



CODE OF STUDENT CONDUCT AND DISCIPLINE

The electronic edition of the School Board policy is the latest edition. It replaces earlier electronic and printed editions.

2014-2015
Bay District Schools
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Purpose

The purpose of Code of Student Conduct and Discipline is to provide information about the Bay County School Board's policies regarding student conduct and discipline. Outlined in this brochure are students' responsibilities and rights; attendance policies; informal and formal discipline procedures; and other pertinent information. The Bay County School Board policies are subject to change at the discretion of the School Board. The complete School Board policies that form the Code of Student Conduct and contain other information relevant to students are available at each school, at the District's web site www.bay.k12.fl.us, and at the Superintendent's office on Balboa Avenue. Each school's student handbook includes references to the School Board policies and other more specific rules.

Student Control and Jurisdiction (School Board Policy 7.201)

Each student enrolled in the Bay County School system shall be subject to the policies of the School Board and the administrative control and direction of the principals, other members of the administrative or instructional staff, or bus drivers to whom such responsibility has been assigned.

1. During the time he/she is en route to and from school at public expense.
2. During the time he/she is attending school.
3. During the time he/she is attending or participating in a school sponsored activity.
4. During a reasonable time before and after a student is in attendance at a school or participation in a school-sponsored activity, and only when on the premises.

Students' Responsibilities and Rights (School Board Policy 7.208)

Students have rights and responsibilities relative to the knowledge and observation of school and School Board rules; attendance; right to learn; participation in school programs and activities; respect for persons and property; assembly and free speech; and student publications.

Daily Attendance (School Board Policy 7.105)

Attendance Records. It is the responsibility of each teacher to see that an accurate record of attendance is maintained in the manner prescribed by the State Board of Education and the Superintendent. The principal shall be responsible for the timely administration of attendance policies and procedures and for the accurate reporting of attendance in the school under his/her direction. The principal shall assure that all teachers and clerks are instructed in the proper recording of attendance, and it shall be his/her duty to see that such instructions are followed. The principal or his/her designee shall inspect and determine the completeness and accuracy of the records contained in the record keeping system for each of the required full-time equivalent student membership periods. At the end of each school year the principal or his/her designee shall certify the completeness and accuracy of the automated attendance records indicating that all attendance records have been kept as prescribed by law and rules of the State Board. An attendance record containing any material inaccuracies, resulting from willful or intentional falsification of data by or for the principal, shall be considered a false report for which the principal shall be subject to penalties as provided by law. Attendance verification is adequately documented through the 20 day and 45 day attendance verification reports provided through the online district grade book. In order for the attendance verification reports to be accurate, teachers must input attendance by class period at the secondary level and daily at the elementary level. The traditional "blue" grade book is no longer needed to satisfy the documentation requirement.

Leaving School During the Day. Before releasing a student from school, the principal or his/her designee shall establish the identity and authority of any individual who seeks the release of a student from school. A student shall be released only to the parents or legal guardians or other person authorized by the parents or legal guardians on the student's Registration Card. Should a person other than one authorized by the parents or legal guardians request the release of a student, the principal or his/her designee shall first obtain verbal consent of the parents or legal guardians before releasing the student. In the event that a dispute arises between parents regarding who is authorized to pick up a student from school, the student shall be released only to the parents or legal guardians registering the student for school. Parents or legal guardians shall fill out a new online Registration Card at the beginning of each school year.

Students in grades 9-12 age 18 or older may sign themselves out of school during the regular school day if the school has on file a written, notarized request from the student's parent allowing their student to check themselves out of school. The written request shall include an acknowledgment that the parent understands that the school will not notify the parent of excessive absences or tardiness if they allow their student this privilege. The written parental request may be waived by the principal in the event the principal determines through verification that the student is living on his/her own.

No teacher or other employee of the School Board shall permit or cause any student to leave school prior to the regular hour of dismissal except with the knowledge and approval of the principal or his/her designee.

At the discretion of the principal, the parents/guardians may be asked to physically sign the student out. Parents/Guardians must have a picture ID to prove they have authority to remove the student from campus.

No student may be excused from school during regular school hours in order to take private lessons, except as provided herein.

Beginning January 8, 2008, all school campuses shall be closed during lunch periods. Each school year, the principal may request an exemption for eligible eleventh and twelfth grade students. If the exemption is approved by the school board, students must have a written notarized parent/guardian authorization form on file.

No student shall be sent from the campus during the school day to perform errands or to act as a messenger, except with the prior approval of the principal. Approval shall be given only for urgent and necessary school business.

Pre-K and Kindergarten Attendance. Daily attendance shall be taken for students who are age 3 until the student enrolls in first grade. Students under court ordered protective supervision, in custody of the Family Safety Program Office of the Department of Children and Family Services (DCFS) or a community-based lead agency and enrolled in a licensed early-education or child care program must be enrolled to participate five (5) days a week, unless an exemption is granted by the court. That student may not be withdrawn without prior written approval from DCFS or the community-based lead agency. If such student is absent, the absence must be reported by the end of the business day by the person with whom such student resides, or the absence will be considered unexcused. Any unexcused absence or seven (7) consecutive excused absences of such student shall be reported to DCFS or the community-based lead agency by the end of the day following the unexcused absence or seventh (7th) consecutive excused absence. DCFS shall be responsible for notifying the school of students who are subject to these specific requirements.

Tardiness. Each student is responsible for regular and punctual class attendance. Students must be inside the classroom by the end of the ringing of the tardy bell in order not to be considered tardy. The school principal or his/her designee will determine if a tardy is excused or unexcused in grades K-5. The teacher will determine if a tardy is excused or unexcused in grades 6-12. Students in grades 6-12 who are less than five (5) minutes late to class shall be given a Tardy and those five (5) or more minutes late to a class will given a Late Absence. Students in K-12 who leave more than 15 minutes before a class is over will be given a Late Absence. The school office will determine if the period of absence is excused or unexcused. Chronic tardiness and Late Absences will be investigated by a designated school representative. Five unexcused tardies and/or five late absences or a combination of both for a total of five in one class during one traditional semester shall result in an unexcused absence.

