

BEN H. WORTHAM  
SUPERINTENDENT OF SCHOOLS

## SCHOOL DISTRICT OF CLAY COUNTY

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August 2009

Dear Parents:

Safety, discipline, and civility have always been very important aspects of our schools. Order and respect have proven to be prerequisites for an effective, successful school district. Discipline should be firm, fair, and reasonable. Parents and school personnel continually strive to work together to ensure safety in Clay County schools. By improving safety and the sense of civility in our schools, students become more engaged and learning is enhanced.

Florida Statutes currently encourage all districts to support a student crime watch program to promote responsibility among students and to assist in the control of criminal behavior within the schools. Clay County has a joint agreement with the Sheriff's Department, police departments, and the local Juvenile Justice Department. Our efforts include prevention programs with our students and community. Sample programs include: Foundations which guides schools through the process of designing a positive and proactive school-wide discipline plan; collaboration with Clay Action Coalition to address substance abuse prevention among our youth; Too Good for Drugs and Violence Prevention Education; and Bullying Prevention Programs. Most important of all, students in our schools have a responsibility to report crimes, dangerous or potentially dangerous situations to their teacher, administrator, or trusted adult to assist them in notifying the proper authorities. We also have an established toll-free **SCHOOL SAFETY HOTLINE (1-877-723-2728)** for students to call and remain anonymous.(F.S.1006.141)

This Code of Student Conduct has been approved by the Clay County School Board. It is an important document and I do hope you will read and study it carefully. **Talk with your children about the Code of Student Conduct. Make sure they understand its contents. Contact your principal for explanations if needed. Please sign the acknowledgement page at the back of this document and have your child return it to his/her teacher.**

Keeping our school system the best and safest school experience our children can have is a top priority. Your continued cooperation is greatly appreciated and is an integral part of maintaining safe and disciplined schools. Together, we have made a difference and will continue to do so!

**THANK YOU TO ALL THE STUDENTS AND PARENTS WHO HELP ENFORCE THE CODE OF STUDENT CONDUCT.**

Sincerely,

Ben H. Wortham  
Superintendent of Schools

BHW/dw

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**Signature Form:**

**(Required) Parent/Student Acknowledgment Form**

**SCHOOL DISTRICT OF CLAY COUNTY  
CODE OF STUDENT CONDUCT  
2009-10**

**MISSION STATEMENT**

The Clay County School District, in partnership with the entire community, is dedicated to providing a quality education in a safe, inviting environment so that all students learn and become successful, responsible citizens.

**JURISDICTION OF THE SCHOOL BOARD**

The Code is in force twenty four (24) hours a day, seven (7) days a week on all school campuses/properties as well as such times and places, including, but not necessarily limited to, school sponsored events, field trips, athletic functions and other activities where school administrators have jurisdiction over students. All school regulations pertain to automobiles driven or parked on school property. With respect to student conduct while being transported on school buses, it should be understood that students are subject to denial of the privilege of riding a school bus for violation of appropriate standards, even if they are not otherwise denied educational participation.

**PHILOSOPHICAL BASIS**

Instruction should occur in an environment that is conducive to learning. Effective instruction requires good order and discipline which may be described as the absence of distractions, frictions, and disturbances which interfere with the effective functioning of the student, class, and school. It is also the presence of a friendly, yet businesslike, atmosphere in which students and school personnel work cooperatively toward mutually recognized and accepted goals.

As students progress in our public schools, it is reasonable to assume that an increase in age and maturity will result in the students assuming greater responsibility for their actions. It is recognized that differences in age and maturity require different types of disciplinary action; however, the procedures identified shall apply to all students in grades PreK-12.

To assist parents, administrators, and faculty in maintaining such an environment, the Code of Student Conduct will:

- Describe roles of the home, student, and school
- Describe student rights and responsibilities
- Identify informal and formal disciplinary actions
- Standardize disciplinary actions
- Identify classifications of violations and describe procedures for disciplinary action
- Be discussed at the beginning of every school year in student classes, School Advisory Councils and Parent & Teacher Associations in language understandable to those in attendance
- Be distributed to teachers, school personnel, students and parents/guardians at the beginning of each school year and all students will sign off when they have been in-serviced.

**ROLES OF THE HOME, STUDENT AND SCHOOL**

In order for effective instruction to occur, there must be a cooperative relationship between student, parent, and educator. This relationship may be described as follows:

**PARENTS OR GUARDIANS WHO:**

- assume major responsibility for their child's behavior
- maintain regular communication with the school and encourage their child to maintain acceptable behavior in their home, community, and school
- ensure that their child is in daily attendance and who promptly report and explain an absence to the school
- provide their child with the resources needed to complete class work
- assist their child in being well-groomed, neat and clean
- bring to the attention of the school authorities any problem or condition which affects their child or other children of the school community
- discuss report cards and work assignments with their child, maintain up-to-date home, work, emergency telephone numbers, and addresses at the school, including doctor and/or hospital preference

**STUDENTS WHO:**

- attend all classes daily and are on time
- are prepared to come to class with appropriate working materials

- are responsible for their own work
- are responsible for delivery of written communications to their parent/guardian
- are respectful to all individuals and property
- refrain from profane or inflammatory statements
- are well-groomed, neat, and clean
- abide by the rules and regulations set forth by the school and individual classroom teachers, while conducting themselves in a safe and responsible manner

#### SCHOOLS THAT:

- encourage the use of good guidance procedures
- maintain an atmosphere conducive to good behavior
- exhibit an attitude of respect for students
- plan a flexible curriculum to meet the needs of all students
- promote effective training or discipline based upon fair and impartial treatment of all students
- develop a good working relationship among staff, students, and appropriate community agencies
- encourage the school staff, parents and student to use the service of community agencies
- encourage parents to keep in regular communication with the school and participate in its affairs
- seek to involve students in the development of policy
- inform all employees of their requirement to report to law enforcement felony offenses and violent misdemeanors or delinquent acts which would be a felony offense if committed by an adult on or near school property.



## STUDENT RIGHTS AND RESPONSIBILITIES



#### STUDENTS SHALL HAVE:

The **right** to attend school and a chance to get a good education. It is the **responsibility** of the students to come to school and be in classes every day. Reasons for absences should be reported as soon as possible. Students are required to give a written note for absences from parents or guardian.

The **right** to be told of all school rules and the consequences of breaking those rules. It is the **responsibility** of the students to know and follow all school rules and to accept the consequences of their behavior. The students should understand the student handbook.

The **right** to have all steps of discipline followed fairly. It is the **responsibility** of the students to work with all school members in cases involving discipline. Students should follow the steps of appeals and accept final decisions and punishment.

The **right** to get an education using books and materials at the level that will give the students success. It is the **responsibility** of the students to participate in the classroom and to complete classwork and homework to the best of their ability.

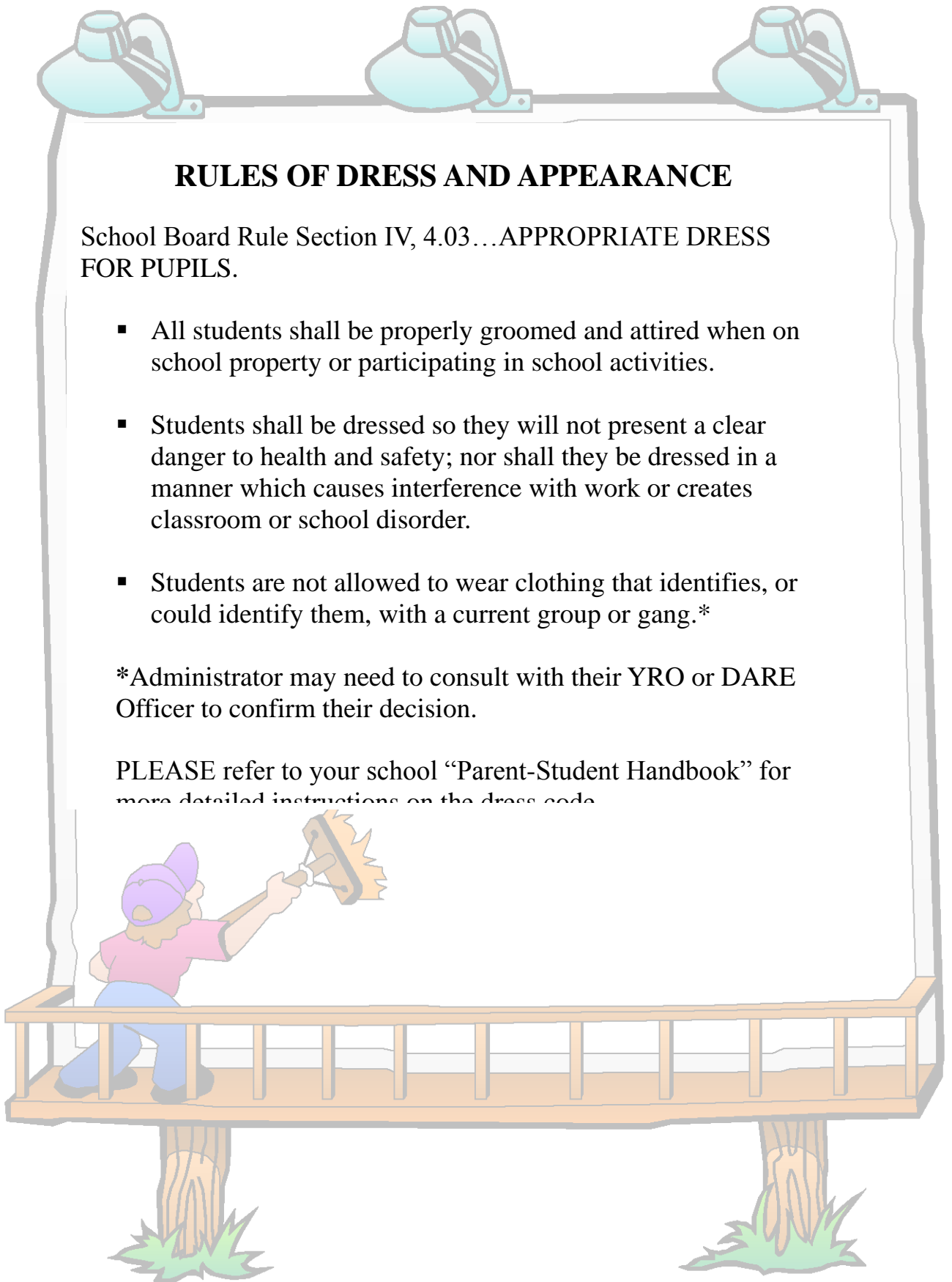
The **right** to know ahead of time how a grade will be earned. It is the **responsibility** of the students to understand how the teacher will grade.

The **right** to use the school grounds and materials. It is the **responsibility** of the students to show respect for school grounds and materials by using them correctly.

The **right** to get personal counseling and counseling concerning grades. It is the **responsibility** of the students to go for personal counseling or counseling concerning grades.

The **right** to be respected by other students, school staff, school volunteers and visitors. It is the **responsibility** of the students to show respect to other students, school staff, authorized volunteers and visitors.

The **right** to take part in student activities and clubs which are permitted. Students must not be kept out of activities because of gender (except as allowed under Title IX), color, race, religion, or nationality. It is the **responsibility** of the students to follow the rules of student activities and clubs. The students should cooperate and show school spirit.



## **RULES OF DRESS AND APPEARANCE**

School Board Rule Section IV, 4.03...APPROPRIATE DRESS FOR PUPILS.

- All students shall be properly groomed and attired when on school property or participating in school activities.
- Students shall be dressed so they will not present a clear danger to health and safety; nor shall they be dressed in a manner which causes interference with work or creates classroom or school disorder.
- Students are not allowed to wear clothing that identifies, or could identify them, with a current group or gang.\*

\*Administrator may need to consult with their YRO or DARE Officer to confirm their decision.

PLEASE refer to your school "Parent-Student Handbook" for more detailed instructions on the dress code.

## **Standards of Conduct for Students Transported by School Bus**

From: Ben H. Wortham, Superintendent of Schools

Robert Veres, Director of Transportation

The Clay County School System has jurisdiction over students who are on the school bus or at the school bus stop when the bus is present at the bus stop. [F.S. 1006.10 (3)] Therefore it is the parent's responsibility to take any action with local law enforcement to correct a problem during the time students are waiting at the bus stop or when students are enroute to or from the school bus stop. In order to guarantee your child and other children who ride buses the safe and efficient transportation they deserve, the following has been established.

**Our Philosophy:** We believe that all pupils can behave appropriately and safely while riding the school bus. We will not tolerate behavior that is disruptive to the driver or which inhibits or interferes with the safe operation of the bus.



### **The Following Rules Must be Observed on the Bus:**

- Obey the driver's directions the first time they are given.
- No loud talking, shouting, singing, swearing, hitting, rude or obscene gestures or language is permitted.
- Keep all parts of the body (head, arms, etc.) and all objects inside the bus and out of the aisle.
- Keep your hands and feet to yourself.
- Remain seated while the bus is in motion, facing the front of the bus.
- No eating, drinking, chewing of gum, or use of any tobacco products is permitted.
- Absolute silence is necessary at railroad crossing.
- Noise makers (Ex. Alarm bracelets, air horns, pagers, radios, etc.) are not allowed on the bus.
- Pagers or cell phones must not be visible and shall be turned off.
- Large objects that cannot be kept on the student's lap are prohibited.
- Glass containers, balloons, live animals, and skateboards are prohibited.
- All school rules of conduct apply while students are on the bus.
- All students are to ride, only their assigned bus and board and exit the bus at their assigned stop location.  
*Exception is on an emergency basis – if there is room on the bus and student obtains written permission on the school's permission form!*

### **Consequences for students violating bus rules will be as follows:**

First Incident: Driver will give pupil a verbal warning.

