

5500.05 - CODE OF STUDENT CONDUCT - STUDENT ATTENDANCE

(Elementary School, Middle School, High School, Dual Enrollment)

Philosophical Basis and Purpose:

The classroom experience is of unique value and cannot be duplicated by make-up work. The purpose of this attendance policy is to foster responsibility and reliability on the part of District students to attend all classes. Students will acknowledge greater emphasis on attendance at school because credit in their classes will be contingent upon their presence.

DEFINITIONS

I. COMPULSORY SCHOOL ATTENDANCE

- A. All children who have attained the age of six years or who will have attained the age of six years by February 1 of any school year, or who are older than six years of age but who have not yet attained the age of 16 years, except as hereinafter provided, are required to attend school regularly during the entire school term. (F.S. §1003.21) (1) (a))
- B. A student who attains the age of 16 years during the school year is not subject to compulsory school attendance and may withdraw from school only if the student files a formal declaration of intent to terminate school enrollment with the School Board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the child and parent. A student who attains the age of 18 years during the school year is not subject to the legal sanctions for compulsory school attendance. (F.S. §1003.21 (2) (c)) An exit interview must be conducted by school personnel to determine the reasons for the student's decision to terminate school enrollment and actions taken to keep the student in school. (F.S. §1003.21(2) (c))
- C. Students under 16 years of age may not be withdrawn from school for any reason unless expelled through Board action or covered by an exemption allowed by Florida Statute (F.S. §1002.20 (2)(b))
- D. Compulsory school attendance requirements may be met by attendance in a home education program. A "home education program" means the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of Florida law. (F.S. §1002.01(1))
- E. For students enrolled in Department of Juvenile Justice Programs, the compulsory school attendance requirement is governed by state law and regulations and includes a longer term (F.S. §§1003.01(11), 1003.52)

II. ABSENCES

A. ABSENCE DEFINED

A student who is not present in class at least one half of the class period shall be counted absent from that class. To be counted present for the school day, a student must be in attendance for at least one half of the class periods during the school day.

B. EXCUSED ABSENCES

Students must be in school unless the absence has been permitted or excused for one of

1 the reasons listed in paragraph V below.
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3 C. UNEXCUSED ABSENCES
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5 Any absence which does not meet the criteria of an excused absence is an unexcused
6 absence. The following are examples of unexcused absences:
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- 8 1. out-of-school suspensions
- 9
- 10 2. family vacations
- 11
- 12 3. Students without a completed Certificate of Immunization indicating compliance with
13 the current required schedule of immunizations will not be allowed to attend classes
14 until this document is provided or a waiver is obtained. Absences due to non-
15 compliance with immunization requirements shall be considered unexcused.
16 However, students transferring into Pinellas County, including foster care students, or
17 homeless students, a temporary 30-day waiver of both health examination
18 documents and certificates of immunization will be granted. (F.S. 1003.22(1) (5) (e))

19 III. TARDIES
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21 A student is tardy when the student is not in his or her assigned seat or station when the bell
22 rings.
23

24 A. EXCUSED TARDY
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26 A tardy is excused only if the student is late for one of the reasons described in section V.
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28 B. UNEXCUSED TARDY
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30 A tardy is not excused unless it is caused by reasons set forth in section V. Examples of
31 unexcused tardies include:
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- 33 1. oversleeping
- 34
- 35 2. missing the school bus
- 36
- 37 3. shopping trips
- 38
- 39 4. pleasure trips
- 40
- 41 5. car problems (ex: flat tire, no gas, car won't start, student getting a parking decal)
- 42
- 43 6. heavy traffic
- 44
- 45 7. returned for forgotten items

46 Habitual tardiness is unacceptable and unfair to other students because instruction is
47 interrupted every time a late student arrives. Every three (3) unexcused tardies within a
48 grading period count as one unexcused absence. Additionally, individual schools may
49 develop school-based consequences for tardy students.
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1 **IV. EARLY SIGN OUT**

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3 Once students arrive on campus, they may not leave without permission from an administrator.
4 Students who must leave school during school hours must have their parent request this release
5 by phone or in person to the office in order to obtain pre-approval.
6

7 A. EXCUSED EARLY SIGN OUT

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9 The same criteria used to determine an excused absence and an excused tardy will be
10 used to determine whether an early sign out is excused
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12 B. AN UNEXCUSED EARLY SIGN OUT INCLUDES:

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14 The same criteria used to determine an unexcused absence and an unexcused tardy will
15 be used to determine whether an early sign out is unexcused.
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17 Numerous incidents of early release are unacceptable and unfair to the other students whose
18 instruction is interrupted each time a student leaves early. Every three (3) unexcused early sign
19 outs within a grading period will count as one unexcused absence.
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21 **V. REASONS WHY AN ABSENCE, A TARDY OR AN EARLY SIGN OUT WILL BE EXCUSED**

22 An absence, a tardy or early sign out will be excused if caused by one of the following reasons:
23

24 A. The student is ill or injured.
25

26 B. There is a major illness in the student's immediate family (this means parents, brothers,
27 sisters, grandparents, or others living in the home).

28 C. There is a death in the immediate family.

29 D. The student attends religious instruction or there is a religious holiday in the student's
30 own faith.

31 E. The student is required by summons, subpoena or court order to appear in court. A copy
32 of the subpoena or court order must be given to the principal.