Absences. A student who wishes to be absent from school for permissible reasons as outlined in this policy shall have the verified permission of his/her parents or legal guardians and have the approval of the principal. By the next school day after the absence, it shall be the responsibility of the parents or legal guardians to notify the school regarding the reason for each absence that had not been preapproved. The school principal or his/her designee shall thereafter contact the student's parent or guardian to determine the reason for each unexcused absence or absence for which the reason is unknown. Parents or legal guardians shall be required to justify the student's absence. Justification will be evaluated based on the policy below regarding excused or unexcused absences. The final decision for approval will rest with the school principal. Failure to successfully notify parents will NOT negate the attendance policy.

Excused Absences. Documentation must be filed with the principal's office within three (3) days of the absence. Excused absences may be given for the following reasons:

1. Death in the family or other bona fide family emergency.
2. Illness of student. A written statement from a physician that the student is under the supervision of the physician and that the student's condition justifies the number of days absent may be required after five (5) days absence.
3. Appointments for medical or dental care (physician's statement required.)
4. Visits to licensed therapist.
5. Legal reasons.
6. Pre-approved family leave. Requests for family leave must be in writing and approved before the student is to be absent and must comply with the following criteria:
 - A. The student must have a C average or higher in all classes for the grading period.
 - B. It must be demonstrated that the leave cannot be taken during school breaks.
 - C. The requested leave cannot be for more than five (5) days per school year and may not be during semester/term exam days.

Excused School Function Leave. Students shall be granted Excused School Function Leave for school sanctioned events, including but not limited to:

1. School sanctioned activities.
2. Approved educational trips.
3. Curriculum related field trips with teacher chaperones and with principal approval.
4. Functions which the student is administratively recognized as a representative of a school.

Administrative Leave. Students shall be granted Administrative Leave for occasions which the principal feels are appropriate.

Religious Leave. Students shall be excused from any examination, study, or work assignment for observance of a religious holiday, religious instruction or because the tenets of his/her religion forbid secular activity at such time. Major religious holidays include, but are not limited to: Rosh Hashanah, Christmas, Epiphany, Yom Kippur, Sukkot, Ash Wednesday, Palm Sunday, Shmini Atzeret, Simchat Torah, Good Friday, Easter, Passover, Shavout, Vietnamese New Year, Kwanza, and Ramadan.

Unexcused Absences. These unexcused absences are those absences that are not justified according to the rules of this policy by the parent or legal guardian. In addition, truancy, and/or skipping are considered unexcused absences. Skipping class is defined by one or more of the following criteria:

1. Failure to check out when leaving school before the end of the official school day.
2. Absent from class without parents or legal guardians knowledge and/or permission.
3. Absent from class without teacher knowledge and/or permission.

Unexcused Disciplinary Absences. These unexcused absences are a result of acts such as failure to observe dress code, administrative discipline, expulsions, etc.

Appeals. A parent or student may appeal within five (5) days of notification a decision to classify an absence as unexcused by notifying the principal in writing.

Make Up Work - Excused Absences. Students are expected to make up all work missed during excused absences. The student must contact the teacher on the first day back in school in order to make arrangements to make up the work within five (5) school days. The teacher and/or the principal may grant additional time for making up work if warranted by the individual situation. All assignments including tests and exams announced in advance of the student's absence must be made up on the day the student returns to school. Teachers have the prerogative to require a student on school or administrative leave to complete work assigned in advance of the leave.

Makeup Work - Unexcused Absences. Students are responsible for making up all work missed, including tests and exams, during an unexcused absence. If the unexcused absence is due to a suspension of one to three (1-3) days, the student must contact the teacher upon the student's return to class to make arrangements to make up within five (5) school days work missed. Parent(s)/guardian(s) of students suspended for more than three (3) days are responsible for contacting the school by the end of the third day of suspension and obtaining the missed work assignments. All work must be completed and returned to the classroom teacher upon the student's return to school.

Attendance Incentive. Students on a block schedule in grades 9-12 with perfect attendance including the day of the exam in a 9 week grading period and an average of 85% and above or students in grades 9-12 with no Unexcused Absences and no more than three Excused Absences including the day of the exam in a 9 week grading period and an average of 90% or above may elect to drop the semester exam or a test or project grade from the current grading period which does not count for more than 1/7 of the student's grade in that class within the current grading period. Students on a seven period day in grades 9-12 with perfect attendance including the day of the exam in an 18 week grading period (7 period day) and an average of 85% and above or students in grades 9-12 with no Unexcused Absences and no more than six Excused Absences including the day of the exam in an 18 week grading period and an average of 90% or above may elect to drop the semester exam or a test or project grade from the current grading period which does not count for more than 1/7 of the student's grade in that class within the current grading period. However, the student may not, under this provision, choose to drop the final exam grade unless the student's numerical score on the final exam is within 20 points on a scale of 1-100 of the student's numerical grade for the course prior to the exam unless the student has maintained an A or B average for both grading periods. These students must sit for the semester exam, but may choose to drop their exam grade regardless of the 20 point rule described above. A student may only drop a test which the student has taken or a project which the student has turned in for grading. This provision does not permit students to exempt the taking of tests or participating in projects. School Leave and Religious Leave shall not count as an absence for the purpose of this section.

1. Any student who is placed in in-school or out-of-school suspension during the 9 week grading period shall not be eligible under this policy to drop any test or project grade.
2. Any student who has three (3) unexcused tardies in a class during the 9 week grading period (block schedule) or six (6) unexcused tardies in a class during the 18 week grading period shall not be eligible under this policy to drop any test or project grade.
3. Any student who transfers into a District school or a student who transfers from one school to another in Bay County shall not be eligible to drop any test or project for the 9 week grading period of their transfer.