Second Incident: Driver will record the pupil's name and have a conference with pupil on the bus.

Third Incident: Driver will assign the pupil to a seat in the front of the bus until the behavior changes.

Fourth Incident: Driver will write the pupil a report of misconduct and turn the pupil and the report over to the Principal or designee.

Severe Incident: If the offense is severe misconduct, the driver will proceed as if it were the fourth incident. Continued misconduct will result in additional reports of misconduct. This is a Level II violation of the Student Code of Conduct.

Penalty: The school Principal, or designee, has the authority to suspend the pupil from riding the bus for up to ten (10) days. If serious misconduct continues, bus riding privileges can be denied for the entire school term, when necessary.

These rules and their consequences will be discussed with your child by school personnel and by the bus driver. Please discuss this with your child and be sure that it is understood. Thank you in advance for your support of our program.

# Parent / Guardian Responsibilities

## ATTENDANCE

Florida Statute 1003.21 states that students who are six on or before February 1<sup>st</sup> must attend school every school day of the 180-day school year until their sixteenth birthday. Florida Statute 1003.24 establishes that the parent/legal guardian of a child of compulsory age is responsible for the child's daily school attendance. School staff, parents, students, and appropriate state agencies are expected to work together to ensure that all applicable school attendance laws are obeyed, including, but not limited to, referral to the state designated agency for possible court action for truancy. Regular attendance by students will facilitate the development of the skills and knowledge necessary to function in a modern democratic society.

\*School Board Rule Section IV 4.01, F. 1: Absence by a student for twenty (20) or more days during the school year shall create a strong presumption that the student has failed those subjects or courses in which he is enrolled during that period. For semester courses, ten (10) days shall apply; for individual grading periods, five (5) days shall apply. Such presumption may be overcome by effort or performance which satisfies the teacher(s) involved, that such student should receive other than a failing grade. A review committee representing the administration, the instructional staff, and guidance, appointed by the principal, will review each such case individually and will make recommendations. Individual teacher(s) shall give strong consideration to the recommendation of the review committee in determining the effort or performance of the student.

## ABSENCES

Absenteeism, excused or unexcused, regardless of the reason, negatively affects the continuity of the learning process. **Truancy** is absence from school without the parent or guardian's knowledge or consent. In some instances a student may be considered truant because of parent or guardian's negligence. Students with five (5) or more unexcused absences in a calendar month or ten (10) or more unexcused absences within a 90 calendar day period must be referred to the School's Attendance Team and school staff must meet with the parent/guardian. If the attendance problem continues, the Attendance Team will recommend appropriate interventions. Legal court action may be taken against a student who is classified as a habitual truant (F.S. 1003.26)

### Excused/Unexcused absences per School Board Policy 4.01 (D)

1. An absence from school under the following circumstances shall be considered excused:
  - a. With permission – The absence was with the knowledge and consent of the principal of the school, which the student attends.
  - b. Sickness, injury, or other insurmountable condition – Attendance was impracticable or inadvisable on account of sickness or injury, or was impracticable because of some other stated insurmountable condition.
  - c. Financial inability to provide necessary clothes for the student when reported by the parent in writing to the Superintendent and validated by the Superintendent (FS 1003.24(3))
  - d. Absence for religious instruction or holidays – A student with the written consent of his or her parent/guardian shall be excused from attendance in school on a particular day or days, or at a particular time of day, and shall be excused from any examination, study or work assignment at such time to participate in religious instruction, for observance of a religious holiday or because tenets of his or her religion forbid secular activity at such time. The principal shall reserve the right to refuse a student's request for released time, if according to the provisions of the district's student progression plan:
    - 1) The student is not enrolled in sufficient courses to allow for the student's promotion or graduation, and thus the released time would not be equivalent to an optional period.
    - 2) The student's grades/academic progress is insufficient to allow for the student's promotion or graduation.
  - e. Absences due to head lice will be excused, up to 2 days per incident and for a total of 10 days per school year. After a student has accumulated 10 excused absences due to head lice during a school year, further absences due to head lice will be considered unexcused. Unusual circumstances may be addressed by the principal to go beyond these 10 days for excused absences.

2. It is the responsibility of the parent/guardian to provide a written statement to the school explaining the absence within three (3) school days following the return of the student to school.
3. If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than 5 days per grading period/ 10 days per semester/ 20 days per year. The principal of the school shall determine when it is necessary to require a physician's statement from the student's medical provider and require the parent/guardian to provide a copy to their child's school within a reasonable period of time as determined by the principal or designee.
4. An absence from school under the following circumstances may be considered unexcused.
  - a. The absence was without the parent/guardian's knowledge, consent or connivance.
  - b. Permission for the absence was requested but denied by the principal of the student's school.
  - c. No written statement of the absence from the parent/guardian has been received by the school explaining the reason for the absence within three (3) school days following the return of the student to schools.
5. The principal has administrative discretion in cases of excessive absences to reject a written note and consider the absence as unexcused when absences are seriously impacting academic progress, with the exception of sickness, injury or insurmountable conditions.
6. Accumulated unexcused tardy and early departure time equivalent to one full school day may be counted as one unexcused absence in the total number of unexcused absences required for possible legal action.



**NOTE:**



Tardies are disruptive to the learning environment and have a negative impact on student achievement.

If you move during the school year or the school has a wrong address, you must notify the school.

**Health Requirements for School Attendance**

**Communicable Disease**

Students having or suspected of having a communicable disease or infestation which can be transmitted to others are to be excluded from school and not allowed to return unless they have been successfully treated and/or present a note from a physician indicating that they are no longer contagious.



**Immunizations**

A Certificate of Immunization (DH 680) indicating compliance with the current required schedule of immunizations must be presented prior to enrollment in school. **A physical exam (performed within 1 year prior to initial enrollment in Florida public or private schools) is required** for all students new to the district. (FS 1003.22)

**Health Services/Screenings**

At the beginning of each school year, the Clay County Schools and the Clay County Health Department are required, by law, (F.S. 381.0056) to inform parents of the health screening program. This program is carried out to appraise, protect and promote the health of students through assisting in the early identification of health problems in the areas of hearing, vision, growth & development, dental, mental health, and scoliosis. These screenings are limited to procedures that do not penetrate the skin or any body orifice (i.e., any invasive screening requires written parent permission). Written requests for exemption for these services should be made to your local school within fifteen (15) days of registration.

**Procedures for the prevention of pediculosis (headlice)**

Head lice (Pediculosis capitis) continues to be a problem in all communities. Lice are highly communicable and difficult to prevent, but if every parent will take the responsibility to check the entire family weekly, these parasites can be controlled. The following information should be helpful in identifying head lice infestation:



- The actual louse is small and difficult to see.
- The nits (eggs) are tiny, yellowish-white oval specks attached to the hair shafts. They may resemble dandruff, but will not wash off or blow away.
- The primary symptom of infestation is itching that occurs when lice bite. (Children seen scratching their head frequently, should be examined at once.)
- Prevention guidelines include: students not using other students' combs, brushes, hats, or clothing.



Your school, the Clay County Health Department (529-2800 ext.2869) or your private medical doctor can provide more extensive information on treatment. Parental cooperation will help protect all children. The Clay County Health Department recommends the student to be free of nits (eggs) prior to re-entry into school after treatment. The Clay County School Board has adopted this recommended “no-nit” policy. Elementary school parents are required to accompany their students to school on the first day of entry after treatment.

All children should be back to school within two 2 days if treated properly. Habitual absentee cases may be referred to the community health nurse and the school attendance assistant/social worker. If the parent(s)/guardian(s) fail to comply with proper head lice treatment, they may be referred to the state attorney’s office for violation of compulsory school attendance law. (REF.F.S.1003.26)

### **Parent(s)/Guardian Responsibilities**

It is the responsibility of the parent(s)/guardian to notify the school of any health condition of their student(s) which may require medication, treatment, or monitoring at school or on school-sponsored trips or activities.

It is the responsibility of the parent(s)/guardian to submit a properly executed “Authorization for Medication/Treatment” form (MIS 12470) to school administration if their student requires medication (including over the counter) or treatment to be given during the school day. Parents will be responsible for delivery and retrieval of medications to the school nurse/health designee. No medications are to be transported via the school bus system. All medications to be administered by school personnel shall be received and stored in the ORIGINAL container.

It is the responsibility of the parent(s)/guardian to notify the school immediately of any chronic or acute medical conditions your child may have and of any necessity for your child to be allowed to self medicate during the school day.

### **BOOKS AND CURRICULUM MATERIALS**

The degree of curriculum involvement is a function of age, grade, maturity, and sophistication on one hand and the level and complexities of courses on the other. Student opinion regarding curriculum offerings is extremely important and therefore deserves careful analysis and consideration.



Florida Statutes 1006.42(1)...Each Parent of a student to whom or for whom instructional materials have been issued, is liable for any loss or destruction of, or unnecessary damage to, the instructional materials or for failure of the student to return the instructional materials...and shall pay for such loss, destruction, or unnecessary damage as provided by law.

### **COUNSELING**

Personal concerns of students can seriously limit their educational development. Schools have the responsibility to provide a counseling program and to make relevant and objective information available to students.

### **FREE SPEECH/EXPRESSION**

Citizens in our democracy are guaranteed self-expression under the 1<sup>st</sup> and 4<sup>th</sup> Amendments of the United States Constitution; therefore, in a democratic society, one of the basic purposes of education is to prepare students for responsible self-expression.

**NOTE:**



#### **Abuse Reporting: It’s the Law!**

Under Florida Statute 1006.061(1), all employees and agents of the district school board have a duty to report all actual or suspected cases of child abuse, abandonment, or neglect. Those making reports in good faith are immune from liability.

**CALL 1-800-96ABUSE (1-800-962-2873)**

## GRADES

Grades at best are but an indication of the student's knowledge at any particular point in time. An academic grade should reflect the teacher's most objective assessment of the student's academic achievement.



## HOMELESS EDUCATION

Homeless students are entitled to the educational protections of the McKinney-Vento Act. The Act defines homeless children as “individuals who lack a fixed, regular, and adequate nighttime residence.”

Homeless Definition:

- Living with a friend, relative or someone else because they have lost their home or cannot afford a home
- Staying in a motel or hotel
- Living in an emergency or transitional shelter, domestic violence shelter; or awaiting foster care placement
- Living in a car, park, or public place
- Living in a campground or substandard housing
- Living in a runaway or homeless youth shelter

If your family meets one of the above listed criteria your child is entitled to:

- “Free and appropriate education” (Your child does not need a permanent address in order to attend school. School enrollment can begin on a temporary basis while the Homeless Education Program School Social Workers assist in obtaining documentation such as birth certificates, immunization or school records)
- Free school meals
- Attendance and transportation to the school or origin when feasible
- To have a standard procedure for the resolution of grievances

## STUDENT ACTIVITIES

Organized clubs and activities are characteristic of student life from the elementary school through college, and are characteristic of adult life as well. All members of the school community share the responsibility for organizing and supporting clubs and activities that meet student needs and serve definite and worthwhile purposes.

**To remain eligible to participate in interscholastic extracurricular student activities, a student must maintain satisfactory conduct and, if a student is convicted of, or is found to have committed a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation in interscholastic extracurricular activities is contingent upon local administrative policy.**

**NOTE:  
Youth  
Gang  
Activity**



Students are not allowed to form, or participate in, groups which threaten, frighten or harm other students. These groups which may be called gangs, usually have common names, wear certain common colors, jewelry, signs or clothing. Students are not allowed to ask other students to join such a group. If someone asks you to join a group such as this, tell your teacher or another adult.

## PRIVACY AND PROPERTY RIGHTS

Federal and State laws provide persons with reasonable expectation of privacy in addition to freedom from unreasonable search and seizure of property. Such guarantees are not unlimited and must be balanced by the school's responsibility to protect the health, safety, and welfare of all students (4<sup>th</sup> Amendment of the United States Constitution).

**NOTE:** School officials may conduct a warrantless search of a student's locker, vehicle, or any storage area on school property if such officials have reason to believe that illegal, prohibited, or harmful items may be concealed.



**NOTE:** Bicycle riders under the age of 16 must wear properly fitted, safety-related helmets when riding a bicycle. Law enforcement officers may issue traffic citation and assess fines to riders who do not comply.

## STUDENT DISCIPLINE

### **Preventive / Informal Disciplinary Actions**

A major consideration in the application of the Code is that the most appropriate disciplinary action taken by school personnel is the least extreme measure that can resolve the discipline problem. Teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school.

- Teachers will establish classroom rules of conduct.
- Teachers and Principals will establish and implement consequences, designed to change behavior, for infractions of classroom rules.
- Methods may include:
  - monitoring student behavior through short-term progress reports and other strategies
  - conferences and/or contracts between administrators, parents, teachers, and students
  - referrals to Child Study Team, Core Team, or Student Services (i.e., group or individual counseling with a guidance counselor, psychological evaluation, direction to appropriate agencies for specific problems; and student curriculum adjustment)

### **Teacher Authority to Remove a Student from Class**

Florida Statute 1006.09(1)(a) and the rules of the School District of Clay County give teachers and other school staff, who have control and discipline of students assigned to them by the principal or the principal's designee, the authority to remove:

- Disobedient,
- Disrespectful,
- Violent,
- Abusive,
- Uncontrollable or disruptive students from the classroom and other places in which he/she is assigned to be in charge of students.