33 F. Special event. Examples of special events include important public functions,
34 conferences, state/national competitions, as well as exceptional cases of family need.
35 The student must get permission from the principal at least five days prior to the absence.

36 G. The student has a scheduled medical or dental appointment.

37 H. Students having, or suspected of having, a communicable disease or infestation which
38 can be transmitted are to be excluded from school and are not allowed to return to school
39 until they no longer present a health hazard (F.S. 1003.22). Examples of communicable
40 diseases and infestations include, but are not limited to, fleas, head lice, ringworm,
41 impetigo and scabies. Students are allowed a maximum of five excused days for each
42 infestation of head lice. Students on field trips and students who attend alternative to
43 suspension programs are not considered absent.

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45 **VI. MAKE-UP WORK FOR ABSENCES (EXCUSED, UNEXCUSED OR SUSPENSION).** (This does
46 not apply to specific homework provided under F.S. § 1003.01 to certain suspended students.)

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48 ~~A. EXCUSED ABSENCES:~~
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~~Make-up work for credit and grade is allowed for all excused absences. It is the student's responsibility to get the missed work. The number of days allowed to make up the work shall be the same as the number of days the student was absent.~~

~~B. UNEXCUSED ABSENCES: (EXCEPT OUT OF SCHOOL SUSPENSIONS)~~

~~Make-up work for credit and grade is allowed. It is the student's responsibility to get the missed work. The number of days allowed to make up the work shall be the same as the number of days the student was absent. Work made up after an unexcused absence in elementary or middle school may be dropped a letter grade and must be dropped a letter grade in high school.~~

~~C. SUSPENSIONS:~~

~~Make-up work for credit and grade is allowed. It is the student's responsibility to get the missed work. Work is due on the day of return from the suspension. Work made up after an unexcused absence in elementary or middle school may be dropped a letter grade and must be dropped a letter grade in high school.~~

Make-up work for full credit and without a grade penalty is allowed for all absences. It is the student's responsibility to obtain the missed work. The number of days allowed to make up the work shall be equal to the number of days the student was absent, except in cases where the grading period ends before such time. In those cases, the work must be turned in before the end of the grading period.

VII. RESPONSIBILITY OF PARENTS AND STUDENTS TO ATTEND SCHOOL

Parents and students must do the following in connection with school attendance:

- A. Ensure the attendance of a child of compulsory school attendance age, as required by law. (F.S. 1003.24)
- B. Notify school personnel of their child's absence prior to the end of the school day of the absence, if possible and provide written notification within 48 hours of the child's return to school. Otherwise, the absence will be unexcused.
- C. If requested, provide documentation of illness from a physician or public health unit within 48 hours. The maximum number of days that a student may be absent without acceptable documentation justifying the absence is 5.
- D. Notify the school of any change of address, phone numbers and emergency contact numbers;
- E. Obtain application from currently assigned school if a student is eligible for homebound instruction.
- F. Notify school personnel if the family is moving out of town or out of the school's attendance boundary.
- G. Be aware of school district calendar and coordinate trips, vacations and personal business to support attendance on school days.
- H. Notify the school and request a copy of the Hospital/Homebound referral packet if a student is expected to miss at least 15 consecutive school days due to illness, medical condition, or social/emotional reasons, or may miss excessive days intermittently throughout the school year for the same reasons.

VIII. RESPONSIBILITY OF SCHOOL DISTRICT REGARDING STUDENT ATTENDANCE

A. PATTERNS OF NON-ATTENDANCE

Non-attendance for instructional activities is established by tardiness, early-release, or absences from school.

1. Each principal must make the necessary provisions to ensure that all school attendance reports are accurate and timely and must provide the necessary training opportunities for staff to accurately report attendance (F.S.1003.23 (1)). Principals are required to maintain an attendance record which shows the absence or attendance of each child enrolled for each school day of the year. (F.S.1003.23 (2))
2. When a student accumulates five (5) absences during a grading period, other than out-of-school suspensions, whether excused or unexcused, school personnel shall make a good faith effort to contact the parent by telephone to discuss the reasons for the absences and shall document such contact.
3. A letter shall be sent to the parent or guardian and a referral will be made to the school's Child Study Team for a student who has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month, or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period,.
4. If the parent or guardian of a child who has been identified as exhibiting a pattern of non-attendance enrolls the child in a home education program, the Superintendent shall refer the parent to a home education review committee composed of the district contact person for home education and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least three years and have indicated a willingness to serve on the committee.
5. If a child subject to compulsory school attendance will not comply with attempts to enforce school attendance, the Superintendent may file a truancy petition pursuant to the procedures set forth in Section §984.12, Florida Statutes. The superintendent may also refer the case to the case staffing committee which may file a child-in-need-of-services petition. The superintendent may also take such steps as are necessary to bring criminal prosecution against the parent. (F.S. §1003.26)
6. Students 14-18 years of age who have 15 unexcused absences within 90 calendar days and have a driver's license will have their driver's license suspended by the Division of Highway Safety and Motor Vehicles or will not be issued a license if they apply for one.

High School Grading and Attendance:

Guidelines for high school grading and attendance can be found in [Policy 5440](#) Credit Defined and [Policy 5420.03](#) Final Exam Requirement.