If a student 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, the principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team, after examining the student's attendance records and seeking input from the parent and the student's teachers, finds that a pattern of nonattendance has developed they will notify the principal who will then notify the student, parent, and athletic director that the student will be suspended from all extra-curricular activities until the end of the current grading period or until the student fulfills the terms of an attendance agreement (FHSAA Policy 9.2.1.1) requires regular school attendance). A meeting with the child study team and the parent must be scheduled to determine possible remedies.

Minimum Attendance. A student may be in jeopardy of being retained if he/she fails to attend school for at least 160 days in a school year.

Student Uniform and Grooming (School Board Policy 7.209)

Appropriate dress is the primary responsibility of the student and his/her parent or guardian. In order to promote safety, personal hygiene, academic well-being, and moral development, students shall be expected to comply with reasonable requirements relating to dress, grooming and personal appearance. Students are expected to come to school with proper attention having been given to personal cleanliness, grooming, and neatness of dress. Students may not wear clothing or footwear which may constitute a safety or health hazard, disrupts the school program or provides distraction from classroom activities. Any interpretation that is required of this policy shall be the responsibility of the principal of each school; otherwise, the policy shall be enforced as written. Any such interpretation required by a principal may be appealed to the Superintendent, whose decision shall be final. The Superintendent is authorized to make the final decision regarding the interpretation, application and enforcement of this policy and to make certain that it is being uniformly applied and enforced at each of the schools within the District. The school handbook contains a listing of non-inclusive examples of dress which are prohibited in grades K-12.

The dress code policy applies from the time the student arrives on campus until the end of the school day and at all school activities during the school day. Discipline for violating this policy shall be as follows:

- First and second offense consequences are: notification of parent or guardian; change of inappropriate attire;
- Consequences for subsequent offenses may include one or more of the following at the discretion of the principal:
 - A. notification of parent or guardian;
 - B. change of inappropriate attire;
 - C. one to three days of in-school or out-of-school suspension; or
 - D. three days after school detention, if available.
- The fourth and subsequent offenses are willful disobedience which will result in further disciplinary action, which may include out of school suspension or expulsion;
- Any absence resulting from a violation of the Student Dress Code will be considered an unexcused absence.

Prohibited Attire at all Schools

While on school grounds during the regular school day, students are prohibited from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.

Any student who violates this specific policy of prohibited attire is subject to the following disciplinary actions:

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

Any interpretation of the dress code that is required of this policy shall be the responsibility of the principal of each school. The Superintendent is authorized to make the final decision regarding the interpretation, application and enforcement of this policy and to make certain that it is being uniformly applied and enforced at each of the schools within the District.

The Superintendent can add uniform requirements based upon the unique needs of the population served at a school.

The full policy (7.209) is found in Chapter 7 of the School Board Policy, available at your child's school or www.bay.k12.fl.us.

Student Discipline (School Board Policy 7.203)

It is the policy of the School Board that there shall be zero tolerance of misbehavior of all kinds. Schools and teachers may develop individual rules and disciplinary practices which supplement the School Board rules but do not conflict with those rules. Discipline should be applied after consideration of the eventual effect on the behavior of the student and should promote improved conduct. Students shall be subject to the provisions of this policy while attending school or on school premises, at any school function, or on any school sponsored transportation, or under the supervision of School Board personnel, whether on or off campus. Students may be subject to discipline even if that conduct occurs on property not owned or controlled by the School Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee. Parents, legal guardians or adult students will be financially responsible for any damage to school property. A student's academic grade shall not be reduced as a disciplinary measure.

Behavior Qualifying for Informal Disciplinary Measures. Informal disciplinary offenses are those acts of misconduct which interfere with orderly classroom procedures, school functions, extracurricular programs, or approved transportation, do not seriously endanger the health and safety of others or a student's own learning process. Following is a non-inclusive list of actions which shall result in Informal Disciplinary Measures.

- Absences
- Disrespect for school staff
- Distribution of unauthorized materials
- Excessive talking
- Failure to follow instruction or direction of administrator/teacher/staff
- Libelous statements
- Loss or damage of materials belonging to the school
- Minor disruption of class or school activities
- Possession or use of skateboards
- Skipping class or off campus without permission
- Tardiness
- Teasing and horseplay
- Unauthorized assembly
- Unauthorized use of school property
- Violations of School Board policy regarding computer and Internet usage

Informal Disciplinary Measures. Behavior qualifying for Informal Disciplinary Measures may result in any of the following as deemed appropriate by an administrator or teacher.

- Verbal Correction
- Counseling
- Parental Contact
- Administrative Probation
- Detention
- In-School Suspension

Behavior Qualifying for Formal Disciplinary Measures. Behavior requiring Formal Disciplinary Measures are more serious acts of misconduct including repeated acts of misconduct, serious disruptions of the orderly conduct of the school, or threats to the health, safety and property of self or others. Examples of more serious misconduct which may require Formal Disciplinary Measures include but are not limited to the following as deemed appropriate by an administrator.