A teacher may remove from class a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the students' classmates to learn.

### **Formal Disciplinary Actions**

When formal disciplinary action is required, the parent should be informed by phone, written notice sent home with the student, or placed in the U. S. Mail. Registered letters will be used for all suspension or expulsion recommendations. (Sent by regular mail if parents or legal guardian contacted by phone.)

It is the responsibility of the student to notify his or her parent(s) or guardian of all written communications from the school. Failure to do so may result in further disciplinary action.

### **DETENTION**

After parents/guardians are notified, students may be detained after school hours for reasons of poor conduct or failure to complete required schoolwork. Students may not be detained in excess of one (1) hour. It is the responsibility of the parents/guardians to provide transportation if a student is required to stay after regular school hours. (School Board Policy, Sect. IV.4.04 D)

### **SCHOOL CHORES**

The student may be required to participate in properly supervised activities relating to the upkeep and maintenance of school facilities.

### **DISCIPLINARY PROBATION**

Any student involved in a violation of the Code of Conduct may be placed on probation. The student on disciplinary probation may be denied participation in extracurricular activities, and may be assigned to report frequently to a specified staff member who will assist in monitoring the student's adjustment to the school situation during the probationary period.

It is the responsibility of the parent to provide transportation if the student is required to stay after regular school hours. (School Board Policy, Sect. IV, 4.04 D)

### **CORPORAL PUNISHMENT**

Each principal shall prepare guidelines if corporal punishment is used as a disciplinary consequence in their school.

Prior to corporal punishment - students shall be advised why they are being paddled and be provided with the opportunity to present their side of the story prior to the administration of corporal punishment. Such punishment shall be

administered under conditions not calculated to hold them up to ridicule or shame and shall be administered in the presence of another adult who is informed beforehand and in the presence of the student the reason for the punishment.

Upon written request, the school will provide the student's parent(s) or guardian with a written explanation of the reason for the punishment and the name of the adult witness. A parent or guardian may make a written request that a student be exempted from corporal punishment and that an alternative punishment be used.

#### **SUSPENSION OF BUS PRIVILEGES**

School bus suspension is the denial of the privilege of riding a school bus, based on misconduct occurring while the student is being transported at public expense. State Board Rule 6A-3.01 7(3)(c), requires the School Board to take action on a suspension which exceeds ten (10) days.

#### **ALTERNATIVE EDUCATION / IN-SCHOOL SUSPENSION**

A school may elect to remove a student from regular classes and assign him/her to an alternative education or in-school suspension program. Each school specifies those types of conduct for which alternative education or in-school suspension programs may be used. Due to limitations of facilities and supervision, alternative education or in-school suspension programs may not be offered in all schools.

#### **REMOVAL OF STUDENT FROM THE EDUCATIONAL SCHOOL SETTING**

In order to maintain effective learning conditions, the Code also recognizes that it may be necessary to remove a student from the educational school setting for varying periods of time for reasons of persistent disobedience and/or gross misconduct. If a student is removed from the educational school setting (out-of-school suspension), every effort will be exerted to determine and resolve the causes of the problem so that the student might return to school.

#### **EXPULSION**

Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the school board, and for a period of time not to exceed the remainder of the term or school year and one (1) additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

#### **BANNERMAN LEARNING CENTER**

The principal may, at his/her discretion, suspend a student and recommend his/her expulsion or Superintendent's assignment to the Bannerman Learning Center. Bannerman Learning Center is an Alternative Education Program in a location other than the home school. Should the parent(s), guardian, or adult student be offered this opportunity and decline it, the principal may recommend expulsion and immediately send appropriate documentation to the Superintendent.

## **ZERO TOLERANCE POLICY ON SCHOOL VIOLENCE AND REPORTING OF CRIMES AND/OR DISRUPTIVE BEHAVIOR**

Florida Statute 1006.13 mandates that “each district school board shall adopt a policy of **zero tolerance** for crime and substance abuse...and victimization of students...” whenever and wherever students are under the jurisdiction of the district school board. That law further requires that expulsion be recommended for any student at school or at a school related function with a firearm or weapon, as defined in Chapter 790 or any student making a threat or false report as defined by state statutes 790.162 and 790.163. In fulfilling this statutory requirement, we have incorporated the specified legal definitions into the language of the Code of Conduct. Regardless of language to the contrary in federal or Florida Law, possession of a firearm, electric weapon or destructive device on the property of any school, school bus, or school bus stop is prohibited. This prohibition includes firearms in motor vehicles parked in parking lots, or anywhere on any school property.

It is important that all students and parents understand that certain criminal and/or disruptive behavior **must** be reported to appropriate law enforcement authorities. A referral to the criminal justice or juvenile delinquency system must be made on all violent acts noted below and weapon charges as defined in the Gun Free School Act of 1994 & F.S.790.115. The acts shall receive the most severe consequences provided for by School Board policy.

All of these policies have been enacted to ensure that your child is safe and has every opportunity to benefit from instruction.

The following incidents will be reported and may result in criminal prosecution. If the offense involves a victim, the school shall notify the victim and parents, if a minor, of the offense and the victim’s right to press charges against the offender. The School District of Clay County will take all steps necessary to protect the victim of any violent crime from any further victimization. Florida law prohibits any student that commits any of the felony offenses specified by s. 1006.13(5)(b) F.S., against another student from attending school with, or riding the same school bus as, the victim or any sibling of the victim. All school personnel will be made aware of the Student Victimization and Zero Tolerance Rule 6A ER 94-3 FAC.

**XX Offenses that fall under Zero Tolerance Rule receive the most severe consequences provided for by School Board Policy.**

### **Capital Crimes**

- **XX** Homicides (murder, manslaughter)
- **XX** Sexual Battery (forcible sex offenses)
- **XX** First degree arson
- **XX** Kidnapping or abduction

### **Assault/Battery**

- A group of students ganging up on another student and assaulting him on school property.
- **XX** Any person who commits a felony violation relating to assault, battery, and culpable negligence involving serious injury to school personnel or students on school property including school bus.
- **XX** Battery or aggravated battery on a school personnel
- **XX** Any person offering or attempting bodily harm with the use of a weapon or any instrument capable of inflicting serious injury (aggravated assault) on school property.
- **XX** Any person making a threat or false report (as defined by F.S. 790.162 and 790.163) involving school or school personnel’s property, school transportation, or a school sponsored activity .
- **XX** Intentional false accusation against school personnel. (F.S. 1006.09(1)(c))

### **Possession of Weapons** (See Gun Free School Act Definition & F.S. 790.115)

- **XX** Possession, use, or sale of a firearm, knife, razor blade, box cutter, or any other item which can be used as a weapon on school property or in attendance at a school function including firearms kept in motor vehicles on school property.

### **Robbery**

- **XX** Armed robbery or felony related to car-jacking
- Verified incidents or reasonable suspicion to believe that students or non-students are taking or attempting to take money or property from other students or staff by force on school property

### **Theft**

- Any person involved in the theft of school property, stealing or attempting to steal money or property from students or school personnel.

### **Victimization**

- **XX** Whenever any person who is attending public school and is adjudicated guilty, delinquent, or has adjudication withheld for a felony violation of: homicide; assault; battery; culpable negligence; kidnapping; false imprisonment; luring or enticing a child and custody offenses; sexual battery; lewdness and indecent exposure; child abuse; robbery; robbery by sudden snatching; car jacking; home-invasion robbery; the Department of Juvenile Justice shall notify the appropriate district school board of the adjudication or plea and whether the offender is prohibited from attending the same school or riding the same school bus as the victim or the victim's siblings **unless** the court allows otherwise pursuant to a written disposition order. (Florida Statute 1006.13(5)(a)(b))

### **Property Damage**

- Any person who willfully damages or attempts to damage school property, the property of students or school personnel while on school property.
- Any person involved in the willful or malicious burning or destruction of the school, contents of the building or personal property of another on school property.

### **Offenses Against Intellectual Property** - Florida Statutes provide that:

- Whoever willfully, knowingly, and without authorization modifies data, programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.
- Whoever willfully, knowingly, and without authorization destroys data, programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.
- Whoever willfully, knowingly, and without authorization discloses or takes data, programs, or supporting documentation which is a trade secret as defined in s. 812.081 or is confidential as provided by law residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.
- Except as otherwise provided in this subsection, an offense against intellectual property is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- If the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- Violations of other computer guidelines may be a Level IV offense.

### **Disruption of school life**

- **XX** Any person who makes a bomb threat or who falsely reports to school personnel the placing or planting of a bomb, dynamite, or other deadly explosive on school premises is automatically recommended for expulsion for not less than one (1) full year. [F.S. 1006.13(2)(b)]
- Any person who knowingly advises, counsels, or instructs any student or school employee to disrupt any school function or classroom; knowingly interferes with the attendance of any student or employee in a school or classroom; conspires to riot, or engages in any disruption or disturbance which interferes with the education process.

### **Drugs, Alcohol, and Tobacco**

- Any person involved in the use, possession, distribution, or sale of alcohol, tobacco or other drugs/controlled substances, whether on school property or at a school function, will not be tolerated.
- It is unlawful for any person under 18 years of age to knowingly possess any tobacco product. Any person under 18 years of age who violates the provisions of this subsection commits a noncriminal violation as provided in F.S. 569.11.

### **Other Serious Incidents**

- A fight or accident which results in apparent injury to one or more persons on school property.
- Any person who fights by appointment or challenges another to a duel with a dangerous weapon on school property.
- **XX** Any person involved in overt sexual acts including, but not limited to intercourse, sexual battery, attempted rape or rape, felony violation of lewd and indecent exposure, or abuse of children. These acts are expellable offenses and shall be processed as a referral for expulsion.
- **XX** Forming groups which threaten, frighten, or harm other students.
- Any person who produces or knowingly uses counterfeit money.
- Any person involved in the unlawful entry or attempted forcible entry of the school or personal property of students or school personnel while on school property.

**THE CLAY COUNTY SCHOOL BOARD MAY ASSIGN MORE SEVERE CONSEQUENCES THAN NORMAL WHEN THE OFFENDER APPEARS MOTIVATED BY HOSTILITY TOWARD THE VICTIM'S REAL OR PERCEIVED RACE, RELIGION, COLOR, SEXUAL ORIENTATION, ETHNICITY, ANCESTRY, NATIONAL ORIGIN, POLITICAL BELIEFS, MARITAL STATUS, AGE, SOCIAL AND FAMILY BACKGROUND, LINGUISTIC PREFERENCE, DISABILITY, OR WHEN THE OFFENSE IS DETERMINED TO BE GANG-RELATED.**

### **Wireless Communication Devices**

Possession/Use of Wireless Communication Devices: Level II (F.S.1006.07(2)(e); F.S.1001.32(2))

- Students may possess a wireless communication device while the student is on school property or in attendance at a school function for after-hours usage. The wireless communication device must be **powered off and kept in a location out of sight** upon arrival to school and throughout the entire school day or while on school transportation at any time. If the wireless communication device is "powered on", it will be interpreted as being in "use".
  - "Usage" of a wireless communication device on campus upon arrival to school or while on school transportation at any time will result in disciplinary action and may carry a consequence of up to 3 days OSS for the first offense.
  - Taking photographs or videos by any means whatsoever while on school property or while on school transportation is prohibited. The only exceptions to this prohibition are: 1) Taking photos for reproduction in a school sponsored publication. 2) Taking photos during a school sponsored social event, sporting event, awards ceremony or other school sponsored activity or function at which photography is allowed and the photographs are images of activities which are reasonably considered to be part of the activity or event. 3) Taking photographs with the permission of the school administration. Publication on any internet site of any photographs, videos or images taken in violation of the prohibitions listed above is strictly prohibited, will be deemed disruptive to the order of the school and will be sufficient reason to impose disciplinary measures which may include, but not be limited to, in- school suspension, out of school suspension and recommendation for expulsion.
  - Please refer to your local school handbook for school policy within these guidelines.
- Criminal penalties may result if a wireless communication device is used in a criminal act. (F.S.934.215)

### **GUN FREE SCHOOL ACT OF 1994 & FLORIDA STATUTES 790.115**

The following are prohibited on any school property (including parking areas), school bus, school bus stop, and school sponsored event:

- Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

- The frame or receiver of any weapon described above;
- Any firearm muffler or firearm silencer;
- Any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device
- Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter;
- Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.
- Any Firearm
- Any weapon as defined in Florida Statute 790.00 (13)

**F.S. 790.115(1) Possession or discharging of weapons or firearms:** Exhibition of any sword, sword electric weapon or device, destructive device, or other weapon as defined in F.S.790.001(13), including a razor blade, box cutter, knife, or common pocketknife except as authorized in support of school sanctioned activities, in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense, at a school-sponsored event or on the grounds or facilities of any school, or on a school bus, or school bus stop when the bus is present at the bus stop (F.S. 1006.10(3)), or within 1,000 feet of the property that comprises a public or private school during school hours or during the time of a sanctioned school activity, commits a felony of the third degree.



**Student Crime Watch Programs**

To ensure that you continue to enjoy a safe school environment ...we all need to do our part.

A toll-free hotline has been established for anonymously reporting crimes, dangerous, or potentially dangerous situations or criminal activity.