F.S. 1002.01, 1002.20, 1003.01, 1003.21, 1003.22, 1003.23, 1003.24, 1003.26, 1003.52

Adopted 12/9/09; Revised 9/14/10, xx/xx/xx

1 5500.08 - CODE OF STUDENT CONDUCT - MISCONDUCT THAT
2 REQUIRES SPECIFIC CONSEQUENCES

3 **In General**

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

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

13 The District promotes a safe and supportive learning environment in schools, to protect students and
14 staff from conduct that poses a serious threat to school safety. District staffs are encouraged to use
15 alternatives to expulsion or referral to law enforcement agencies unless otherwise required by law.
16 School based administrators shall provide consistent school-based discipline, where appropriate and
17 authorized by policy.

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

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

23 Petty acts of misconduct and misdemeanors including, but not limited to, minor fights or disturbances,
24 should ordinarily not be referred to law enforcement and should not ordinarily result in student arrest.
25 Petty acts of misconduct are those that an administrator reasonably believes do not pose a threat to the
26 safety of students, staff, volunteers, or other persons, or a threat of harm to Board property.

27 **Tobacco and Nicotine**

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

29 A. Illegal Use of Tobacco

30
31 Smoking by minors within 1,000 feet of a school is illegal. Also, if a student is caught
32 smoking inside a school building s/he will receive a written citation from the School
33 Resource Officer. The first time a student receives a citation the court may fine the
34 student up to \$100. For any additional citations, the court may fine a student up to
35 \$500.

36 B. Violation of Code of Student Conduct

37
38 In addition to possible fines, if a student is caught using any form of tobacco or
39 nicotine product at school, at any school-sponsored activity, at a bus stop, or on the
40 bus, the student will be suspended for three (3) days. The first time a student is
41 caught, s/he can avoid the suspension by completing a smoking treatment program
42 approved by the principal.

43 For purposes of this policy, "use of tobacco and nicotine products" shall mean all uses of tobacco,
44 including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, any other substance or product that

1 contains tobacco or nicotine, as well as any uses of electronic cigarette/cigar or any other product
2 designed or manufactured to imitate any of the products mentioned herein regardless of whether it
3 contains tobacco or nicotine. "Use of tobacco and nicotine products" shall not include use of nicotine
4 patches or nicotine gum for their intended purposes, so long as Florida law does not prohibit the student,
5 based upon his/her age, from possessing nicotine patches or nicotine gum.
6

7 **Illegal Drugs, Alcoholic Beverages, Harmful, and Other Substances**

8 A. Elementary School Students
9

10 If a student is an elementary student when s/he violates this policy for the first or
11 second time, the principal will suspend the student for ~~ten (10)~~ no more than five (5)
12 days and, if appropriate, may recommend reassignment to an alternative program.
13 Before a student may return to his/her regular school, the student's parent must have
14 a conference with the principal or someone designated by the principal. If the
15 student's parent agrees that s/he will complete an approved drug or alcohol
16 educational program, the student's suspension will may be reduced to five (5) days.
17 The program specialist must provide proof that the student successfully completed the
18 educational program within the allocated period of time. ~~If the student violates this~~
19 ~~policy a third time while in elementary school, then s/he will be suspended for ten (10)~~
20 ~~days and may be recommended for expulsion.~~

21 B. Middle School and High School Students
22

23 If a student is in middle or high school when s/he violates this policy s/he will be
24 suspended for ~~ten (10)~~ no more than five (5) days and reassigned to an alternative
25 program, for one (1) or two (2) semesters. If this is the student's first offense and s/he
26 was not found to be selling, or having the intent to sell, drugs or alcohol ~~and or~~
27 not charged with a felony offense, the student and his/her parent will be offered an
28 opportunity to participate in the Pinellas County Schools' drug/alcohol educational
29 program. If the student's parent agrees that s/he will complete this program, the
30 student's suspension will may be reduced to five (5) days. The program specialist
31 must provide proof that the student successfully completed the program within the
32 allocated period of time. Failure to successfully complete the program will result in the
33 student's immediate assignment to an alternative school program. If the student is
34 caught a third time while s/he is still a student in the District, the student will be
35 suspended ~~for ten (10) days~~ and may be recommended for expulsion.

36 C. Policy
37

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

- 40 1. on school property,
- 41 2. on a school bus or at a bus stop,
- 42 3. at any school activity,
- 43 4. before a student arrives on school grounds,
- 44 5. before a student arrives at any school activity, or
- 45 6. on any field trip.

46 D. Purchase, Sale and Distribution
47

48 A student may not sell, purchase, or distribute illegal drugs or alcoholic beverages.
49 Additionally, a student may not be involved in negotiating the sale or purchase of

1 illegal drugs or alcoholic beverages at school, at a school activity, or on a school bus,
2 even if the sale/purchase does not actually take place.

3 E. Definition of Illegal Drugs

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

8
9 "Illegal drugs" also includes any illegal or legal substances that may be used as an
10 intoxicant, hallucinogen, mind-altering agent, or may be used for any other unsafe
11 purpose. Examples include, but are not limited to, inhalants, over-the-counter drugs,
12 bath salts, and spice cannabinoid (JWH-018).

13
14 "Illegal drugs" also include any prescription drug that is not used as prescribed or that
15 is in the possession of someone whose name is not on the prescription. This means
16 that a student may not give his/her prescription medication to anyone else.

17 F. Possession Based upon Knowledge

18
19 If a student arrives at school or a school activity in a car that contains illegal drugs or
20 alcoholic beverages, and the principal believes there is evidence that s/he knew about
21 the illegal drugs or alcoholic beverages, then the student will be considered as being
22 in possession of the illegal drugs or alcoholic beverages.