- Aiding and abetting another person in committing an act which would be a violation of School Board policy
- Any posting through the connection or use of wireless devices or internet including, but not limited to, blogs, social networks, emails, or texts that causes a foreseeable risk of substantial disruption to the work or discipline at a district facility
- Assault (threat of physical harm)
- Attempting to or gaining unauthorized access to school's or the district's computers or network
- Battery
- *Breaking and entering
- *Bullying, Harassment, or Cyberstalking as defined herein
- Bus conduct violation
- Cheating or plagiarism, including unauthorized grade changes
- *Commission of any felony
- Class disturbance or disruptive behavior
- Damage to personal property of students or staff members
- Excessive tardies
- *Extortion
- *Falsely activating a fire alarm
- Failure to report to or refusal to accept detention or work detail

- Fighting (mutual altercation)
- *Fighting resulting in bodily harm
- Forgery
- Harassment and/or physical or verbal abuse or bullying of students
- *Indecent exposure
- Insubordination or defiance
- Intentional false accusations that jeopardize the professional reputation, employment, or professional certification of a teacher or other member of the school staff
- Intimidation
- *Larceny or theft of personal or school property
- *Lewd or lascivious behavior
- Lying to school officials
- Motor vehicle infraction
- Obstruction of an investigation by school officials or other authorities
- *Participation in or leading a riot or disturbance
- *Participation in secret societies, including gangs
- *Possession, sale, use or under the influence of any controlled substance under Chapter 893, Fla. Stat., any counterfeit controlled substances as defined in §831.31, Fla. Stat., model glue or other inhalant, or any over-the-counter or prescription drug, medication, supplement, or alcohol or commercial non-alcoholic beverage as advertised by the beer and liquor industries, or the possession, use or sale of any paraphernalia designed for use of such substances
- *Possession, use or sale of dangerous articles, or chemical propellant sprays
- *Possession, use or sale of fireworks or other destructive devices
- Possession, use or sale of matches or cigarette lighters except at Tom P. Haney Technical Center by any adult student
- Possession, use or sale of tobacco products of any kind (both smoking and non-smoking) or electronic cigarettes
- *Possession of knives of any type, razor blades, box cutters, or similar devices
- Possession, sale, or distribution of pornographic material
- Public display of affection
- Refusal to accept corporal punishment
- *Robbery
- Rude or obscene behavior and/or language (profanity)
- *Sexual offenses
- *Sexual harassment
- Trespassing
- Unauthorized alteration or changing, or aiding and abetting or participating in the alteration or changing of a student's grades or attendance records
- Unauthorized possession of radios, tape decks, or any other audio equipment
- Unauthorized use of a free and/or reduced lunch number
- Unauthorized entrance on grounds of another school or campus
- Use of wireless communications devices in violation of School Board Policy 7.311
- *Vandalism or defacement of school property
- Violation of vehicle use or parking regulations
- Violation of requirements of detention or work detail
- Violation Behavior Contract in Lieu of Expulsion
- Violation of a Re-entry Behavior Contract

*The behaviors starred are determined to be acts which are serious threats to school safety.

Formal Disciplinary Measures. Behavior qualifying for Formal Discipline Measures may result in any of the disciplines under Informal Disciplinary Measures, Corporal Punishment, Out-of-School Suspension, or Expulsion, as deemed appropriate.

Behavior Qualifying for Discipline Based upon a Zero Tolerance Policy

1. Behavior which shall result in suspension and may result in expulsion: possession, sale, use or under the influence of any controlled substance under Chapter 893, Fla. Stat. any counterfeit controlled substance as defined by §831.31, Fla. Stat., model glue, other inhalant, or alcohol shall result in a ten (10) day suspension and expulsion. However, as an alternative to expulsion a principal may, at his/her absolute discretion, suspend a student out of school for ten (10) days if the student is a first time alcohol or drug offender who possesses or is under the influence of any substance controlled under §893, Fla. Stat., or is under the influence of model glue or other inhalant or alcohol. This option is only available to the principal for small amounts of a controlled substance which the principal determines is for the student's individual use and not for distribution, delivery or sale to other students. This option is not available for any felony possession regardless of quantity. For first time offenders, this suspension may be reduced to five (5) days at the absolute discretion of the principal if:
 - a. The student divulges information leading to the discipline or arrest of the person who supplied such controlled substance to him/her, or if the student voluntarily disclosed his/her unlawful possession of such controlled substance. Any such information divulged which leads to an arrest and conviction is not admissible in evidence in a subsequent criminal trial against the student divulging such information or
 - b. The student commits him/herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.
 - c. The Superintendent has the authority for a student's subsequent drug or alcohol possession, without the intent to distribute, or for being under the influence, as outlined above, to offer the student an alternative to expulsion under this policy.
2. Behavior which shall result in a ten (10) day suspension and expulsion and referral for criminal prosecution:
 - Homicide (murder, manslaughter);
 - Sexual battery;
 - Robbery or attempted robbery;
 - Aggravated battery;
 - Battery or aggravated battery on a teacher or other school personnel;
 - Kidnapping or abduction;
 - Arson;
 - Possession, use, or sale of any explosive device.
3. Behavior which shall result in a ten (10) day suspension, expulsion for no less than one (1) full year and a referral for criminal prosecution:
 - Possession, use or sale of a firearm or weapon. If a firearm or weapon is found in a student's vehicle either at school or at a school sponsored event, the student shall be considered to be in possession of the firearm or weapon if it is determined by the principal, based upon evidence, that the student knew of the presence of the firearm or weapon. The School Board specifically waives the exception in §790.115(2)(a)(3) for purposes of student and campus parking privileges.
 - A student shall not be subject to mandatory expulsion proceedings if it is determined by the Superintendent or the School Board (1) that the student was unaware he/she was in possession of the weapon or firearm, or (2) the student immediately returned the firearm or weapon to the person who gave it to him/her, or (3) if the student took the weapon or firearm to a staff member or was in the process of taking it to a staff member.
 - Any threat, regardless of the location from which it is made, to throw, project, place or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person, or the making of a false report with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, or other deadly explosive involving school or school personnel's property, school transportation, or a school-sponsored activity.

Note: Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under Section 1006.07 or Section 1006.13, Florida Statutes. Simulating a firearm or weapon while playing includes, but is not limited to:

1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
4. Using a finger or hand to simulate a firearm or weapon.

5. Vocalizing an imaginary firearm or weapon.
6. Drawing a picture, or possessing an image, of a firearm or weapon.
7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may be subject to disciplinary action if simulating a firearm or weapon while 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 infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student's parent. Disciplinary action resulting from a student's clothing or accessories shall be determined pursuant to Policy 7.209 unless the wearing of the clothing or accessory causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions.

