failure to successfully complete the program will result in the student's immediate assignment to an alternative school program. If the student is caught a third time while s/he is still a student in the District, the student will be suspended for ten (10) days and may be recommended for expulsion.

C. Policy

A student may not possess illegal drugs (including prescription drugs that are not the student's own) or alcoholic beverages use them or are under the influence of them:

1. on school property,

2. on a school bus or at a bus stop,
3. at any school activity,
4. before a student arrives on school grounds,
5. before a student arrives at any school activity, or
6. on any field trip.

D. Purchase, Sale and Distribution

A student may not sell, purchase, or distribute illegal drugs or alcoholic beverages. Additionally, a student may not be involved in negotiating the sale or purchase of illegal drugs or alcoholic beverages at school, at a school activity, or on a school bus, even if the sale/purchase does not actually take place.

E. Definition of Illegal Drugs

"Illegal drugs" include any drug that is illegal under Florida law such as marijuana, cocaine, and heroin as well as prescription drugs for which a student does not have a valid prescription.

"Illegal drugs" also includes any illegal or legal substances that may be used as an intoxicant, hallucinogen, mind-altering agent, or may be used for any other unsafe purpose. Examples include, but are not limited to, inhalants, over-the-counter drugs, bath salts, and spice cannabinoid (JWH-018).

"Illegal drugs" also include any prescription drug that is not used as prescribed or that is in the possession of someone whose name is not on the prescription. This means that a student may not give his/her prescription medication to anyone else.

F. Possession Based upon Knowledge

If a student arrives at school or a school activity in a car that contains illegal drugs or alcoholic beverages, and the principal believes there is evidence that s/he knew about the illegal drugs or alcoholic beverages, then the student will be considered as being in possession of the illegal drugs or alcoholic beverages.

Likewise, if a student is at a school function and are in a specific area or room where there are illegal drugs or alcoholic beverages, then s/he may be considered in possession of the illegal drugs or alcoholic beverages if the principal believes the evidence shows that the student knew about the illegal drugs or alcoholic beverages and chose to remain in the area or room. If student is in his/her own hotel room and become aware that another student in the room has an illegal substance, s/he is expected to alert a school staff chaperone immediately to request a room change.

G. Guilty of Unlawful Sale or Possession

If a student has been found guilty or delinquent for the unlawful sale or possession of any controlled substance as defined in F.S. Chapter 893, the student may be suspended for ten (10) days and recommended for expulsion.

H. Fake Drugs

If a student is caught in possession of or caught distributing a substance that is

represented to be an illegal drug, s/he will be suspended for ten (10) days. The student may ask to have the ten (10) day suspension reduced to five (5) days by participating in a work back program which would include the completion of an approved drug or alcohol assessment.

I. Attempted Suicide

If a student attempts suicide with or without illegal drugs, it will be treated as a mental health issue. A mental health assessment will be conducted before deciding what to do.

Waiver Of The Discipline Or Expulsion

Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under F.S. Chapter 893 may be entitled to a waiver of the discipline or expulsion under the following conditions:

- A. If the student divulges information leading to the arrest and conviction of the person who supplied such controlled substance to him/her, or if the student voluntarily discloses his/her unlawful possession of such controlled substance prior to his/her arrest. Any information divulged which leads to such arrest and conviction is not admissible in evidence in a subsequent criminal trial against the student divulging such information.
- B. If the student commits himself/herself, or is referred by the court in lieu of sentence, to a State-licensed residential drug abuse program and successfully completes the program.

A student may be disciplined or expelled for unlawful possession or use of any substance controlled under F.S. Chapter 893 upon the third violation of this provision.

Bombs And Bomb Threats

If a student is involved in the making of a bomb, plans for a bomb or a fake bomb, for use at school or at a school activity or while the student is at school or a school activity, s/he will be suspended for ten (10) days, recommended for expulsion, and reported to law enforcement for prosecution. The same actions will be taken if a student makes a bomb threat by any means that causes a disruption.

Chemical And Biological Attack Or Threats

If a student is involved in the making of a chemical or biological attack or threat against the school, a school function, or anybody at school or a school function, s/he will be suspended for ten (10) days, recommended for expulsion, and reported to law enforcement for prosecution to the fullest extent of the law. This applies whether or not the attack or threat is real or fake.

Guns, Weapons, And Dangerous Objects

Guns:

Any student who brings a gun to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a gun at school, at any school function, or on any school-sponsored transportation, shall be suspended for ten (10) days and recommended for expulsion for not less than one (1) full year. Guns shall mean firearms as defined by F.S. 790 and include any objects (whether operable or inoperable), including starter guns, which will fire a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or silencer, or

any destructive device. Guns also include any weapons which are designed to or may readily be converted to such purpose.