23
24 Likewise, if a student is at a school function and are in a specific area or room where
25 there are illegal drugs or alcoholic beverages, then s/he may be considered in
26 possession of the illegal drugs or alcoholic beverages if the principal believes the
27 evidence shows that the student knew about the illegal drugs or alcoholic beverages
28 and chose to remain in the area or room. If student is in his/her own hotel room and
29 become aware that another student in the room has an illegal substance, s/he is
30 expected to alert a school staff chaperone immediately to request a room change.

31 G. Guilty of Unlawful Sale or Possession

32
33 If a student has been found guilty or delinquent for the unlawful sale or possession of
34 any controlled substance as defined in F.S. Chapter 893, the student may be
35 suspended for ~~ten (10) no more than five (5)~~ days and recommended for expulsion.

36 H. Fake Drugs

37
38 If a student is caught in possession of or caught distributing a substance that is
39 represented to be an illegal drug, s/he will be suspended for ~~ten (10) no more than~~
40 ~~five (5) days~~. The student may ask to have the ~~ten (10) day~~ suspension reduced to
41 ~~five (5) days~~ by participating in a work back program which would include the
42 completion of an approved drug or alcohol assessment.

43 I. Attempted Suicide

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

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1 **Waiver Of The Discipline Or Expulsion**

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

5 A. If the student divulges information leading to the arrest and conviction of the person
6 who supplied such controlled substance to him/her, or if the student voluntarily
7 discloses his/her unlawful possession of such controlled substance prior to his/her
8 arrest. Any information divulged which leads to such arrest and conviction is not
9 admissible in evidence in a subsequent criminal trial against the student divulging
10 such information.

11 B. If the student commits himself/herself, or is referred by the court in lieu of sentence, to
12 a State-licensed residential drug abuse program and successfully completes the
13 program.

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

16 **Bombs And Bomb Threats**

17 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
18 a school activity or while the student is at school or a school activity, s/he will be suspended for ~~ten (10)~~
19 no more than five (5) days, recommended for expulsion, and reported to law enforcement for prosecution.
20 The same actions will be taken if a student makes a bomb threat by any means that causes a disruption.

21 **Chemical And Biological Attack Or Threats**

22 If a student is involved in the making of a chemical or biological attack or threat against the school, a
23 school function, or anybody at school or a school function, s/he will be suspended for ~~ten (10)~~ no more
24 than five (5) days, recommended for expulsion, and reported to law enforcement for prosecution to the
25 fullest extent of the law. This applies whether or not the attack or threat is real or fake.

26 **Guns, Weapons, And Dangerous Objects**

27 Guns:

28 Any student who brings a gun to school, to any school function, or on any school-sponsored
29 transportation, or any student who possesses or exhibits a gun at school, at any school function, or on
30 any school-sponsored transportation, shall be suspended for ~~ten (10)~~ no more than five (5) days and
31 recommended for expulsion for not less than one (1) full year. Guns shall mean firearms as defined by
32 F.S. 790 and include any objects (whether operable or inoperable), including starter guns, which will fire
33 a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or
34 silencer, or any destructive device. Guns also include any weapons which are designed to or may readily
35 be converted to such purpose.

36 Weapons:

37 Any student who brings a weapon to school, to any school function, or on any school-sponsored
38 transportation, or any student who possesses or exhibits a weapon at school, at any school function, or
39 on any school-sponsored transportation, shall be suspended for ~~ten (10)~~ no more than five (5) days and
40 recommended for expulsion. Weapons as defined by F.S. 790 are any objects such as, but not limited to,
41 the following: dirks, metallic knuckles, slingshots, billies, tear gas guns, chemical weapons or devices,
42 knives or other deadly weapons, other than common pocketknives (blade of four (4) inches or less which
43 are considered a dangerous object), plastic knives, or blunt bladed table knives.

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

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

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

14 Dangerous Objects:

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

18 Any student who brings a dangerous object to school, to any school function, or on any school-sponsored
19 transportation, or any student who possesses or exhibits a dangerous object at school, at any school
20 function, or on any school sponsored transportation, with use or threatened use in an offensive or
21 defensive manner, will be suspended for ~~ten (10)~~ no more than five (5) days and recommended for
22 expulsion.

23 Any student who brings, possesses or exhibits a dangerous object at school, or to any school function, or
24 on any school-sponsored transportation, without the use or threatened use in an offensive or defensive
25 manner, is guilty of a serious breach of conduct and that student may be suspended from school for ~~ten~~
26 (10) no more than five (5) days and may be recommended for reassignment or expulsion.

27 ~~Violent Acts Resulting In Serious Injury~~

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

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

36 **Felony Charges And Convictions For Off-Campus Conduct**

37 A. Notice of Felony Charges and Hearing

38
39 If a student commits a crime off campus and a prosecuting attorney formally charges
40 the student with a felony or with a delinquent act that would be a felony if s/he were an
41 adult, s/he may be suspended for ~~ten (10)~~ no more than five (5) days by the principal.
42 Before suspending the student, the principal will call him/her in with his/her parent to
43 discuss the charges against the student. This discussion will be a "hearing" that will
44 take place after the principal notifies the student's parent in writing by certified mail

1 that the principal has received notice that s/he has been charged by the prosecuting
2 attorney. That written notice will tell the student's parent of the specific charges
3 against the student and advise them that they have a right to the "hearing."