Any disciplinary action taken against a student who violates this zero-tolerance policy must be based on the particular circumstances of the student's misconduct.

Any item that may not be possessed or used by a student under this policy shall be confiscated by the principal. If appropriate, the prohibited item shall be given to the proper law enforcement agency. Otherwise, if possession of the item is legal, the item shall be given to the student's parent or guardian after the conclusion of all disciplinary action against the student.

Criminal Referrals. All actions which are determined by this policy to be serious threats to school safety shall be reported to law enforcement.

This zero-tolerance policy does not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency, including, but not limited to, disorderly conduct, disrupting a school function, simple assault or battery, affray, theft of less than \$300, trespassing, and vandalism of less than \$1,000.00.

Corporal Punishment. The use of corporal punishment shall be approved in principle by each principal before it is used, but approval is not necessary for each specific instance in which it is used. In a school which chooses to administer corporal punishment, the principal shall prepare and disseminate guidelines for administering corporal punishment in his/her school which identify the types of punishable offenses, conditions under which the punishment shall be administered, and the specific personnel on the school staff authorized to administer the punishment. Guidelines must also include the following requirements:

1. The administration must advise parents or legal guardians in advance.
2. Corporal punishment shall be inflicted only by the principal or by a member of the administrative or instructional staff and in the presence of another adult employee of the school.
3. Students must be informed in advance of the reason or reasons for corporal punishment. The adult witness must be informed, beforehand and in the presence of the student, of the reason for corporal punishment.
4. Students must be given an opportunity to present their side of the matter. The student may be offered a detention form of deterrent, preferably of a light work nature such as picking up trash.
5. In no case shall such punishment be unduly severe or degrading in nature.
6. Corporal punishment shall never be administered to a student known to be under medical treatment for an emotional disability or to a student suffering from a physical condition which would cause his/her life to be endangered by the use of such punishment.
7. Any employee who has administered corporal punishment to a student shall, upon request, provide the student's parents or legal guardians with a written explanation of the reasons for the punishment and the name of the adult employee present.

This policy on corporal punishment shall be reviewed once every three (3) years during a School Board meeting held pursuant to Section 1001.372. The School Board shall take public testimony at the Board meeting. If such Board meeting is not held in accordance with this subparagraph, the portion of the School Board's policy authorizing corporal punishment expires.

Out-of-School Suspension. A student may be suspended from school by the principal or his/her designee for violation of any behavior qualifying for Formal Disciplinary Measures. A good faith effort shall be made by the principal or his/her designee to employ parental assistance or other alternative measures prior to suspension or expulsion except in the case of emergency or disruptive conditions which require immediate suspension or expulsion.

Determination of Out-of-School Suspension. To determine whether out-of-school suspension is appropriate and to decide the length of suspension, the principal or his/her designee shall review the student's individual record and consider:

1. The facts and the seriousness of the conduct leading to consideration for suspension;
2. The student's age, grade and past disciplinary record; and
3. Possible effectiveness of other forms of discipline in correcting behavior.

Procedures for Out-of-School Suspension. The following procedures shall be utilized in suspending a student, including those instances in which there is also a recommendation for expulsion to the Superintendent.

1. The principal or his/her designee may suspend a student only in accordance with the rules of the School Board.
2. The principal or his/her designee shall make a good faith effort to immediately inform a student's parents or legal guardians by telephone of a student's suspension and the reasons for the suspension.
3. Each suspension and the reasons for the suspension shall be reported in writing within 24 hours to the student's parents or legal guardians by United States mail, or by hand delivery. The notice shall contain:
 - A. The nature of the offense;
 - B. The date of the offense, beginning date of suspension, and the date on which the student may return to school; and
 - C. Any conditions involving suspension, such as reduction of the suspension following a conference and assurance from the student of a change in attitude.
4. Each suspension and the reasons for the suspension shall be reported in writing within 24 hours to the Superintendent.
5. At a conference, the student shall be given both oral and written notice of the charges and given an opportunity to present his/her side of the story prior to suspension.
6. The principal may temporarily suspend a student prior to a conference when, in his/her judgment, the safety or health of students, staff or other persons in the school may be threatened by the continued presence of the student. When temporary suspension is necessary, the principal shall inform the parents or legal guardians by the most rapid means (including telephone). As soon as feasible under the circumstances, the principal shall hold a conference with the student or parents or legal guardians.
7. Upon request, the parents or legal guardians will be given an opportunity for an informal hearing with the principal or his/her designee within 48 hours of the request (excluding Saturday, Sunday and school holidays).

Out-of-School Suspension on the Basis of Felony Charges Off School Property. Any student formally charged with a felony or with a delinquent act which would be a felony if committed by an adult by a proper prosecuting attorney for an incident which allegedly occurred on other than public school property, and that incident is shown, in an administrative hearing with proper notice to the parents or legal guardians, to have an adverse impact on the educational program, discipline or welfare of the school in which the student is enrolled, shall be subject to suspension in accordance with §1006.09, Fla. Stat. until determination of the case by a court of competent jurisdiction. Any student who is suspended as a result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed ten (10) days, as determined by the Superintendent. Such suspension shall not affect the delivery of educational services in a daytime alternative education program, or an evening alternative education program, where appropriate. If the court determines that the student did commit the felony or delinquent act which would have been a felony if committed by an adult, the School Board shall have the authority to expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the student in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting. Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under Chapter 893 of the Florida Statutes may be entitled to a waiver of the discipline or expulsion in accordance with §1006.09(2)(a)-(b), Fla. Stat.