**The Clay County School Safety Hotline is 1-877-723-2728.**

**PROCEDURES RELATING TO DISCIPLINARY ACTIONS**

**Procedures for Firearms violations, Weapons (Per F.S. 790.115(1), Assault, and other Major Offenses**

- Any student who is determined to have brought a firearm or weapon (as defined in Chapter 790.115(1), F.S.) to school, onto any school ground (including parking areas), to any school function, or onto any school-sponsored transportation and for making threats or false reports (as defined in F.S. 790.162 and 790.163) is automatically recommended TO BE EXPELLED FOR NOT LESS THAN ONE (1) FULL YEAR.
- The Superintendent may consider the one year expulsion on a case by case basis and request the School Board to modify the requirement, including placement in Bannerman Learning Center, if in the best interest of the student and school system.



- Possession of an artificial firearm is an automatic suspension and/or possible expulsion recommendation to the Superintendent.

#### **Clay County School Board Policy 4.12(P) Use of Metal Detectors**

School officials or school employees designated by the principal may conduct metal detector checks of groups of individuals if the checks are done in a minimally intrusive, nondiscriminatory manner (e.g., on all students in a randomly selected class; on every third individual entering an athletic event). Metal detector checks of groups of individuals may not be used to single out a particular individual or category of individuals.

If a school official or a law enforcement officer has reasonable suspicion to believe that a particular student is in possession of an illegal or unauthorized metal container, object, or weapon he or she may conduct a metal detector check of the student's person and personal effects.

A student's failure to permit a metal detector check as provided in this policy will be considered grounds for disciplinary action, including suspension.

The Superintendent shall develop procedures for implementing this policy. (These procedures are found in the Administrative Procedures Handbook - # SD-SS04-011 under "Support Services".)

#### **Student Locker Search**

**School personnel may conduct** a search of a student's possessions, a student's locker, or any other storage area on school property or student vehicle without a warrant when school personnel have reasonable suspicion that illegal, prohibited, harmful items or substance, or stolen property may be concealed in such location. School personnel have the authority to search a student's possessions upon reasonable suspicion, if the student refuses to reveal the contents inside.

**School personnel are encouraged** to attempt to obtain consent from a student to search for illegal, prohibited, harmful items or substances, or stolen property, but may proceed with a search without a student's consent, upon reasonable suspicion of a prohibited or illegally-possessed substance or object.

**Principals are authorized** to utilize trained dogs to detect the presence of illegally possessed substances or objects in student lockers and in student automobiles parked on campus. This will be done in cooperation with the Sheriff's Department at the Principal's request.

Florida Statute 1006.09(9)

#### **Procedures for Drug and Alcohol Violations**

As per Florida Statute 1006.09(8): School personnel are **REQUIRED** to report to the principal or the principal's designee any suspected unlawful use, possession, or sale by a student of any controlled substance, as defined in s.893.02; any counterfeit controlled substance, as defined in s.831.31; any alcoholic beverage, as defined in s.561.01(4); or model glue. School personnel are exempt from civil liability when reporting in good faith to the proper school authority such as suspected unlawful use, possession, or sale by a student. Only a principal or principal's designee is authorized to contact a parent or legal guardian of a student regarding this situation.

#### **Violations may include:**

- Use, possession, under the influence of, or sale of alcohol or other controlled substance or alleged substance, including over-the-counter drugs.
- Endangering the health and safety of students by distribution or preparation of information, written or oral, while on school property for the purpose of soliciting, participation or attendance in parties or gatherings where it is known, represented or likely that statutorily prohibited chemical substances will be distributed or consumed.
- Criminal use of wireless communication device on campus. (Individual school administration will establish and publish guidelines for "authorized possession" of wireless communication devices while the student is on school property or in attendance at a school function within the guidelines of the district policy.)

#### **First Offense:**

- Notify police and parents
- Issue 10-day suspension notice and recommendation for expulsion (see ESE District procedures and guidelines for students referred or staffed into ESE).
- Notify Superintendent by sending paperwork and recommendations. Options to be used to reduce 10 day suspension and expulsion recommendation are made using STD-1-2424 if thorough investigation uncovers unusual circumstances.
- Limited to Unusual Circumstances: After Principal confers with Superintendent or his designees:
  - Secondary schools - may use Level III and IV options after Superintendent's approval to reduce the 10-day suspension and expulsion recommendation at the school level administrative hearing, conducted by the principal. Up to seven of the 10 days may be waived if student and parent agree to complete a family education program authorized by the principal.
  - Elementary schools - may use Level II through IV options to reduce the 10-day suspension and expulsion recommendation at the school level administrative hearing conducted by the principal. It will be the principal's decision on suspension days waived including, but not limited to, suspensions waived if parents and students agree to complete a family education program when available.

**Secondary or elementary options may include but are not limited to:**

- Family Education Program for secondary student's only (county substance abuse and violence program with parents' and students' participation).
- Approved counseling by outside agency (documentation of enrollment required within 4 weeks).
- Recommended Bannerman Learning Center placement including parents' and students' participation in the Family Education Program for secondary student's only.
- Other local and district administrative recommendations (after principal confers with Superintendent or County Office staff designee).

**Second and Subsequent Offenses**

- Suspend 10 days with recommendation for expulsion of student
- Send expulsion recommendation to the Superintendent
- The Student Hearing Officer may convene the District Discipline Review Committee to examine a situation or unusual circumstances and make the recommendation to the Superintendent.

**Recommendations to the Superintendent may include:**

- Expulsion recommendation reaffirmed
- Other actions deemed appropriate by the District Discipline Review Committee
- Bannerman Learning Center placement (secondary only)

**PROCEDURES FOR OUT-OF -SCHOOL SUSPENSION**

A school principal may suspend a student from school for up to ten school days from all classes of instruction on school grounds and all other school sponsored activities, except as authorized by the principal or principal's designee, for persistent disobedience and/or gross misconduct. Principals take this action when they have exhausted informal and other formal disciplinary strategies, or when they have at least considered those alternatives and rejected them as inappropriate in a given situation. Pursuant to Florida Statute 1006.09(1)(b), no student who is required by law to attend school shall be suspended for unexcused tardiness, or absences. Therefore, suspension is not an appropriate disciplinary action for Truancy as it relates to students who fall within the mandatory state attendance requirements.

- Prior to suspension, the student shall be advised why he/she is being suspended, be provided an opportunity to refute the charges, and be given an opportunity to submit to the administrator a list of names of other individuals who might have witnessed the incident.
- Written notice shall be sent to parent(s) or guardian regarding the reason disciplinary action was taken. Generally, a notice and conference should precede the student's suspension from school.
- If the immediate suspension of the student is justified because the student's presence endangers others or school property or would disrupt the orderly academic process, the necessary notice and conference, if requested, will follow as soon as practicable.

- During the out-of-school suspension, the student is placed in the custody of his/her parent or legal guardian.
- The school is required to provide homework assignments to the student to be completed by the student.

### **PROCEDURES FOR EXPULSION**

A school principal may request the Superintendent to recommend the expulsion of a student. Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the school board, and for a period of time not to exceed the remainder of the term or school year and one (1) additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

- Prior to expulsion, the student shall be advised why he/she has been recommended for expulsion, be provided with an opportunity to refute the charges, and be given the opportunity to submit to the administrator a list of names of other individuals who might have witnessed the incident.
- Should the principal make a recommendation to the Superintendent for expulsion, the parent and student or adult student has a right to a hearing with the principal.
- At that time, the parent or adult student may request to have any willing witnesses that they deem appropriate who were involved in the case be present.
- At the Principal's suspension hearing, the parent or adult student shall also be advised of the right to appeal and be advised of the appeal procedures to the District Discipline Review Committee.
- If the parent or adult student feels they have not been afforded a fair hearing at the school and district level, they have the right to request in writing a hearing before the School Board.
- In the event that a student who has been recommended to expulsion withdraws from enrollment in the Clay County School, the expulsion proceedings shall continue as though the student had not withdrawn. The Principal, Superintendent and School Board shall not delay action on an expulsion recommendation pending re-entry/re-registration of the student in Clay County District schools.

### **SUSPENSION PROCESS AND APPEAL OF A SUSPENSION**

- The principal is initially responsible for determining that a suspension offense has been committed.
- In investigating such incidents, the student will be given in writing the pending charges and an opportunity to admit or refute those charges.
- It should be noted that any statement that a student makes may be used, along with other documentation, to prove whether the student is guilty or not guilty of the offense(s) charged.
- The principal's conclusions should be based on documentation of the facts pertaining to the incident.
- The school principal, after reviewing the case with the parent or adult student, will either affirm the length of suspension as originally stated in the Suspension Letter, or reduce the length of suspension upon consideration of the results of the parental conference.
- Clay County Public Schools Suspension Review, STD-1-2424, or changes on the original suspension notice, shall be used for reducing the length of a suspension.
- The parent, or adult student, at the initial conference, should be advised of his/her right to appeal the action to the Superintendent through his designee (Director of Student Services).
- If the parent, guardian, or adult student feels that they were not afforded a fair hearing, or disagree with a result at the school, he/she shall appeal to the Superintendent's designee (Director of Student Services) in writing within 3 days.
- The Superintendent or designee may convene the District Discipline Review Committee. This committee may consist of one or more of the following administrators: The Clay County Student Hearing Officer; Director of Student Services or designee; Director of Instructional Programs or designee; Director of Exceptional Student Education or designee; Bannerman Learning Center Principal or designee; or other appropriate administrators.
- This committee shall hear any additional testimony that may be deemed necessary to aid the Superintendent's review.
- This Committee shall attempt to rectify any procedural errors. This policy shall not be interpreted as permitting the Committee to substitute their judgment for the judgment of the Principal.
- The Committee's recommendation will be presented to the Superintendent.
- Provisions shall be made for District School Board review of the case if such an appeal is made by the parent by phone to the county office or writing within 3 days of receiving the Superintendent's decision.

These hearings will be conducted pursuant to Florida Statutes 1006.07(1)(a) and 1006.08(1). Suspension hearings are exempted from provisions of Ch. 120 F.S. Expulsion hearings shall be governed by F.S. 120.57(2) and are exempt from F.S. 286.0111.

## **DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES**

The School District of Clay County is committed to providing all students with disabilities a free, appropriate public education. While this commitment includes all aspects of the disabled students learning experience, it in no way lessens the School Board's intention to maintain a safe, orderly environment for the entire student and staff population. Additionally, the School Board believes that the implementation of thoughtful, carefully constructed disciplinary procedures is a necessary component of student education.

Formal disciplinary actions described in the Clay County Code of Student Conduct may be used with students with disabilities when trained professionals have evidence that such strategies are appropriate to the student's conduct and contribute to his learning process. When necessary to ensure the overall safety, welfare, and/or order of the school environment, a student with disabilities may be subjected to short-term suspension with all alternative procedures and safeguards affirmed. More serious violations may result in a recommendation for expulsion and/or an administrative placement in an Alternative Exceptional Education setting.

Procedures which govern a change of setting generally follow these guidelines:

- Students with disabilities who have been determined to have committed certain Level III or Level IV violations of the Code of Student Conduct may be recommended for expulsion.
- A group of professionals trained to provide input regarding the student's disabling condition documents evidence that the on campus expellable event is not a manifestation of this condition. The group shall include, at least, the school psychologist, appropriate ESE (Exceptional Student Education) personnel, and administrative representation of the referring campus.
- This group shall convene with the parents of the student recommended for expulsion to generate an appropriate IEP (individual education plan) or 504 Plan.
- If it is determined that the offense is a manifestation of the disabling condition, the student may not be expelled, but may be provided services for a limited time in an alternative setting. The setting will be determined by an IEP or 504 Plan committee. Appropriate goal and objectives to address the inappropriate behavior will be generated and implemented in the resulting educational setting.
- In addition to the student's placement in an appropriate ESE Program or 504 Plan, there is documented evidence of the availability of necessary support services and concentrated alternatives. Further, a Functional Behavior Assessment/Behavior Intervention Plan (FBA/BIP FBAI Plan) is to be generated or reviewed and added to the IEP or 504 Plan.
- A district-wide discipline hearing may be held to consider the Principal's recommendations to the Superintendent.
- The recommendations will be based on the Statement of Manifestation and the determination of eligibility for expulsion.
- After a review of the following documentation by the ESE Director or Student Services staff, the Superintendent may notify the parents (*regarding*) the Clay County School Board hearing schedule and the rights accorded the student at the hearing:
  - Statement of Manifestation
  - Current IEP, including relevant matrix amendments, or 504 Plan
  - and LRE (least restrictive environment)
  - *FBA/BIP* FBAI Plan
- All Due Process Rights and Procedures are granted students with disabilities.
- Under no circumstances shall expulsion of a student with disabilities result in a complete cessation of educational services. Students will be provided an alternative setting in order to insure that the IEP or 504 Plan is continued.
- When a student commits multiple Level III offenses, recommendation of expulsion is an optional response. This response is not usually appropriate for the disabled student.
- If the recurring Level III violations persist even after implementing FBA/BIP for a reasonable period of time, recommendation for more restrictive placement can be considered.

**NOTE:** In reference to Section 504 students, the consequences for drug or alcohol use or possession by any student with a disability who currently is using alcohol or drugs are not different from non-disabled students. DUE PROCESS PROCEDURES DO NOT PROTECT SECTION 504 STUDENTS CURRENTLY USING DRUGS OR ALCOHOL.