4 B. Hearing Procedures

5 The "hearing" must take place within five (5) school days but no sooner than two (2)
6 school days from the postmark date or the delivery date of the certified notice to the
7 student's parent. At the "hearing" the principal will listen to witnesses called by the
8 principal and the student also may present witnesses. The student may speak on
9 his/her own behalf but s/he does not have to do so. If the student does not speak on
10 his/her own behalf, s/he cannot be threatened with punishment or later be punished
11 for not speaking.
12

13 The "hearing" will not be conducted like a court proceeding. There will be no "rules of
14 evidence" nor will there be a court reporter to provide a transcript of the "hearing."
15 After the "hearing" the principal will let the student and his/her parent know, in writing,
16 if the student is being suspended for ~~ten (10)~~ no more than five (5) days. The
17 decision to suspend the student cannot occur without conclusive evidence that the
18 prosecuting attorney has formally filed a felony charge against the student. The
19 principal must also determine that the student's presence at school, after being
20 formally charged for the incident, will have an adverse impact on the school.
21

22 C. Types of Charges That May Justify Suspension

23 The types of charges that may justify suspension under this provision are:
24

- 25 1. any felony involving violence,
- 26 2. rape or sexual battery,
- 27 3. lewd and lascivious act on a student under sixteen (16) years of age,
- 28 4. concealed weapon,
- 29 5. armed robbery,
- 30 6. sale of illegal drugs,
- 31 7. possession of a bomb,
- 32 8. any felony involving the use of a firearm,
- 33 9. battery on school system employee or official, or
- 34 10. aggravated battery.
- 35 11. There may be other charges that will justify suspension under this provision, if
36 the principal determines that the student's presence at school after being
37 charged will have an adverse impact on the school.

38 D. Extension of ~~Ten (10)~~ Five (5) Day Suspension

39 If the principal suspends a student for ~~ten (10)~~ five (5) days, the Superintendent may
40 extend the student's suspension until the outcome of the criminal charges that have
41 been filed against the student. During the student's suspension, pending the outcome
42 of the criminal charges, s/he will be assigned to an alternative educational program.
43
44

45 E. Expulsion upon Finding of Guilt

46 If the court determines that a student is guilty, the Board may expel the student.
47 During the student's expulsion, s/he may still attend the alternative program to which
48 s/he has been assigned.
49

1 F.S. 1003.57, 1006.07, 1006.08, 1006.09, 1006.13

2 Fl. Educational Equity Act of 1984

3 F.A.C. 6A-6.03312

4

| Adopted 12/9/09; Revised 7/27/10, 7/26/11, 12/10/13, 6/24/14, 05/19/15, xx/xx/xx

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5500.10 - CODE OF STUDENT CONDUCT - DISCIPLINARY ACTION

2 The use of corporal punishment is prohibited. However, school personnel may use reasonable force to
3 maintain a safe and orderly learning environment. Any use of reasonable force shall be in accordance
4 with School Board policy and State Board of Education rule. The prohibition against the use of corporal
5 punishment also extends to parents or guardians on school grounds. The following types of discipline
6 may be used, as well as those found in the school discipline plan at each school.

7 **Detention**

8 A student can receive a detention either before school or after school. The school will give the student's
9 parent twenty-four (24) hours' notice before s/he serves the detention. For elementary and middle school
10 students, the administrator must contact the student's parent and have a conversation with the student's
11 parent before the student serves the detention. For high school students, the administrator must make an
12 effort to contact the student's parent by telephone. If the administrator is unable to contact the student's
13 parent by telephone, the student will still be required to serve the detention. The administrator must
14 document that an attempt to contact the student's parent was made. The student's parent is responsible
15 for the student's transportation when s/he has detention.

16 **In-School Suspension**

17 A student can be assigned and sent to designated rooms or programs (examples: IC, ABC) in his/her
18 school during the school day. A student will receive full credit for class work completed while in the
19 assigned room or program and his/her absence will be a Code 6.

20 **Student Work Assignments**

21 If the student's parent and a school administrator agree, the administrator can assign the student to a
22 work detail at the school for up to ten (10) hours for each offense. The principal will decide who will
23 supervise the student's work.

24 **Saturday School**

25 A student can be sent to Saturday School if an administrator has contacted the student's parent and had
26 a conversation with them at least twenty-four (24) hours in advance.

27 **Removal from Class**

28 A teacher may require that a student be removed from class if it has been documented that his/her
29 behavior has seriously disrupted the teaching or learning in the classroom. If a student is removed from a
30 class the principal may place the student in another appropriate classroom, in-school suspension, an
31 alternative education program, or the principal may recommend the student for suspension or expulsion.

32 A student cannot be returned to that teacher's classroom unless the teacher consents or a school-based
33 placement review committee has determined that doing so is the best or only available alternative. A
34 decision on whether to return a student to the classroom must be made by the teacher or the committee
35 within (5) days of the removal.

36 **Parent Shadows Student**

37 With reasonable notice, and if the principal and the parent agree, the parent will attend classes with a
38 student for a day or specific period of time.

39

1 **Out-of-School Suspension**

2 A student can be suspended from school for ~~up to ten (10)~~ no more than five (5) days at a time. If a
3 student is suspended s/he cannot be on school grounds or attend any school activities. The administrator
4 may consider the following before deciding to suspend a student:

- 5 A. has the student been sent to the administrator at least once before?
- 6 B. has the student's parent been told that his/her behavior is a problem and that s/he
7 may be suspended?
- 8 C. has the student been referred to his/her guidance counselor?
- 9 D. has the student been given a work assignment before?
- 10 E. has the student been referred to an outside agency for assistance?