Procedures for Out-of-School Suspension on the Basis of Felony Charges Off School Property. The following procedures shall be utilized by the principal in instituting and conducting an administrative hearing in the suspension of a student on the basis of felony charges:

1. Upon receiving proper notice that a student has been formally charged with a felony, the principal shall immediately notify the parents or legal guardians of the student, in writing, of the specific charges against the student and of the right to a hearing prior to disciplinary action being instituted under the provisions of §1006.09, Fla. Stat.
2. Such notice shall stipulate a date for the hearing which shall be not less than two (2) school days nor more than five (5) school days from postmarked date, or delivery, of the notice and shall also advise the parents or legal guardians of the conditions under which a waiver of suspension may be granted, as prescribed in subsections (2) and (3) of §1006.09, Fla. Stat. Pending such hearing, the student may be temporarily suspended by the principal.
3. The hearing shall be conducted by the principal or his/her designee, and may be attended by the student, the parents or legal guardians, the student's representative or counsel, and any witnesses requested by the student or the principal.
4. The student may speak in his/her own defense, may present any evidence indicating his/her eligibility for waiver of disciplinary action, and may be questioned on his/her testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify.
5. In conducting the hearing, the principal or his/her designee shall not be bound by the rules of evidence or any other courtroom procedure, and no transcript of testimony shall be required.
6. Following the hearing, the principal shall provide the student and parents or legal guardians with a decision, in writing, as to whether or not suspension will be made. In arriving at this decision, the principal shall consider the conditions prescribed by subsections (2) and (3) of §1006.09, Fla. Stat., under which a waiver of suspension may be granted, and may grant

such a waiver when he/she determines such action to be in the best interests of the school and the student. Provided, however, that any suspension pending adjudication of guilt shall be made only upon a finding, based upon conclusive evidence, that a felony charge has been formally filed against the student by a proper prosecuting attorney. The principal shall have 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, provided that any such modification adverse to a student shall be made only following a hearing conducted in accordance with this rule.

Expulsion of Students. Only the School Board has the authority to expel a student from the public school system upon the recommendation of the Superintendent for any behavior listed under Formal Disciplinary Actions and under the Zero Tolerance policy. A good faith effort shall be made by the principal or his/her designee to employ parental assistance or other alternative measures prior to suspension or expulsion except in the case of emergency or disruptive conditions which require immediate suspension or expulsion.

Procedure for Expulsion. Whenever possible the principal shall hear the student's defense or explanation of his/her conduct and shall explain to the student his/her reasons for the suspension with a recommendation of expulsion. In any case, the principal shall conduct an investigation into the charges and shall obtain written and signed statements from any witness(es) immediately after the incident. A tape recorder may be used to record any proceedings with parents, legal guardians or students that could lead to a recommendation of expulsion. When a student is recommended for expulsion, the following procedures shall be observed:

1. Upon receipt of the notice of suspension and recommendation of expulsion, the Superintendent, if he/she concurs in the recommendation for expulsion, shall notify the parents or legal guardians by certified mail with a return receipt requested or by hand delivery, stating that the School Board will meet at a specified time and place to hear the charges and to act on the expulsion recommendation. The parents or legal guardians shall be fully advised that they will be given an opportunity to appear before the School Board during the hearing. The principal and his/her designee shall also be informed as to the time and place of the hearing. Any student being considered for expulsion shall be accorded due process of law prior to expulsion in the manner provided by §120.57(2), Fla. Stat. and Section 1.105(3) of these rules.
2. When the principal suspends a student and recommends the student for expulsion, the Superintendent may extend the suspension assigned by the principal beyond ten (10) days if such suspension period expires before the next regular or special meeting of the School Board. Where such an extension of a suspension is made by the Superintendent, he/she shall notify the parent or guardian in writing prior to the expiration of the suspension assigned by the principal. Such notice shall state the period of time for which the additional suspension is made. A copy of the notice of the additional suspension shall be sent to the principal.
3. To assure that the conduct leading to expulsion does not reoccur, a written reentry plan for each student shall be developed by the school prior to the return of an expelled student to the school program. Each plan is to be developed in cooperation with all parties involved, including the student and parents or legal guardians.

Alternative to Expulsion.

1. Upon receipt of a recommendation for expulsion from a principal and after review of the incident, student records and previous disciplinary acts, the Superintendent or his/her designees may convene a meeting with the parent or guardian to offer an alternative school placement in lieu of expulsion. The parent or guardian has the option to accept the alternative school placement, accept an expulsion, or have the board hold a hearing on the Superintendent's recommendation for expulsion.
2. If the alternative school placement is accepted, the student and parent or guardian shall enter into a Behavior Contract in Lieu of Expulsion ("Contract"). The Contract shall place the expulsion process in abeyance pending the student's successful completion of the alternative school placement.
3. A student must remain at the alternative setting for at least ninety (90) school days. After ninety (90) school days the student may request a review by the Superintendent. If the Superintendent or his/her designee agrees the student may return to his/her home school, the student can only return to his/her regular school at a semester break.
4. All cases involving behavior requiring expulsion based upon the Zero-Tolerance Policy must be heard at a formal expulsion hearing with the School Board.

Discipline of Students with Disabilities. For the purpose of this rule a student with disabilities is defined as any student appropriately classified and presently placed in an exceptional student education program, excluding gifted. Parental notification of policies, procedures, and student rights regarding discipline of students with disabilities shall be provided, in writing, at the eligibility staffing meeting or when parental consent for ESE placement is documented. Parental safeguards and rights of due process shall, in addition, be observed and followed at all steps in the process. Additional information is available in the "Special Programs and Procedures for Exceptional Students (SP&P)," adopted by the Board pursuant to Section 1.103 and hereby incorporated by reference as a part of the Rules of the Bay County School Board.

Suspension of Students with Disabilities.

The principal may suspend a student with disabilities for a period of time not to exceed ten (10) days (or an accumulation of ten (10) days within a school year) without the provision of a free and appropriate public education. Appropriate due process shall be observed, except in emergency situations in which a student's presence poses a continuing danger to persons or property or represents an on-going threat of disruption to the academic process.