**PROCEDURES FOR SUSPENSION FOR FELONY  
COMMITTED OUTSIDE THE CLAY COUNTY SCHOOL SYSTEM**

1. Section 1006.09(2), Florida Statutes, gives the principal the authority to suspend a student who is formally charged by a proper prosecuting attorney (not just arrested) with a felony which occurred on property other than public school property.
2. It must be shown that the incident has an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled.
3. Upon receiving proper notice that a student has been formally charged with a felony, the principal shall immediately notify the parent or guardian 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 Section 1006.09(2), Florida Statutes.
4. Such notice shall stipulate a date for 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 parent of the conditions under which a waiver of suspension may be granted, as prescribed in subsections (2)(a) and (2)(b) of Section 1006.09, Florida Statutes. Pending such hearing, the student may be temporarily suspended by the principal.
5. The hearing shall be conducted by the principal, or designee, and may be attended by the student, the parent, the student's representative or counsel, and any witnesses requested by the student or the principal.
6. The student may speak in his or her own defense, may present any evidence indicating his or her eligibility for waiver of disciplinary action, and may be questioned on his or her testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify.
7. In conducting the hearing, the principal or designee shall not be bound by rules of evidence or any other courtroom procedure, and no transcript of testimony shall be required.
8. Following the hearing, the principal shall provide the student and parent 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(a) and (b) of Section 1006.09(2), Florida Statutes, under which a waiver of suspension may be granted, and may grant such a waiver when he or 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.
9. Any student subject to felony suspension as a result of the possession or use of any controlled substance under chapter 893 of Florida Statutes may be entitled to a waiver of the discipline:
  - (a) If the pupil divulges information leading to the arrest and conviction of the person who supplied such controlled substance to him or her, or if the student voluntarily discloses his or her unlawful possession of such controlled substance prior to his or her arrest.
  - (b) If the pupil commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.
    - (1)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 the student shall be made only following a hearing conducted in accordance with this rule.
10. Suspension pursuant to this process shall not affect the delivery of educational services to the student and the student shall be enrolled in an alternative education program.
11. If the charges are dismissed, dropped, reduced to a misdemeanor, or if a court adjudicates the student not guilty of the felony, the suspension shall be terminated and the student shall be returned to his home school.
12. If the court determines that the student did commit the felony or delinquent act which would be a felony if committed by an adult, the principal may recommend that the student be expelled, provided that the expulsion shall not affect the delivery of educational services.
13. Students who are eligible for services under the IDEA and/or 504 are subject to those procedural requirements.

**Procedures for Assault and Battery to School Board Personnel**

**Violations may include:**

- Striking a school board employee
- Any person threatening or attempting bodily harm when the person being threatened feels that the threat is real and may be carried out.

**Procedures:**

- Notify police (staff presses charges to assure CCEA or CESPAs involvement)
- Notify parents
- Issue 10-day suspension notice to **all** students under this infraction with recommendation for expulsion (see ESE guidelines for students referred or staffed into ESE and the ten-day suspension must be addressed at the district-wide meeting).

- Notify Superintendent by sending paperwork and recommendations. Recommendations may include temporary placement in Bannerman Learning Center prior to School Board hearing
- The Superintendent or designee will convene the District Discipline Review Committee to investigate the violations. The Superintendent or designee will select the members of the committee, including members of the Clay County Education Association (CCEA) or Clay Educational Staff Professional Association Local 7409 (CESPA) when the injured staff member presses charges. If the school personnel (victim) press charges on the student, they should attend the district-wide meeting unless they choose not to.
- The student must attend this review meeting. (Unusual circumstances to prevent this should be processed as part of the discipline backup material.)
- The committee will present its findings to the Superintendent to be forwarded to the School Board.

### **Procedures Relating to Harassment**

**It is the policy** of the Clay County School District to maintain a learning environment that is free from harassment based on sex, race, color, sexual orientation, national origin, or disability as required by federal laws prohibiting discrimination by school districts receiving federal financial assistance.

**It shall be a violation** of District policy for any student, teacher, administrator, or other school personnel of this district to harass a student through conduct of a sexual nature, or regarding race, color, sexual orientation, national origin or disability as defined by this policy.

**It shall also be a violation** of District policy for any teacher, administrator, or other school personnel of this District to tolerate sexual harassment or harassment based on race, color, sexual orientation, national origin, or disability by a student, teacher, administrator, or other school personnel, or by any third parties who are participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities, under the auspices of the School District.

**For purposes of this policy**, harassment of a student consists of verbal, written, or physical conduct relating to an individual's sex, race, color, sexual orientation, national origin, or disability when the harassing conduct is sufficiently severe, persistent, pervasive, and objectively offensive so that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school.

### **Definitions of Harassment**

**Sexual harassment** consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or any other verbal or physical conduct or communication of a sexual nature. Sexual harassment can take two forms: 1) hostile environment and 2) "quid pro quo" which means "you do something for me and I'll do something for you" in a sexual context.

**Examples of sexual harassment may include:**

- sexual advances
- unnecessary touching, patting, grabbing, pinching, or brushing against the body of the same or opposite sex
- unwelcome physical behavior, verbal or written words or symbols directed at an individual's gender, clothing, body, or activities
- suggestive or obscene sounds or gestures
- sexual or dirty jokes
- touching oneself sexually or talking about one's sexual activity in front of others
- spreading rumors about or rating other students as to sexual activity or performance
- inappropriate physical exposure

**Harassment because of race, color, sexual orientation, or national origin consists of** verbal or physical conduct relating to an individual's race, color, sexual orientation, or national origin when the harassing conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment.

**Examples of conduct, which may constitute harassment because of race, color, sexual orientation, or national origin, include:**

- graffiti containing offensive language which refers to a person's race, color, sexual orientation, or national origin
- name calling, jokes, or rumors
- threatening or intimidating conduct directed at a person because of his/her race, color, sexual orientation, or national origin

- racial or ethnic slurs, negative stereotypes, and hostile acts based on another's race, color, sexual orientation, or national origin
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to, that person's race, color, sexual orientation, or national origin
- other kinds of aggressive conduct such as theft or damage to property which is motivated by race, color, sexual orientation, or national origin

**Harassment because of a disability consists of** verbal or physical conduct relating to an individual's physical or mental impairment when the harassing conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from services or opportunities in an educational program or activity, or creates an intimidating, threatening, or abusive educational environment.

**Examples of conduct, which may constitute harassment because of a disability include:**

- graffiti containing offensive language derogatory to a person because of their physical or mental disability
- threatening or intimidating conduct directed at another because of that person's physical or mental disability
- jokes, rumors, taunting, belittling, or name calling based on that person's physical or mental disability
- slurs, negative stereotypes, and hostile acts which are based upon an individual's physical or mental disability
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to, an individual's physical or mental disability
- other kinds of aggressive conduct such as theft or damage to property which is motivated by an individual's physical or mental disability

**Definition of Bullying**

**Bullying** – When a student uses power (physical, verbal, or psychological) in a willful manner that is repeated over time with the aim of hurting, intimidating or frightening another less powerful person or group.

**Examples may include** teasing, minor threats, gossiping with intent to cause defamation of character and repeated physical contact.

**Procedures for Reporting Harassment/Bullying**

**Students should report** the complaint directly to a teacher, guidance counselor, or administrator. (If the accused harasser/bully should be the principal, students should contact the Director or Supervisor of Student Services at (904) 284-6511 or 272-8100, Ext. 6511 or 2673 or (from Keystone Heights) 1-888-663-2529, Ext. 6511 or 2673.

**Students should tell their parents.**

**Students may ask** their teacher, counselor, or parent to help them report the incident to their principal or assistant principal.

**Students should be prepared** to give accurate details of who, what, when, where, and how.

**Procedures for Investigating Harassment/Bullying**

- Principal immediately notifies victim's parent/guardian of the reported bullying/harassment.
- Principal selects a neutral designee to initiate the investigation.
- Interviews of the victim, alleged harasser/bully, and witnesses are conducted individually and documented. School counselor should be notified to schedule individual counseling session to determine the counseling needs of the victim and perpetrator.
- The administrative designee shall collect and evaluate the facts including:
  - the nature of the behavior
  - how often the conduct occurred
  - whether there were past incidents or past continuing patterns of behavior
  - the relationship between the parties involved
  - the race, national origin, sex, disability (if any) and age of the victim
  - the identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to harassment/bullying
  - the number of alleged harassers/bullies
  - the age of the alleged harasser/bully
  - where the harassment/bullying occurred
  - whether there have been other incidents in the school involving the same or other students
  - whether the conduct adversely affected the student's education or educational environment
  - the context in which the alleged incidents occurred

*Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.*

- Recommend remedial steps necessary to stop the harassing/bullying behavior.
- Write a final report to the Principal.
- Actions taken to protect the victim are reported to the victim's parent/guardian.

**The maximum of 60 school days** shall be the limit for the initial filing of incidents that fall under the Federal guidelines for harassing behavior and completion of the investigative procedural steps. All reports of bullying will be handled in a timely manner. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or report of harassment/bullying and the investigative procedures that follow.

**Submission of a good faith complaint** or report of harassment/bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. Retaliation against one who reports an incident of harassment/bullying in good faith will not be tolerated. However, if frivolous actions are brought against the school board or school officials under Title IX, it is important to note that Rule 11 of the Federal Rules of Civil Procedure is aimed at curbing abuses of the judicial system.

Any person who wrongfully and intentionally accuses another person of bullying/harassment will be subject to disciplinary action. (Reference SB Policy 1.12)

**A Reminder from our Safe and Drug Free Schools Department:**

*If your children know of any problems at school, tell them to share the information with an adult.*

**Together, we make a difference.**

**CLASSIFICATION OF VIOLATIONS**

The Code of Student Conduct defines violations identified by principals, administrators, teachers, and students, and the community members which are representatives of those acts frequently causing disruption of the orderly educational process.

**THIS LIST IS NOT ALL INCLUSIVE, AND A STUDENT COMMITTING AN ACT OF MISCONDUCT NOT LISTED WILL, NEVERTHELESS, BE SUBJECT TO THE DISCRETIONARY AUTHORITY OF THE PRINCIPAL.**

A major consideration in the application of the Code of Student Conduct is the identification of the most appropriate disciplinary action necessary to bring about positive student behavior. To that end, specific grounds for disciplinary action have been divided into four subgroups and a variety of administrative actions have been suggested or mandated. The violations in various subgroups represent a continuum of misbehavior based on the seriousness of the act and the frequency of occurrences. Violations classified at Level I are relatively minor and involve acts which only minimally disrupt the orderly conduct of the educational process in the classroom. By contrast, Level IV misconducts involve criminal acts or acts that cause extreme disruption and are so serious that they represent a direct and immediate threat to the welfare of other individuals.

It is important to note that the administrator and teacher, consistent with the power delegated to him/her, has the authority to take additional or more severe administrative action under this Code if, in his/her opinion, the nature of the misconduct warrants it.

Each classroom teacher should deal with general classroom disruption by taking in-class disciplinary action, by making a personal call to the parents or guardians when feasible, and by scheduling conferences with parent(s) or guardian and other school staff. Only when the action taken by the teacher is ineffective, or the disruption is sufficiently severe, should the student be referred to the principal or his/her designee. Teachers will be notified of the results of the action taken.

*The charts on the following pages list these violations and the recommended or mandated disciplinary action.*

In addition to the Statutes noted in this document, other F.S. referring to discipline and control of students include:

1001.41	General powers of School Board
1001.42	Powers & duties of the School Board
1001.43	Supplemental powers and duties of School Board/Student management
1003.01(5)(a)(b)(6)	Definitions of Suspension and Expulsion
1003.31	Pupils subject to control of school
1003.32	Authority of Teacher
1003.32(4)(5)(6)(7)	Teacher authority to remove a student
1006.08	Duties and Responsibilities of the Superintendent
1006.09	Authority of Principal
1006.09(9)	Search of student locker or storage area



1006.09(8)	Reports of suspected substance or alcohol abuse; exemption from liability
1006.10	Authority of school bus driver
1006.11(2)	Liability of Teacher or Principal
1006.13	Zero Tolerance for Crime & Victimization
1006.13(5)	School attendance and transportation of certain offenders
1006.14	Pupils prohibited from belonging to secret societies
69.11; 569.101; & 569.12	Penalties/reporting of tobacco products
790.115	Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.
6A1.0404	Zero Tolerance for School Related Violent Crime
6A1.0956	Suspension on the basis of felony charges

### **Level I**

**Level 1 offense is relatively minor misbehavior or general classroom disruption which interferes with the orderly educational process in the classroom or other areas.**

The school district employee who is supervising the student or who observes the misbehavior should intervene in the misconduct. If repeated misbehavior or further action is necessary the school district employee should refer the student to the school administrator. After hearing the student's explanation, consulting with staff members and doing any other investigation necessary, the administrator will decide on disciplinary action.

**Examples of Violations:**

- Cheating
- Disrespectful language or behavior
- Disobeying rules on the school bus
- Dress Code Violation
- Failure to comply with class or school rules
- Lying and/or false and misleading information
- Name calling (not related to racial or ethnic)
- Tardiness, habitual
- Other: Any other minor act of misconduct which interferes with the orderly operation of the classroom, the school program, a school function or activity, an extracurricular activity or on school approved transportation.