11 There are circumstances under which the administration will suspend a student on the first offense.

12 **Transfer**

13 A student may be transferred to another school, including an alternative school (such as Pinellas
14 Secondary, TELESCHOOL, adult school, etc.). The principal must recommend the student's transfer in
15 writing to the Area Superintendent for the student's area and provide the student's parent with a copy of
16 the recommendation. The student's parent may appeal a transfer to the Area Superintendent within five
17 (5) days of being notified of the transfer recommendation. ~~The Area Superintendent decides whether the~~
18 ~~student will be transferred. If the student's parent disagrees with the Director's decision, they may appeal~~
19 ~~it to the Region Area Superintendent. The Area Superintendent will review the situation and decide~~
20 ~~whether the student will be transferred. The student or parent cannot appeal the Area Superintendent's~~
21 ~~decision.~~

22 **Disciplinary Reassignment**

23 If the principal determines that a student has done something wrong that requires removal from the
24 regular school program, s/he will be suspended for ~~ten (10)~~ no more than five (5) school days and then
25 sent to an alternative school.

- 26 Q. How long does a student have to attend the alternative program?
- 27 A. For one (1), two (2), or three (3) semesters. If a student does not behave or does not
28 do his/her work at the alternative school, s/he may have to stay there even longer.
29 Students may be offered the opportunity to enter into an early workback agreement if
30 there are extenuating circumstances.
- 31 Q. What if a student gets reassigned a second time?
- 32 A. If the student is a general education student, s/he will be reassigned for one (1), two
33 (2), or three (3) semesters. Most second reassignments will be to TELESCHOOL. If
34 a student is an ESE student s/he may be returned to an appropriate alternative
35 school.
- 36 Q. Can a student go back and visit his/her regular school or other schools while s/he is
37 reassigned to an alternative school?
- 38 A. No. A student cannot go back to his/her school, or visit any other school, or be on any
39 property leased or owned by the Board. A student cannot attend any school activity

1 (sports events, graduation, performances, banquets, etc.), even as a spectator without
2 permission from the Area Superintendent.

3 Q. What if a student is reassigned to attend an alternative school for the last semester of
4 his/her senior year?

5 A. If a student is reassigned to attend an alternative school during the last semester of
6 school before s/he graduates, the following rule applies:

7
8 The student's parent may appeal to a District Review Committee to ask for permission
9 to participate in the student's regular school's graduation ceremony. The Committee
10 will consider the following factors:

- 11 1. the nature of the offense
- 12 2. the student's discipline history
- 13 3. the student's performance, attendance, and discipline record in the alternative
14 program
- 15 4. other factors it considers to be mitigating or aggravating

16 Q. When will the District Review Committee meet?

17 A. No later than ten (10) days before the last day of school.

18 Q. Who sits on the District Review Committee?

19 A. The District Review Committee shall consist of the Area Superintendents and the
20 President of the County Council of PTAs or a designee. An Area Superintendents
21 shall not vote on an appeal involving a school from their area. The PTA
22 representative shall also not hear an appeal from a school with which s/he is
23 associated.

24 Q. Can a student appeal the decision of the District Review Committee to anyone?

25 A. No.

26 Q. What if a student is reassigned after the District Review Committee has met?

27 A. Then the principal will decide whether the student can attend graduation and end of
28 the school year activities considering the same factors considered by the District
29 Review Committee. The student cannot appeal the principal's decision.

30 Q. Can a student appeal his/her reassignment to an alternative school?

31 A. No, a student can only appeal the ~~ten (10)~~ five (5) days of suspension. If the
32 suspension is removed, the reassignment will not occur.

33 Q. How does a student appeal a suspension linked to a reassignment?

34 A. Within two (2) school days of being suspended, the student or his/her parent writes a
35 letter to the principal explaining why the student thinks s/he should not be suspended.
36 The student's parents may prefer to have the appeal with the principal by telephone.
37 The principal will write to the student's parents within two (2) school days to tell them
38 whether the student's suspension is being upheld.

1
2 If the principal upholds a student's suspension, s/he or his/her parents may write a
3 letter to the Area Superintendent appealing the suspension within two (2) school days
4 of receiving the principal's decision. The Area Superintendent will review the facts of
5 the case and determine whether the student was given due process. The Area
6 Superintendent will not reinvestigate the incident. The student cannot appeal the Area
7 Superintendent's decision.

8 Q. What does a student do about class work during the ~~ten (10)~~five (5) day suspension
9 before s/he begins to attend the alternative school?

10 A. Your withdrawal grade will be established at the time of reassignment from the regular
11 school. The alternative school staff will assign all work after that time.

12 Q. What if a student is reassigned at the end of the semester during high school—how
13 does that affect his/her classes?

14 A. If a student's suspension begins fifteen (15) days or less before the end of the
15 semester, then the regular school staff will supply the student's regular class work,
16 and they will also supply review and testing material and arrange for the student to
17 take his/her exams. In addition, if there are less than thirty (30) school days left in a
18 semester then the period of reassignment will include the remainder of the current
19 semester in addition to the designated semesters of reassignment.