Following procedures outline in the SP&P Manual, either before but not later than ten (10) business days after first removing the student for more than ten (10) school days in a school year, the school must conduct a functional behavioral assessment and develop a behavioral intervention plan. If the student has a behavioral intervention plan, the IEP Team shall meet to review the plan and its implementation and modify the plan and its implementation as necessary to address the behavior.

Suspension After Accumulation of Ten Suspension Days. At such time that accumulated suspensions exceed ten (10) days within a school year and a pattern of removal has been determined, the principal shall convene the IEP Team and include the principal or his/her designee. This Team shall review the student's program and conduct a manifestation meeting to determine whether or not the student's disability is a precipitating factor in the disciplinary infraction.

If the IEP Team determines that the student's behavior is related to the student's disability, then using procedures outlined in the SP&P, the IEP Team will amend the student's IEP to include annual goals and short-term objectives for social/behavioral areas which relate to the elimination or reduction of the student's inappropriate behavior based on the functional behavioral assessment. The following options may be considered:

1. Additional related services.
2. A change in disciplinary procedures.
3. Increased time in the current special program.
4. Provision of a special program in another setting.
5. Involvement with programs funded by other agencies.

If the IEP Team determines that the student's behavior is not related to the student's disability, the IEP Team shall document the rationale for this decision in a manifestation meeting. In this case, procedures for disciplinary action will follow its regular course of action, as designated in School Board Policy 7.203. Parents must be informed of this decision. In no case will services cease for a student with a disability.

Expulsion of Students with Disabilities. If the student to be expelled is a student with disabilities, the following procedures from the SP&P must be followed. Instances in which students with disabilities engage in behavior that could warrant expulsion action are described in School Board Policy 7.203.

1. Expulsion of an identified student with disabilities constitutes a change in educational placement and may not be an exclusion from educational services.
2. When a principal plans to recommend expulsion for a student with disabilities, the Superintendent shall be contacted to request that an IEP Team meet. The IEP Team shall meet to determine whether the student's misconduct is a manifestation of his/her disability.
3. The IEP Team shall determine the relationship of the student's behavior to the student's disability and amend the IEP to provide the alternative placement and/or programming. In no case may the District cease provision of educational services.
4. Policies and procedures for conducting IEP meetings and providing procedural safeguards to parents or legal guardians of students with disabilities consistent with Fla. Admin. Code R. 6A-0331(3) apply to this meeting.
5. A copy of these policies and procedures shall be given to parents or legal guardians of students with disabilities at eligibility and IEP update meetings and at preexpulsion IEP meetings.

Review Procedures. A disciplinary decision of a teacher may be appealed to the principal. The principal's decision may be appealed to the Superintendent. A copy of the decision and notification of the right to appeal shall be furnished to the student or parents or legal guardians. The student or parents or legal guardians shall have five (5) working days from receipt of the written decision to file a written appeal.

Any request to modify a Final Order of Expulsion must be made in writing to the Superintendent. The School Board shall consider the modification of a Final Order of Expulsion only upon receiving a written recommendation from the Superintendent.

Definitions:

Administrative Probation. The placing of a student on probation by an administrator, which may include denial of participation in extracurricular activities, and may require the student to maintain frequent contact with a staff member assigned responsibility for monitoring his/her activities.

Corporal Punishment. Corporal punishment is the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rules.

Counseling. Guidance and direction given to a student in a conference with teachers and Student Services personnel, or administrators where problems are discussed and future expectations outlined.

Destructive Device. Any bomb, smokebomb, grenade, mine, rocket, missile, pipebomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms.

Detention. The assignment during non-classroom time of appropriate work, including work details, for misconduct. When a student is to be detained after school hours, the parents or legal guardians shall be notified. Special transportation arrangements necessitated by student detention are the responsibility of the student, parents or legal guardians.

Electronic cigarette (e-cigarette). Any oral device that provides a vapor of liquid nicotine and/or other substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarette, e-cigars, e-pipes, or under any other product name or descriptor.

Expulsion. Expulsion is defined as the removal of the right and obligation of a student to attend a public school. An expulsion may not exceed a period of time including the remainder of the school year and one (1) additional year.

Firearm. Any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, by air, gas or any other means and ammunition for such devices, including shotgun shells or any other ammunition designed for use in a firearm; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.

In-School Suspension. Students may be removed from class or classes and assigned to alternative education classes or to other activities on the school campus under the supervision of District personnel.

Out-of-School Suspension. Out of school suspension is defined as the temporary removal of a student from the regular school program and all other school sponsored activities for a period not to exceed ten (10) school days with the student being remanded to the custody of his/her parent(s) with specific homework assignments for the student to complete.

Parental Contacts. Contacts through notes, letters, phone calls or conferences between school personnel and parents or legal guardians.

Possession. Possession is defined as found on a student's person, within his/her control, his/her locker or other storage space or his/her vehicle (regardless of ownership of the vehicle) while parked on school property.

Sexual Harassment. Examples of sexual harassment include unwanted sexual advances or propositions, demands for sexual favors in exchange for favorable treatment, unwanted sexually oriented remarks, verbal abuse of a sexual nature, graphic verbal commentary about an individual's body or sexual prowess, coerced sexual acts of assault, physical contact such as grabbing, pinching, or patting unnecessarily, leering, whistling or gestures of a sexual nature.

Verbal Correction. The verbal correction of a student by any member of the school staff for misconduct in the classroom, hallways, on the school grounds, going to and from school, or while attending school sponsored activities.

Weapon. Any dirk, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon or a common pocketknife with a blade of 4" or longer.

Possession and Use of Wireless Communications Devices (School Board Policy 7.211).

For the purposes of this policy, "personal electronic mobile device" ("PEMD") shall include, but not be limited to, the following: cellular or satellite telephones of any type, pocket PCs, laptops, and personal data assistants ("PDA") owned, used or possessed by a student but shall not include such devices if owned and provided for use by the District.