**Disciplinary Response:** One or more may be used.

- Behavioral contract
- Counseling and direction
- Detention
- Parental Contact (Written and/or verbal)
- Special assignment related to offense
- Time-out area
- Verbal reprimand
- Others as defined by school-based administrators

### **Level II**

**Level II offenses are acts of misbehavior whose frequency and seriousness tends to disrupt the learning climate of the school.** These infractions usually result from a continuation of Level I misbehavior and require administrative personnel intervention because execution of Level I disciplinary procedures and options has failed to correct the situation.

This misconduct must be reported to the appropriate school administrator for disciplinary action. The administrator will follow the procedure designated for minor violations (Level I) in investigating the situation and deciding on disciplinary action.

**Examples of Violations:**

- Abuse of school property/minor vandalism
- Bus Disruption
- Computer Misuse
- Disobedience/Insubordination
- Forgery of a document or signature
- Gambling
- Profane/obscene or abusive language/materials
- Participation in prohibited/secret societies
- Petty Theft/Stealing
- Threat (non-criminal)
- Use of wireless communication devices

- Repeated misconduct of Level I offenses

**Disciplinary Response:** One or more may be used.

- Behavioral contract
- Bus Suspension
- Corporal Punishment
- Counseling and direction
- Detention
- In-School/Out-of-School Suspension
- Parental Contact (Written and/or verbal)
- Peer Mediation
- Special assignment related to offense

- Time-out area
- Verbal reprimand
- Others as defined by school-based administrator

### **Level III**

**Level III infractions are major acts of misconduct.** They include repeated misconduct acts from Level II, serious disruptions of school order and threats to the health, safety and property of others. The misconduct must be reported promptly to the school administrator, who may remove the student from the school or activity immediately.

**Examples of Violations:**

- Battery
- Breaking and entering/Burglary
- Bullying/Harassment
- Computer Misuse
- Distribution of obscene material
- Extortion/blackmail/coercion
- False Fire Alarm
- Fighting (Physical Contact)
- Inappropriate or obscene act
- Inappropriate use of photographic or image recording device
- Larceny/Theft (Stealing less than \$300)
- Possession/Use of Tobacco Products
- Selling, possession or use of drug paraphernalia
- ~~Sexual Harassment~~

- Unauthorized possession or use of prescription or non-prescription medications

**Disciplinary Response:** One or more may be used.

- Assignment to an Alternative Program/School including completion of a School District or State approved Drug Prevention/Family Education Program
- Behavior Contract (Written)
- In-school / Out-of-school Suspension
- Parental Contact (Mandatory)
- Referral to law enforcement
- Return of property, payment for same or restitution for damages
- Suspension from bus (for bus-related offenses)

### **Level IV**

**Level IV acts of misconduct are the most serious.** Any Level IV act is grounds for expulsion, and will result in a mandatory 10-day suspension. These acts are clearly criminal and are so serious as to require administrative actions which will result in immediate removal of the student from school, the intervention of law enforcement authorities and/or action by the Superintendent, or the Clay County School Board. Level IV also includes repeated misconduct acts from Level III.

**Examples of Violations:**

- Arson or Bomb Threat/False Report
- Aggravated Assault/Battery
- Aggravated Assault/Battery on School Board Employee
- Being under the influence of, or possession, use, sale, intent to sell, or distribution of drugs (including imitation drugs, prescription or non-prescription drugs represented as drugs), alcoholic beverages & inhalants
- Hazing
- Kidnapping or abduction/Homicide
- Making false accusations against School Board Employee
- Possession of a firearm
- Possession or transfer of a deadly weapon
- Possession, use, sale, storage, or distribution of an explosive device
- Robbery/Larceny/Theft  $\geq$ \$300
- Sexual Battery/ Sex Offense

- Sexual Harassment
- Threat of violence, high level
- Vandalism
- Any other Zero Tolerance Policy act

**Disciplinary Response:** One or more may be used.

- Administrative assignment to Alternative School
- Completion of a Family Education Program (school district or state approved)
- Referral to law enforcement
- Recommended expulsion
- School bus suspension or expulsion
- Ten (10) days out-of-school suspension

**Required Discipline Response: Administrative removal from a leadership position and extra-curricular activities including school sponsored activities for one semester or a minimum of 60 school days.**

**PUBLIC NOTICES**

**TO**

**STUDENTS AND PARENTS**

**2009-2010**

## **RIGHTS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (Buckley Amendment)**

### **INTRODUCTION**

The revised Family Educational Rights and Privacy Act (FERPA) became a Federal law in November, 1974 (amended 1976). The intent of this law is to protect the accuracy and privacy of student educational records. The Clay County School Board has adopted a policy for the implementation of this Act and the Superintendent of Schools has approved administrative procedures for this purpose.

Accordingly, this notice outlines the type of student information collected and how that information is maintained and released. It further indicates the school officials who have the responsibility to follow appropriate procedures regarding the information.

Section 1003.25 and Section 1002.22, F.S. mandates that each principal maintain a permanent cumulative record for each student enrolled in a public school. Such records are to be maintained according to a format prescribed by rules of the State Board of Education. These State Board Rules also define the data which must be kept.

### **WHAT INFORMATION IS IN A STUDENT'S RECORD?**

Education records of a student include but are not necessarily limited to: personally identifiable data (student and parent name, address, birth date, birthplace, sex, race), academic record, standardized test results, attendance records, health data, family background information, teacher or counselor ratings and observation, psychological reports, extra-curricular activities, honors and awards, list of schools attended, and any other evidence, knowledge, or information recorded in any medium and maintained and used by an educational institution or by a person acting for such institution. The principal may maintain a separate disciplinary file for students involved in misconduct to include, but not be limited to, description of misconduct, suspension notices, records of action taken, etc. As amended by NCLB (No Child Left Behind), the district will transfer disciplinary records, with respect to a suspension or expulsion, as part of the student's educational record to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full-or part-time basis, in the school (Section 4155 of the Elementary and Secondary Education Act of 1965). Confidential records created by the Department of Juvenile Justice are not included in a Student's Educational record. The destruction of student records is in accordance with a retention schedule approved by the Bureau of Archives.

### **WHO HAS ACCESS TO STUDENT RECORDS?**

Those persons having access to student records are the School Board, the Superintendent, school personnel within a school or school district with a legitimate educational interest and others specified by Section 1002.22 F.S. A Record of Request shall be maintained in the records. These records are maintained under the direction of the principal.

### **WHAT ARE THE RIGHTS OF A PARENT OR ADULT STUDENT?**

According to (34C.F.R. § 300.20), a parent means:

- A natural or adoptive parent of a child;
- A guardian;
- A person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or
- A **surrogate parent**; or
- A **foster parent** if the natural parent's authority to make educational decisions on the child's behalf has been extinguished under State law and the foster parent has an "ongoing, long-term parental relationship with the child; is willing to make the educational decisions required of parents under the Act; and has no interest that would conflict with the interests of the child."

Parents, legal guardians, or adult students (age 18 and/or in post-secondary education) have the right of access, right of waiver of access, right to revoke waiver of access, right to challenge and hearing, and right of privacy of records maintained on their child, and a right of a copy of the record (at the cost of reproduction).

Transfer, disclosure, or release of student records requires prior written consent of the parent of eligible student exceptions include:

- disclosures made to school officials with legitimate educational interests;
- disclosures made to another school at which the student intends to enroll;
- disclosures made to state or local education authorities for auditing or evaluating federal-or state-supported education programs, or enforcing relevant federal laws; and
- disclosures including information the school has designated as "directory information".

A parent who wishes to review his/her child's record should make an appointment with the principal or school counselor. School personnel are available to interpret student record information. All such requests will be honored by school officials as soon as possible. It is required that requests be honored within thirty (30) days. A copy of the Clay County Student Records Policy is available in all schools, and at the School Board offices in Green Cove Springs.

In case of divorce or legal separation, either parent may have access to a child's educational record unless an appropriate court order to the contrary has been filed with the school.

Whatever rights are vested in the parent shall pass to the student whenever the student has attained eighteen (18) years of age or is attending a postsecondary educational institution, unless the student continues to be carried as a dependent on the parent's income tax return. [Ref. 1002.22(3)] Students under age 18 may assume adult rights if they become married or are emancipated by court order. [Ref. F.S. 743.01 and 743.015] Note: Pregnant and parenting teens continue as minors unless they become married or emancipated by court order.

Parents or eligible students have the right to file a complaint with the Department of Health and Human Services concerning the alleged failure by the educational agency to comply with Section 438 of the Act. (200 Independence Avenue, S.W., Washington, D.C., 20207). F.S. 1000.21(5) defines "Parent" as: either or both parents, any guardian, or any person who is in a parental relationship to a student, or who is exercising supervisory authority in place of a parent over a student of public school age. The school district specific guidelines regarding "in-loco parentis" situation are detailed in School Board Policy 4.08.

### **ARE THERE ANY RECORDS WHICH THE SCHOOL CAN REFUSE TO SHOW A PARENT OR ELIGIBLE STUDENT?**

The right to access does not pertain to the following educational records: teacher's/counselor's /administrator's personal notes and records that are not accessible to any other person except a substitute of any such person; law enforcement records which are maintained solely for their purposes; personnel records, physician, psychologist, psychiatrist records, or other recognized professional or paraprofessional records that are maintained solely in connection with treatment; letters of recommendation/evaluation which were considered confidential and entered into the record prior to July 1, 1977. No public educational institution shall maintain any report or record relative to a pupil or student which includes a copy of the pupil's or student's fingerprints. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920. See additional details in (F.S. 1002.22(2)(c)1-8).

### **WHAT INFORMATION IS RELEASED WITHOUT PARENT PERMISSION?**

The School District of Clay County reserves the right for its agents to release "directory information" without prior permission of the parent or adult student. Directory information is information that is generally not considered harmful or an invasion of privacy if released. Such information will be limited to name, address, telephone number (if listed), date and place of birth, field of study, age, participation in school sponsored activities, height and weight of athletic team members, dates of attendance, most recent school attended, and degrees and awards received.

This information relating to the student body in general may not be released to any individual or agency unless it is normally published for the public in general or to a business rendering services under contract with the School Board. Examples: the local newspapers, television, school newspaper, school annual, or military services.

**Section 9528 of the No Child Left Behind (NCLB) Act requires local education agencies (LEAs) to provide military recruiters with the name, address, and telephone listing of secondary students.** The District shall honor any request of a parent or eligible student to withhold any or all of the information relating to a particular student. Photographs are designated as directory information and annual yearbooks and other publications may customarily include student photographs.

**Parents or eligible students objecting to the use of specific directory information must notify the school principal of such objection in writing within the first month of the student's enrollment.**

Personally identifiable information may be disclosed, transferred, or released without prior consent of the parent or eligible student in connection with enrollment in another school, in emergency situations, application for financial aid, research, a state statute, or an accrediting organization; a court of competent jurisdiction in compliance with an order of that court, or a lawfully issued subpoena upon the condition that the pupil or student and his parent are notified of the order or subpoena in advance of compliance therewith by the educational institution.

In preparation of cases for prosecution under the Compulsory School Attendance and Child Welfare Law (F.S. 1003.21), the school system is authorized to release pertinent data in interpretative form to the State Attorney's Office, to the Department of Juvenile Justice, and the appropriate court without parent consent.

### **CHILD ABUSE REPORTING**

All employees and agents of the District School Board are authorized and mandated by Florida Statute 1006.061 to report all actual or suspected cases of child abuse, abandonment, or neglect to the Department of Children and Families, Central Abuse Hotline (1-800-962-2873), and to provide them with the necessary information to pursue such complaints. Employees have immunity from liability if they report such cases in good faith.

### **STUDENT SURVEYS**

No Child Left Behind (NCLB) requires Local Education Agencies (LEA's) to notify parents and/or obtain parental consent prior to the administration of a student survey that is:

- part of an "applicable program" (funded in whole or in part by any program administered by the United States Department of Education (USDOE) require LEAs to obtain prior written consent of the parent
- surveys that are created by a third party (funded by sources other than USDOE programs) required LEAs to adopt specific policies (These surveys do not require prior written parental consent but instead require districts to offer parents the opportunity to opt the student out of participation.)
- LEAs are required to make the survey instrument available for inspection by parents regardless of funding source.

By request of the State of Florida, school districts administer the Florida Youth Survey (FYS) which is funded from sources other than the USDOE. The district is required to offer parents the opportunity to opt their child out of the survey.

### **NOTICE OF CHILD IDENTIFICATION AND EVALUATION ACTIVITIES**

The School District of Clay County will actively seek to locate exceptional students and maintain information on those students screened and identified as exceptional. The term "exceptional student" includes the mentally handicapped, the speech and language impaired, the deaf and hard-of-hearing, the blind and partially sighted, the physically impaired, the other health impaired, the emotionally handicapped, the gifted, the homebound or hospitalized and those with specific learning disabilities.

Information gathered may include the student's social, emotional, physical, psychological, academic and communication behaviors and abilities. Information is collected through screening programs, check lists, teacher observations, standardized tests, and from such individuals as parents, teachers, psychologists, and other professional personnel, and the child himself. The information is used to assist in the development of appropriate educational programs for exceptional students and for reports to state and federal agencies.

Students are screened periodically for vision, hearing, speech, and academic achievement as the initial step in the process of identifying those students with suspected exceptionalities. If your child is considered for further testing, you will be invited to participate in the decision-making process in a Child Study Team meeting at your child's school. Before you are asked to give your permission, you will be informed of the purpose of the evaluation and the procedural safeguards made available to you.

Should you have any questions, please contact your child's principal or guidance counselor.