20 **Expulsion**

21 An expulsion means that a student cannot attend any District school except as allowed by the Board. If a
22 student is serving an expulsion during the last semester of his/her senior year, s/he is not allowed to
23 participate in his/her home school graduation ceremony. If a student commits an offense that is
24 considered exceedingly serious, (a student causes critical human injury, extensive property damage, or
25 excessive school disruption) the Board may decide not to allow the student to attend any school,
26 including TELESCHOOL. In this instance referrals to community resources will be made.

27 Q. Can a student go back and visit his/her regular school or other schools while s/he is
28 expelled?

29 A. No. A student cannot go back to his/her school, or visit any other school, or be on any
30 property leased or owned by the Board. A student cannot attend any school activity
31 (sports events, graduation, performances, banquets, etc.).

32 Q. May a student attend other schools or programs that are not run by the District during
33 the expulsion?

34 A. Yes, a student can attend local Juvenile Services Programs, PACE, Urban League, or
35 other such programs, but acceptance is entirely up to that program's staff. Other
36 public schools and most private schools will not allow a student to enroll during the
37 expulsion period.

5500.12 - CODE OF STUDENT CONDUCT - SUSPENSION/EXPULSION

HOW A STUDENT MAY BE SUSPENDED OR EXPELLED FROM SCHOOL

In General

A student has a right to attend school and have an opportunity to learn. A student can lose that right to attend school if s/he violates the Code of Student Conduct or a school rule. A student loses the right to attend school by being suspended or expelled. During the period of suspension or expulsion, a student may not enter upon District property or attend any District or school sponsored activity or event without the permission of an administrator.

Suspension

Q. Who can suspend a student?

A. The principal or someone designated by the principal (such as an assistant principal) can suspend a student.

Q. How long can a student be suspended?

A. A student can be suspended from school for one (1) school day or up to ~~ten (10)~~five (5) school days.

Q. What happens before a suspension?

A. The principal or assistant principal becomes aware that a student has broken a rule in the Code of Student Conduct or a school rule. S/He will investigate by talking to students, teachers, or others who may know something about what happened. Even if the student is one (1) of the students who broke the rule, the principal or assistant principal may talk to the student as part of the investigation. After talking to people who were involved or witnesses, the principal or assistant principal will determine who s/he thinks broke a rule.

Q. What if the principal or assistant principal determines that a student broke a rule?

A. As soon as possible the principal or assistant principal will talk to the student. The administrator will tell the student that s/he has broken a rule in the Code of Student Conduct or a school rule. The student also will be given something in writing, like a discipline referral, that tells the student the same thing. A student will then be told why the administrator thinks that s/he has broken the rule. After this happens, the student should know what s/he is accused of doing and what evidence there is that supports the accusations.

Q. What happens next?

A. The student will now have an opportunity to tell the principal or assistant principal his/her side of the story. The student can ask that they talk to someone s/he thinks may know something about what happened. The student can give the principal or assistant principal a written statement to read. After listening to the student and reading anything that s/he has given them, the principal or assistant principal may talk to the people s/he told them about and anybody else that they need to contact.

After that, the principal or assistant principal will decide if the student has broken a

1 rule in the Code of Student Conduct or a school rule. If s/he decides that the student
2 has broken a rule, they will then decide if the student should be suspended from
3 school and how long the student will be suspended. The student will be told about
4 this decision.

5 Q. Will the student's parents know?

6 A. The principal or assistant principal will try to telephone the student's parents and let
7 them know about the suspension. If they cannot reach the student's parents by
8 telephone, then they will write down how many times they tried and what happened.
9 The student's parents will be mailed a letter titled Written Notice of Suspension within
10 twenty-four (24) hours of the decision. The student will be given a copy of that letter.
11 If the student or his/her parents claim that s/he did not receive the letter, it will not
12 change the suspension. The student will be given another copy of the letter if s/he
13 requests one.

14 Q. How can a student appeal a suspension?

15 A. If the student's parents want to appeal the suspension, they should notify the principal
16 in writing before the student's suspension is over. When the principal receives the
17 notice from the student's parents that they wish to appeal, s/he will offer to arrange a
18 conference with the student's parents. The student's parents may prefer to discuss
19 their appeal with the principal by telephone. If the student's parents do not notify the
20 principal in writing before the end of the student's suspension that they want to
21 appeal, the suspension is final.

22 Q. What happens at the conference?

23 A. The student's parents (and the student if s/he is present) will discuss with the principal
24 what has occurred. The principal will go over the incident that led to the suspension
25 and review the evidence supporting the suspension. The principal also will review the
26 process that was followed leading up to the decision to suspend the student. This will
27 include a review of how the student was told about the accusations and the evidence
28 against the student and how the student was allowed an opportunity to tell his/her side
29 of the story.

30
31 If the student or his/her parents believe that the school did not follow all of the
32 requirements for suspending the student, the student must tell the principal exactly
33 what was not done that the student believes should have been done. For example, if
34 the assistant principal did not give the student something in writing that told the
35 student what s/he was accused of doing, the student must tell the principal that at this
36 conference or the student cannot later complain about not being advised in writing of
37 the accusations against the student.

38
39 If the principal agrees with the student's parents that one (1) or more requirements for
40 suspending the student were overlooked, the principal can then comply with those
41 requirements at the conference or can start the suspension process from the
42 beginning and go through it again.

43 If there are witnesses who had not been interviewed prior to the suspension, whom the student thinks
44 may have information about the incident, then the student should inform the principal of the names of
45 those witnesses at this conference. The principal may decide to interview those witnesses before making
46 his/her final decision or the principal may believe that s/he has enough information already to make a final
47 decision.