Beginning 2012-2013, Bay District schools will allow the use of personal electronic mobile devices during specified times. Students will be allowed to bring their own device (BYOD). High schools will be allowed to participate in this initiative beginning with the 2012-2013 school year. Middle and elementary schools will be allowed to use personal electronic mobile devices when wireless infrastructure is available at the school location. BYOD access will be granted only after teachers have participated in BYOD professional development and with the approval of the Superintendent and principal.

It is not mandatory for students to bring their own personal electronic mobile devices. When personal electronic mobile devices are used to enhance student learning in the classroom, students without a PEMD will be provided access to an appropriate digital device. Students who choose to bring their personal electronic mobile devices MUST log in and use BDS filtered wireless network during the school day.

NOTE: Students will bring personal electronic mobile devices to school at their own risk. The district WILL NOT be responsible if a phone or other device is lost, stolen, misplaced, damaged, or confiscated. The district WILL NOT be responsible for virus, malware, or other computer related issues associated with connecting to the BDS network.

Beginning 2012-2013, students may utilize electronic mobile devices in the classroom for educational purposes when the teacher deems appropriate and with a signed AUP on file. While the district encourages students to use electronic mobile devices for educational purposes in the classroom, *high school* students may use these devices during lunch and before and after school. *Middle and elementary* students may use these devices before and after school, not during lunch. All students may use devices in the classroom setting with teacher permission and supervision. Use is STRICTLY prohibited for all students during passing periods due to safety issues. Use of electronic mobile devices during the school day is a privilege. Adherence to the guidelines below is essential to maintaining an academic environment and the integrity of the classroom.

Teachers that wish to allow students to use mobile devices in the classroom must first participate in professional development opportunities provided by the Bay District Schools Instructional Technology Department.

ELECTRONIC MOBILE DEVICE GUIDELINES

- Using functions on electronic devices that disrupt the educational environment, from within or from outside the classroom, or violates the rights of others, including, but not limited to using the device to cheat, violate school conduct rules, harass or bully staff or students or use their device for unlawful purposes will be subject to disciplinary action; up to and including suspension, expulsion, and being reported to local authorities.
- Cell phone conversations during instruction or class time should take place only under the supervision of staff personnel unless otherwise directed.
- Using any device that permits recording voice or image of another in any way that disrupts the educational environment, invades privacy of others, or is made without prior consent of individuals being recorded is **prohibited**. Also, using any device that permits recording voice or image of another to take, disseminate, transfer, or share audio, images, video, or photos that reveal private parts of the body that are ordinarily covered by clothing is **prohibited**. The possession of pornographic images or video on any electronic device is **prohibited**.
- Students must comply with staff directives, including but not limited to, using appropriate device volume. When in use, devices must be on vibrate or silent mode so that no audible tone is heard.

PEMDs misused in accordance with this policy shall be confiscated from the student and only returned to the student's parent upon notification from the school office. Continued misuse of PEMDs may subject the student to disciplinary action, as determined by the principal. Use of a PEMD will subject the student to the possibility of the imposition of disciplinary action by the school or criminal penalties if the PEMD is used for the purposes of a criminal act.

Parents may request special permission for their student to use cellular or satellite telephones if the parent has requested such use in writing to the school principal and has provided a physician's statement that provisions for immediate medical needs are necessary. If such permission is granted by the principal at the principal's discretion, the cellular telephone will be placed on "vibrate" so not to disturb other students. Misuse of the cellular telephone under these circumstances will subject the student to disciplinary actions, as determined by the principal.

STUDENT DETENTION, SEARCH, AND SEIZURE (School Board Policy 7.204).

Any member of the instructional or administrative staff may temporarily detain and question a student when there is reasonable suspicion that the student has committed, is committing, or is about to commit a violation of law or School Board policy. No student shall be temporarily detained longer than is reasonably necessary. Such temporary detention shall not extend beyond the place where it was first effected, or the immediate vicinity thereof. Searches should be conducted discreetly and with an eye toward causing the least amount of embarrassment to the student as possible.

If reasonable suspicion exists, including proper identification by a drug detection dog and its trainer, that a student is concealing or has concealed stolen, prohibited, or illegally possessed substances or objects (contraband) on his/her person, within his/her locker or other storage place, or vehicle owned or operated by the student, then the principal or a school employee designated by the principal may search the student, his/her locker or other storage space, or his/her vehicle owned or operated by the student. Student searches and questioning should be conducted and witnessed by school officials of the same gender as the student.

If the search reveals prohibited, or illegally possessed substances or objects (contraband), such property shall be seized and, when appropriate, turned over to law enforcement authorities.

Any prohibited, illegally possessed substances or other contraband found to be in the possession of students shall be confiscated by the principal and turned over to appropriate law enforcement personnel.

Each principal shall place a sign within the school, in a place readily seen by students, which shall contain the following text:

Notice to Students

"Student lockers, other student storage spaces provided by the school system, and student vehicles are subject to search by school authorities at any time, upon reasonable suspicion, for prohibited or illegally possessed substances or objects."

BULLYING, HARASSMENT, CYBERSTALKING, OR TEEN DATING VIOLENCE AND ABUSE (School Board Policy 7.207)

It is the policy of the School Board of Bay County, Florida (the "District" or "School Board") that all of its students and school employees have an educational setting that is safe, secure, and free from harassment, bullying, and dating violence and abuse of any kind. The District will not tolerate bullying, harassment, or teen dating violence and abuse of any type. Conduct that constitutes bullying, harassment, or teen dating violence and abuse as defined herein, is prohibited, including discrimination on the basis of race, color, national origin, sex and disability. The full policy (7.207) is found in Chapter 7 of the School Board Policy, available at your child's school or www.bay.k12.fl.us.