Weapons:

Any student who brings a weapon to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a weapon at school, at any school function, or on any school-sponsored transportation, shall be suspended for ten (10) days and recommended for expulsion. Weapons as defined by F.S. 790 are any objects such as, but not limited to, the following: dirks, metallic knuckles, slingshots, billies, tear gas guns, chemical weapons or devices, knives or other deadly weapons, other than common pocketknives (blade of four (4) inches or less which are considered a dangerous object), plastic knives, or blunt bladed table knives.

Guns and weapons are not allowed in a vehicle on school property, at a school bus stop, or at a school activity. If a student is a secondary student who arrives at school or a school activity in a car that contains a gun or weapon, and the principal believes there is evidence that the student knew about the gun or weapon, then s/he will be considered to be in possession of the gun or weapon.

If a student is an elementary or secondary student at a school function and are in a specific area or room where there is a gun or weapon, then s/he may be considered to be in possession of the gun or weapon if the principal believes the evidence shows that s/he knew about the gun or weapon and chose to remain in the area or room. If a student is in his/her own hotel room and become aware that another student in the room has a gun or weapon, s/he is expected to alert a school staff chaperone immediately to request a room change.

The principal may give a student written permission to possess a gun or weapon while on campus or at a school function when the gun or weapon is part of the curriculum of the school. An example of this is when a gun or rifle may be part of JROTC drill and firing ranges.

Dangerous Objects:

Dangerous objects include, but are not limited to, common pocketknives with a blade of four (4) inches or less, ice picks, razor blades, box cutters, air guns, bb guns, pellet guns, or spring guns of any sort (whether operable or inoperable).

Any student who brings a dangerous object to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a dangerous object at school, at any school function, or on any school sponsored transportation, with use or threatened use in an offensive or defensive manner, will be suspended for ten (10) days and recommended for expulsion.

Any student who brings, possesses or exhibits a dangerous object at school, or to any school function, or on any school-sponsored transportation, without the use or threatened use in an offensive or defensive manner, is guilty of a serious breach of conduct and that student will be suspended from school for ten (10) days and may be recommended for reassignment or expulsion.

Violent Acts Resulting In Serious Injury

If a student violently attacks another person or acts as a decoy in a physical attack at school, a school function, on the bus or at a bus stop and that person is seriously injured, the student will be suspended from school for ten (10) days and recommended for expulsion. If the attack by the student was unprovoked, even if there was no serious injury, the student will be suspended from school and may be reassigned or recommended for expulsion.

If a student violently attacks another person somewhere else other than school, s/he may be removed from the general education program and administratively assigned to another program when there is evidence that the student's presence on campus may be disruptive.

Felony Charges And Convictions For Off-Campus Conduct

A. Notice of Felony Charges and Hearing

If a student commits a crime off campus and a prosecuting attorney formally charges the student with a felony or with a delinquent act that would be a felony if s/he were an adult, s/he may be suspended for ten (10) days by the principal. Before suspending the student, the principal will call him/her in with his/her parent to discuss the charges against the student. This discussion will be a "hearing" that will take place after the principal notifies the student's parent in writing by certified mail that the principal has received notice that s/he has been charged by the prosecuting attorney. That written notice will tell the student's parent of the specific charges against the student and advise them that they have a right to the "hearing."

B. Hearing Procedures

The "hearing" must take place within five (5) school days but no sooner than two (2) school days from the postmark date or the delivery date of the certified notice to the student's parent. At the "hearing" the principal will listen to witnesses called by the principal and the student also may present witnesses. The student may speak on his/her own behalf but s/he does not have to do so. If the student does not speak on his/her own behalf, s/he cannot be threatened with punishment or later be punished for not speaking.

The "hearing" will not be conducted like a court proceeding. There will be no "rules of evidence" nor will there be a court reporter to provide a transcript of the "hearing." After the "hearing" the principal will let the student and his/her parent know, in writing, if the student is being suspended for ten (10) days. The decision to suspend the student cannot occur without conclusive evidence that the prosecuting attorney has formally filed a felony charge against the student. The principal must also determine that the student's presence at school, after being formally charged for the incident, will have an adverse impact on the school.

C. Types of Charges That May Justify Suspension

The types of charges that may justify suspension under this provision are:

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

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

D. Extension of Ten (10) Day Suspension

If the principal suspends a student for ten (10) days, the Superintendent may extend the student's suspension until the outcome of the criminal charges that have been filed against the student. During the student's suspension, pending the outcome of the criminal charges, s/he will be assigned to an alternative educational program.

E. Expulsion upon Finding of Guilt

If the court determines that a student is guilty, the Board may expel the student. During the student's expulsion, s/he may still attend the alternative program to which s/he has been assigned.

F.S. 1003.57, 1006.07, 1006.08, 1006.09, 1006.13
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Approved as to form and legality



School Board Attorney