1 Q. When will the principal decide the appeal?

2 A. The principal will provide the student and his/her parents a written decision within five
3 (5) school days of the conference.

4 Q. Is the student suspended during the appeal?

5 A. The student will continue to serve the suspension until a final decision is made after
6 all appeals.

7 Q. What if the suspension was not appropriate?

8 A. Any record of the suspension will be taken out of the student's records and the
9 student will be given the opportunity to make up all schoolwork that s/he missed,
10 without penalty.

11 Q. Can the student appeal the principal's decision?

12 A. The student may appeal the principal's decision to the Area Superintendent or a
13 person designated by the Area Superintendent. To appeal to the Area
14 Superintendent, the student must notify him/her in writing within five (5) school days of
15 the date of the principal's final decision.

16 Q. What will be reviewed on this appeal?

17 A. This appeal only concerns whether or not the proper procedures were followed in
18 making the final decision to suspend the student. There will be no further
19 investigation or interviews with witnesses about the incident, although the facts of the
20 case will be reviewed.

21
22 If the proper procedures were not followed, then the suspension will be sent back to
23 the principal to follow the proper procedures and decide on whether or not to suspend
24 the student. If, after following the proper procedures, the principal decides that the
25 student should not be suspended, any record of the suspension will be taken out of
26 the student's records and s/he will be given the opportunity to make up all schoolwork
27 that s/he missed, without penalty.

28 **Expulsion**

29 Q. Who can expel a student?

30 A. Only the Board can expel a student based upon a recommendation by the
31 Superintendent. The Superintendent will make a recommendation for expulsion only
32 after receiving a recommendation from the principal. The principal will make such a
33 recommendation for expulsion only after having suspended the student for ~~ten (10)~~
34 more than five (5) school days. The principal's recommendation will contain a detailed
35 explanation of the incident and the student's record of attendance, academics, and
36 discipline.

37 Q. Will a student's parents be notified?

38 A. The student and his/her parents will be notified in writing if the Superintendent
39 recommends that the Board expel a student. The allegations against the student will
40 be explained. The student will also be told that s/he can request a hearing.

- 1 Q. What if the student's parents want to request a hearing?
- 2 A. The parents should submit a written request for a hearing to the School Board
3 Attorney's office. After the parents request a hearing, the Superintendent will assign
4 the student to an appropriate school program other than his/her regular school.
- 5 Q. What if the student's parents do not request a hearing?
- 6 A. If the parents do not ask for a hearing, the charges are considered to be true. The
7 student and his/her parents may come to the Board meeting to talk about the length of
8 the expulsion.
- 9 Q. Who conducts the hearing?
- 10 A. A local attorney who is a volunteer will preside over the hearing. The attorney is an
11 impartial hearing officer who is not an employee of the School District.
- 12 Q. When will the hearing take place?
- 13 A. The Superintendent's attorney will schedule the hearing and notify the student and
14 his/her parents in writing of the date, time, and place of the hearing. The student will
15 receive this notification at least two (2) weeks before the hearing takes place.
- 16 Q. Can a student have an attorney at the hearing?
- 17 A. The student is entitled to have an attorney or other representative provide him/her
18 with legal representation. Any fees for such representation will be the student's
19 parents' responsibility.
- 20 Q. What happens at the hearing?
- 21 A. The Superintendent's attorney will present witnesses and documents to support the
22 allegations to the impartial hearing officer. The parents or attorney will have an
23 opportunity to cross-examine the witnesses and to present witnesses and evidence on
24 the student's behalf.
- 25 Q. Will there be a record of the hearing?
- 26 A. The Board will provide a certified court reporter for the hearing. The court reporter will
27 take down everything that is said at the hearing. If the student's parent wants a full or
28 partial transcript of the hearing, they can pay the court reporter to provide one for
29 them. The court reporter may require payment in advance.
- 30 Q. What happens after the hearing?
- 31 A. The impartial hearing officer will make a decision based upon the evidence presented
32 at the hearing. S/He will decide what the facts are and make a recommendation in
33 writing to the Board. A copy of that recommendation will be provided to the student,
34 his/her parents, and the Superintendent's attorney.
- 35 Q. Who makes the final decision?
- 36 A. The Board will make the final decision on whether or not the student should be
37 expelled and if so, for how long. The student, his/her parents, and their attorney will
38 have an opportunity to appear before the Board in private to discuss the

1 recommendation of the impartial hearing officer. The parents may request to meet in
2 public to discuss the recommendation with the Board.

3 Q. How long can the Board expel a student?

4 A. A student can be expelled for the remainder of the current school year and one (1)
5 additional school year. Usually the length of the expulsion is specified in the number
6 of semesters. If there are fewer than thirty (30) school days left in the current
7 semester when the student's suspension begins, the student's will stay out the rest of
8 that semester plus the designated semesters of expulsion. A student who is serving
9 an expulsion during last semester of his/her senior year may not participate in the
10 graduation ceremony.

11 Q. Can a student appeal the Board's decision to expel?

12 A. A student can appeal the Board's decision to the District Court of Appeal in Tampa.
13 The student must do so within thirty (30) days of the date of the Board's order
14 expelling the student.

15 F.S. 1001.41, 1001.42, 1001.43, 1006.07(2), 1006.13
16 Revised xx/xx/xx
17

18
19
20 Approved as to form and legality:

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22 
23
24 _____
25 School Board Attorney
26
27