## **ESE PARENT NOTIFICATION**

### **Notice of Procedural Safeguards for Parents of Student with Disabilities**

As a parent you can access the electronic Procedural Safeguards on the district website at: [www.clay.k12.fl.us/PDF/ese\\_notice\\_safeguards.pdf](http://www.clay.k12.fl.us/PDF/ese_notice_safeguards.pdf). This provides information about Exceptional Student Educational programs regarding: notice, meetings, independent evaluations, records, mediation, hearings, administrative law judges, due process hearing rights, appeals of due process, placement during due process hearings and appeals, attorney's fees, discipline including long term removals and interim alternative educational settings (IAES), consent and revocation, private school placements, local education agency complaints (LEA) and state education agency complaints (SEA).

### **Parental Notification of McKay Scholarship**

Effective July 1, 2006, Florida Statute, Section 1002.39(5)(a)1, states that by April 1 of each year or within 10 days after an individual educational plan meeting out district must notify you of all available options. This includes informing you of the availability of the DOE toll free information hotline (1-800-447-1636) and internet website, [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org) and offering the parents an opportunity to enroll the student in another public school within the district during the required time limit if the school is not closed or otherwise at capacity. This notice is one of several ways the district meets the Florida Statute requirements.

### **Notice of Request for Individuals with Disabilities Education Act Input**

The Clay County Exceptional Student Education Department receives federal funding through the Individuals with Disabilities Education Act (IDEA). We solicit input from Parents, Administrators, Specialists, Teachers, Assistants, and ESE secretaries in developing our federal IDEA grants. Currently it is spent almost entirely for personnel. This includes over 150 assistants, 30 teachers, nurses, mental health counselors, secretaries, private school services, particularly speech therapy, and specialists. We also provide training for teachers and parents through the IDEA grants. Our current district goals include augmenting the autistic (ASD) program and training, and expanding PreK, InD and E/BD programs to more sites closer to home. Another goal is to increase specialized programs in the Oakleaf and Keystone areas and offering new VI/HI classes at additional grade levels.

For questions or additional information please contact the ESE Department at (904)284-6509.

**FLORIDA DEPARTMENT OF EDUCATION**  
**SUMMARY OF PROCEDURAL SAFEGUARDS FOR STUDENTS WITH DISABILITIES**

**NOTICE:** As a parent you have a right to receive a copy of a document which fully explains the procedural safeguards which are available to you. This document is to be provided to you upon your child's initial referral for evaluation, upon each notification of a meeting of the individual educational plan (IEP) team regarding your child, upon re-evaluation of your child, and upon the filing of a request for a due process hearing.

As a parent you also have a right to prior written notice. Specifically, you have a right to: Be notified a reasonable time before the school district: (a) identifies, evaluates, or places your child in an exceptional student education program, or provides a free appropriate public education (FAPE) to your child; (b) changes an identification, evaluation, or placement that has been made, or the provision of FAPE; or (c) refuses to take any of these actions after you have requested them. Receive these notices, written in language understandable to the general public. Notices must be provided in your native language or other mode of communication, unless it is clearly not feasible to do so. If your native language or other mode of communication is not a written language, the school officials must see that: (a) the notice is explained to you orally or in a mode of communication you understand; (b) you understand the information you have been given; and (c) there is written evidence that this requirement has been met.

The prior written notice must include the following items:

- A description and explanation of the action proposed or refused by the school district.
- A description of any options the school district considered and why these options were not selected.
- A description of any other relevant factors school officials considered in their proposal or refusal to take an action.
- A description of each evaluation procedure, test, record, or report the school district will use as the basis for making any decision(s) regarding your child. "Evaluation" means procedures used to determine whether a child has a disability and to determine the nature and extent of the special education and related services that the child needs. Information about the protections available to you under the procedural safeguard as provided for in the Individuals with Disabilities Education Act (IDEA) and how you can get a copy of a document explaining these safeguards.
- Sources you may contact to get assistance in understanding your rights under IDEA.

### **CONSENT**

Your written consent is necessary before the school district can:

- Test your child individually with any tests that are not generally given to other students prior to determining that your child is eligible for placement in an exceptional student education program.
- Place your child in an exceptional student education for the first time.
- Re-evaluate your child.
- Parent consent is not required prior to a school district's review of existing data as part of an evaluation or re-evaluation.
- Your consent must be given freely, and you may withdraw it at any time before the activity consented to takes place.
- If you do not respond to the school district's request for your consent to re-evaluate your child, the school district may go ahead and conduct the re-evaluation if it can show that it made reasonable efforts to obtain the consent and you failed to respond.
- If you do not give your consent, your child's basic right to attend the school and participate in school activities will not be affected by your refusal. If you withhold or refuse consent for evaluation or placement, the school district may utilize informal procedures to obtain written consent. If informal procedures do not result in written parental consent, the school district must document its attempts to secure consent and may request an impartial hearing to resolve the issue. An Administrative Law Judge can order a school district to act without your consent; however, you may appeal the Administrative Law Judge's Order.

### **MEETINGS**

As a parent, you have a right to participate in meetings which have to do with the identification, evaluation, eligibility, re-evaluation, and educational placement of your child, and the provision of a free appropriate public education to your child.

### **INDEPENDENT EDUCATIONAL EVALUATION**



If you do not agree with the evaluation provided by the school—that is, if you don't think they gave the right tests or reached the right conclusions—you have the right to request that an independent educational evaluation be conducted at public expense. An “independent educational evaluation” means that your child will be tested by a qualified person who is not an employee of the school district. “Public expense” means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you. If you request that an independent educational evaluation be conducted at public expense, the school district, without unnecessary delay, must either initiate a due process hearing, or ensure that an independent educational evaluation is provided at public expense. If you request an independent educational evaluation at public expense, the school district may ask you for a reason why you object to the district's evaluation; however, you are not required to give a reason, and the district may not unreasonably delay its response to your request.

If the independent educational evaluation is provided at public expense, the criteria, including the location of the evaluation and the qualifications of the examiner must be the same as those the school district uses when it initiates an evaluation. The school district may not impose any conditions or time lines for obtaining an independent educational evaluation at public expense other than those related to the location of the evaluation and the qualifications of the examiner.

If you have an independent educational evaluation conducted at your own expense, and the evaluation meets the school district's criteria for similar evaluations initiated by the district, the results of this evaluation must be considered by the district in any decision regarding your child's free appropriate public education, and may be presented as evidence in a formal hearing (see “Hearings” section).

If an independent educational evaluation is requested by an Administrative Law Judge as part of a due process hearing, the evaluation must be at public expense.

## **RECORDS**

You have a right to:

- Receive a copy of the evaluation report and other documentation used to determine your child's eligibility for an exceptional student education program.
- Receive, upon your request, a list of the types of educational records kept on your child, where they are maintained, and how you can gain access to them.
- Inspect and review any of your child's records. The school must comply with your request to do so:
- without necessary delay, before an IEP meeting, a due process hearing, or any hearing related to your child's placement in an interim alternative educational setting, and within 30 days.

You have a right to:

- Have someone from the school district explain or interpret any item in your child's records.
- Receive copies of the records if this is the only way to ensure that you will be able to review and inspect them. The school district may charge a fee for the copies, if such a charge does not prevent you from inspecting and reviewing the records. The district may not charge a fee for the time needed to search for or collect the information.
- Have a representative inspect and review the records.

The school district may presume that you have the authority to inspect and review your child's records unless they have been informed that you do not have this right (for example, because of legal action such as a court order).

The school district is responsible for protecting the confidentiality of your child's education records by:

- Only releasing information with your consent, unless otherwise allowed by state or federal law.
- Permitting you to see only that information which relates to your child when records contain information on more than one child.
- Keeping a record of all persons (except parents and authorized officials) who have obtained access to educational records including the names, dates of access, and reasons for seeking access.

If you feel that any statements in your child's records are wrong or misleading, or violate the privacy of your child, you have a right to request a hearing to challenge this information. The school district must provide you with information on this process.

## **MEDIATION**

~~As a parent, you have the right to participate in mediation with the school district as an informal way to resolve disagreements between you and the district. The Florida Department of Education makes mediation available at no cost to you or the school district. Mediation:~~

- ~~▪ May be used to resolve disagreements relating to the identification, evaluation, educational placement, or this provision of a free appropriate public education to your child, or whenever a due process hearing is requested.~~
- ~~▪ Is voluntary for both parties.~~
- ~~▪ Is conducted by a qualified and impartial mediator who has been trained in effective mediation techniques.~~
- ~~▪ Shall be scheduled in a timely manner and shall be held in a location that is convenient to both parties.~~
- ~~▪ Is confidential so that discussions which occur during the mediation process may not be used as evidence in due process hearings or civil proceedings.~~
- ~~▪ Shall not be used to deny or delay your right to a due process hearing, or to deny any other rights afforded to you.~~

~~Any agreements reached during the mediation will be put in writing and signed by both parties. The parties may be required to sign a confidentiality pledge prior to beginning the mediation.~~

~~A list of qualified and impartial mediators is maintained by the Florida Department of Education, and mediators are selected from that list on a rotating basis. Mediators may not be employees of school districts or other agencies which provide educational services to students with disabilities; however, a mediator is not considered an employee of a school district or other agency just because he or she is paid to serve as a mediator.~~

### **HEARINGS**

~~If, at any time, you cannot come to an agreement with the school district regarding your child's education, you and the school district have the right to ask for an impartial hearing. A hearing may be held on any matter relating to the identification, evaluation, or placement of your child, or the provision of a free appropriate public education to your child.~~

~~The hearing will be conducted for the Florida Department of Education by an impartial Administrative Law Judge from the Division of Administrative Hearings in accordance with the applicable Florida Statutes and State Board of Education Rules.~~

~~To obtain a hearing, you must provide a written request for a due process hearing to the Superintendent of the school district. The school district office has a form that you can fill out regarding your request for a hearing. You can use this form to provide the following information:~~

- ~~➤ the name of your child;~~
- ~~➤ the address where your child lives;~~
- ~~➤ the name of the school that your child is attending;~~
- ~~➤ a description of the problem(s) you are having with the district, including the facts to the problem(s); and~~
- ~~➤ a proposed solution to the problem(s).~~

~~A district may not deny or delay your right to a hearing even if you fail to provide this information or use the form.~~

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### **ADMINISTRATIVE LAW JUDGES**

~~An impartial Administrative Law Judge will be assigned to preside over due process hearings and arrive at a decision. The Administrative Law Judge may not be:~~

- ~~▪ An employee of a public agency (school district, institution, etc.) which is involved in the education of your child.~~
- ~~▪ Anyone who has a personal or professional interest which would conflict with their impartiality in the hearing.~~
- ~~▪ A person who otherwise qualifies to conduct a hearing in accordance with previously stated guidelines is not considered to be an employee of the public agency simply because he or she is paid by the agency to be an Administrative Law Judge.~~

~~A list of persons who serve as Administrative Law Judges and their qualifications is available upon request.~~

### **DUE PROCESS HEARING RIGHTS**

~~Both you and the school district have the right to:~~

- ~~▪ Be accompanied and advised by legal counsel and by persons with special knowledge or training regarding the problems of exceptional students.~~
- ~~▪ Present evidence.~~
- ~~▪ Cross-examine and compel the attendance of witnesses.~~
- ~~▪ Receive copies of any evaluations, and recommendations based on the evaluations, which are intended to be used at the hearing, at least five business days prior to the hearing.~~
- ~~▪ Prohibit the introduction of evidence that had not been revealed to you or to the school district at least five business days before the hearing.~~

You have a right to:

- ~~Be told by the school district of free or low cost legal help and other relevant services which may be available in the area. The school or district must give you this information at any time you request it, or whenever a due process hearing is requested.~~
- ~~Be told about the availability of mediation (however, since mediation is voluntary for both parties, the district has the right to choose not to participate in mediation).~~
- ~~Have your child attend the hearing, if you wish.~~
- ~~Open the hearing to the public, if you wish.~~
- ~~Have the hearing conducted at a time and place reasonably convenient to you.~~
- ~~Receive a copy of the record of the hearing and the Final Order is issued by the Administrative Law Judge. You may request either written or electronic copies of the documents and they will be provided at no cost to you.~~

~~Within 45 days of receipt of your request for a hearing, the Administrative Law Judge must reach a final decision and mail you a copy of the decision. The Administrative Law Judge may grant a specific extension to this time period at the request of either party. The decision of the Administrative Law Judge is final, unless either you or the School Board chooses to appeal it.~~

~~After deleting any personally identifiable information, the Florida Department of Education transmits the Final Order to the State Advisory Committee for the Education of Exceptional Students and makes it available to the public.~~

### **APPEALS OF DUE PROCESS HEARINGS**

~~Following a due process hearing, either party, if not satisfied with the Administrative Law Judge's Final Order, has the right, within 30 days, to file an appeal and request a trial in the appropriate federal district court. The federal district court will: receive the records of the administrative proceedings; hear additional evidence at the request of a party; and, basing its decision on the preponderance of the evidence, grant the relief it determines to be appropriate. Alternately, either party, if not satisfied with the Administrative Law Judge's Final order, has the right, within 30 days, to file an appeal and request a trial in the appropriate state court. The state circuit court shall: receive the records of the administrative proceedings; hear additional evidence at the request of a party; and, basing its decision on the preponderance of the evidence, grant the relief that it determines appropriate.~~

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~~As another alternative, either party has the right to request the Final order's review by the appropriate state district court of appeal pursuant to Section 230.23(4)(m) and Section 120.68 of the Florida Statutes. The district court of appeal may conduct a review of the Final Order.~~

### **PLACEMENT DURING DUE PROCESS HEARINGS AND APPEALS**

~~During the time that any administrative or judicial proceeding is taking place, your child is to remain in his or her present educational placement, unless you and the school district agree otherwise. If the dispute concerns the initial admission of your child to public school, then your child, with your consent, will be placed in a public school program until the completion of the proceedings. If an Administrative Law Judge agrees with you that a change of placement is appropriate, the new placement must be provided during the appeal process.~~

### **ATTORNEY'S FEES**

~~Only a district court of the United States or a state circuit court may award reasonable attorney's fees as part of the costs to the parents of a child with disabilities who is a prevailing party in a due process hearing, or in a subsequent judicial proceeding.~~

~~A parent of a child with a disability, who is a prevailing party in the due process hearing, or in a further proceeding, may bring an action in a federal district court or a state circuit court for attorney's fees, within the time determined by law.~~

~~The court may deny a request for attorney's fees for services performed after the district has made a written offer of settlement within the appropriate time lines if the parent did not accept the settlement within the appropriate time lines; and, the court determined that the relief finally obtained by the parents was not more favorable than the original settlement offer. However, attorney's fees may be awarded if the parent was "substantially justified" in rejecting the offer.~~

~~Attorney's fees may not be awarded for:~~

- ~~individual educational planning meetings (unless the meeting is convened as a result of a due process hearing or other judicial action), or~~
- ~~mediation that is held prior to the filing of a request for a due process hearing.~~

~~The court may reduce attorney's fees if:~~

- the parents unreasonably prolonged the time it took to resolve the dispute.
- the attorney’s hourly rate or time spent in the proceedings was excessive, or
- the parents or their attorneys did not provide the district with the information listed in the section entitled, “Due Process Hearings,” when the parents or their attorneys requested a due process hearing.

However, attorneys’ fees may not be reduced if the State or school district unreasonably delayed resolution of the dispute or violated its obligation to provide procedural safeguards.

## **DISCIPLINE**

To the extent that children without disabilities would be disciplined, school district personnel may remove a child with disabilities when that child has violated the school district’s Code of Student Conduct for up to ten consecutive or cumulative school days in a school year. The school district is not required to provide educational services during these removals.

### **Long Term Removals**

The school district may also remove a child for more than ten cumulative days in a school year when the removal is not considered a pattern of exclusion. When determining whether or not there has been a pattern of exclusion, the following factors must be considered:

- the length of each removal,
- the total amount of time the child has been removed, and
- the proximity of the removals to one another.

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Whenever a child is removed for more than ten days in a school year, the school district must provide the child with services to the extent necessary to enable him or her to appropriately progress in the general curriculum, and appropriately advance toward achieving the goals in the child’s IEP.

If your child has been removed for more than ten school days and the removals constitute a pattern, the school district must notify you of this decision, provide you with a copy of the notice of procedural safeguards, and must convene an IEP meeting within ten business days of the removal. The IEP team will:

- Review, in terms of the behavior subject to disciplinary action, all relevant information.
- Determine the relationship between your child’s disability and the misconduct.
- Determine, in relationship to the behavior subject to disciplinary action, if your child’s IEP and services were appropriately implemented.
- Determine whether the child’s disability impaired the ability of the child to understand the impact and consequences of the behavior and the ability to control the behavior subject to disciplinary action.
- Plan for a functional behavioral assessment and develop a behavioral intervention plan for your child to address the behavior which resulted in the removal, or review and modify, as necessary, an existing behavioral intervention plan.

If the IEP team determines that your child’s behavior was not related to the disability then your child can be disciplined and served in a different setting in the same manner as non-disabled children. If the IEP team determines that your child’s behavior was caused by the disability then your child cannot be moved to a different setting unless the IEP team has determined that it is the most appropriate placement.

If you disagree with the decisions made, you have the right to request an expedited due process hearing.

### **Interim Alternative Educational Settings**

An interim alternative educational setting (IAES) is a different location where educational services are provided for a specific time period due to disciplinary reasons. The IAES must be determined by the IEP team and be selected so as to enable the child with a disability to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child’s current IEP, that will enable him or her to meet IEP goals. The IAES must also include services and modifications to address the behavior which resulted in the removal and that are designed to prevent the misconduct from recurring.

If your child, as a student with a disability:

carries a weapon to a school function or possesses a weapon at school or at a school function, or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, the school district may place your child in an IAES for up to 45 days without your written consent. When the decision to place your child in an IAES has been made, the school district must notify you of this decision that day, and provide you with a copy of the notice or procedural safeguard. The school district must also follow all of the procedures described above under “Long Term Removals.”

If you disagree with the decision and request an expedited due process hearing, during the pendency of the hearing, your child will remain in the IAES placement unless you and the school district agree otherwise, or until the 45 day time period expires.

A school district can request, through an expedited hearing, that a hearing officer (Administrative Law Judge) place a child in an IAES for up to 45 calendar days, if the school district believes that the child is dangerous to self or others. A school may seek subsequent expedited hearings and alternative placements if after the first 45 day term has expired, the school district maintains the child is still dangerous.

### **PRIVATE SCHOOL PLACEMENTS**

The school district is not required to pay for the cost of the education, including special education and related services, for a child with a disability at a private school or facility if the district has made a free appropriate public education available to the child, and the parents elect to place the child in a private school or facility. However, an Administrative Law Judge may require the school district to reimburse parents for the cost of a private school if the Administrative Law Judge finds that the school district had not made FAPE available to the child in a timely manner and the private placement is appropriate.

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If you wish to ask an Administrative Law Judge to require the school district to fully reimburse you for the cost of placing your child in a private school or facility, you must have informed the school district that you were rejecting its proposed placement and stated your concerns and intent to enroll your child in a private school at public expense. You may do this by telling the IEP team of your decision at the most recent IEP meeting you attended prior to removing the child from the public school, or by giving the school district written notice at least ten business days prior to the removal of your child from the public school.

An Administrative Law Judge may require the school district to reimburse you for the costs of the private school if you failed to comply with the notice requirements because:

- You are unable to read and write, or cannot write in English.
- Complying with these requirements would have resulted in physical or serious emotional harm to your child.
- The school district prevented you from providing notice.
- The school district failed to inform you of your obligations to notify the school district.

If you are seeking reimbursement, you must also make your child available for an evaluation if, prior to your removal of your child from the public school, the school district notified you of its intent to evaluate your child.

### **STATE COMPLIANCE PROCEDURES**

If you believe that a school district or other public agency has violated any of the requirements of the Individuals with Disabilities Education Act, you may file a formal written complaint. There are two ways you may file your complaint. You may file a written complaint with your school district's Superintendent ("Local Education Agency" complaint), or you may file it with the Florida Department of Education ("State Education Agency" complaint). In either case, your written complaint must:

- Include a statement which describes how a requirement of the Individuals with Disabilities Education Act has not been met.
- Include an explanation of the facts on which the statement is based.
- Allege a violation that occurred within one year prior to the date when the complaint is filed unless: the violation is continuing, or you are requesting compensatory services for a violation which occurred within three years of the date when the complaint is filed.

#### **Local Education Agency Complaint**

If you choose to file a complaint with the Superintendent in your school district, you must provide the Superintendent with a written complaint which meets the requirements listed above. Within five days from the time the Superintendent receives your complaint, the district will notify the Florida Department of Education that it has received your complaint. The district may offer you mediation to resolve the concerns raised in your complaint. Within 25 days of the receipt of your complaint, the Superintendent will provide you with a written response detailing the results of the district's inquiry. If you disagree with the results, you may appeal the district's response by writing to the Florida Department of Education.

#### **State Education Agency Complaint**

State complaints may be filed by sending a written complaint as described above to: Chief, Bureau of Instructional Support and Community Services, Florida Department of Education, Turlington Building, Room 614, 325 West Gaines Street, Tallahassee, Florida 32399-0400. Upon receipt of your formal complaint, the Bureau will advise you of your right

~~to mediation. During the complaint process, the Bureau gives you an opportunity to submit additional information (either orally or in writing) about the allegations in your complaint and review all relevant information. An on-site visit may be made, if necessary. Within 60 days after the date of the complaint, a written independent decision will be issued. The decision will contain findings of fact, conclusions, and reasons for the decision. If appropriate, the final decision will include procedures for implementation of the decision. The 60 day time line may be extended if exceptional circumstances exist.~~

~~If any of the issues contained in a complaint are also the subject of a due process hearing, those issues will be aside until the conclusion of the hearing. Other issues will be resolved using the procedures described above. If an issue is raised in a complaint that has previously been decided through a due process hearing, the Administrative Law Judge's decision is final and will not be reconsidered through the complaint procedure.~~

SCHOOL DISTRICT OF CLAY COUNTY  
**Terms and Conditions for Use of  
Telecommunications and Networks  
(Reference School Board Policy 4.59)**

The School District of Clay County electronic network provides an exciting opportunity to expand learning for students and Board employees. With this opportunity comes the responsibility for appropriate use. Each student, parent, teacher, or Board employee should read this document carefully prior to signing the Code of Conduct or an Employee Network Responsibility Contract. A signature signifies receipt and understanding of the terms and conditions outlined in this document. If you have any objection to the following, you must notify the school of your objection, in writing, within 48 hours of your receipt of this information.

**SCHOOL DISTRICT OF CLAY COUNTY TELECOMMUNICATIONS NETWORK OVERVIEW**

The School District of Clay County telecommunications network is accessible to all students and Board employees. The goal is to promote educational excellence for all students by facilitating resource sharing, accessing outside information and research, and encouraging technological innovation and worldwide communication.

**INTERNET RESOURCES**

The electronic network serves as an information highway providing the opportunity to expand learning by connecting computers worldwide and millions of individual subscribers. Students and Board employees will have access to:

1. Worldwide electronic mail communication;
2. Global information and news as well as the opportunity to correspond with other institutions;
3. Public domain and shareware computer software of all types;
4. Educational discussion groups on numerous topics;
5. Access to many university libraries and other libraries.

**INTERNET WARNING**

With worldwide access to information also comes the availability of material that may not be considered to be of educational value in the context of the school setting. There may be some material or individual communications that are not appropriate for school-aged children. The Clay County District Schools views information gathered from the Internet in the same manner as reference materials identified by schools. Specifically, the District supports resources that will enhance the learning environment with guidance from faculty and staff.

At school, student access to and use of the network will be under teacher direction and monitored by a school board employee as any other classroom activity. The school district is not able to prevent the possibility of user access to material that is not consistent with the educational mission, goals and policies of the school district.

**USER GUIDELINES:**

Internet access is coordinated through a complex association of government agencies and regional and state networks. It is the school district's intent that the Internet and our telecommunications network be used in a responsible, efficient, ethical and legal manner. The operation of the Internet relies heavily on the proper conduct of the users who must adhere to strict guidelines. If a district user violates any of these provisions, their account will be terminated and future access will be denied. In addition, serious violations may result in school disciplinary action or legal action in accordance with Clay County policies, up to and including termination of employment. A signature(s) on the Code of Conduct or an Employee Network Responsibility Contract indicate that the user(s) have read the terms and conditions carefully and understand their significance.

- I. **Acceptable Use:** The use of your account must be in support of education and research that is consistent with the educational goals and policies of the Clay County District Schools. Users are encouraged to develop uses which meet their individual needs and that take advantage of the network's functions: electronic mail, conferences, bulletin boards, databases and access to the Internet. Use of any other network or computing resources must be consistent with the rules appropriate to that network.
- II. **Privileges:** The use of Internet is a privilege. Inappropriate use will result in the cancellation of that privilege. Each individual who accepts an account will receive information pertaining to the proper use of the network. School and district administrators will decide what is inappropriate use.
- III. **"Netiquette":** You are expected to abide by the generally accepted rules of network etiquette. Be polite. Do not use vulgar or obscene language. Do not reveal your address or phone number or those of others. Please remember that electronic mail is not guaranteed to be private. Do not disrupt the network, the data, or other users.

**IV. Unacceptable Uses of Network Include:**

- A. Violating student or staff rights to privacy; or violating provisions of the Florida K-20 Education Code, FERPA, or HIPPA;
- B. Using the Internet without application of common sense;
- C. Using profanity, obscenity, or other language which may be offensive to another user; including bullying;
- D. Sending or accessing pornographic text and/or graphics;
- E. Accessing ~~U~~ unauthorized games;
- F. Engaging in illegal activities (defined as a violation of local, state, and/or federal laws.)
- G. Sending or receiving copyrighted materials, including computer software or material protected by trade secret, without permission;
- H. Plagiarizing;
- I. Reporting personal communications without the author's prior consent;
- J. Using the network for commercial activities, product advertisement, or financial gain;
- K. Knowingly transmitting viruses or other destructive programming;
- L. Transmitting ~~S~~ spam or chain letters;
- M. Unauthorized soliciting for goods and services, including personal solicitations such as garage sale announcements;
- N. Posting personal views on social, political, religious or other non-business related matters;
- O. Unauthorized streaming of video or music, such as listening to radio stations via the Internet

V. **Warranties:** The Clay County District Schools makes no warranties of any kind, whether expressed or implied, for the service it is providing. Clay County District Schools will not be responsible for any damages you suffer, including loss of data. The District will not be responsible for the accuracy or quality of information obtained through this Internet connection. Inappropriate Internet sites should be reported to Information Services help desk.

VI. **Security:** Security is a high priority. If you identify a security problem you must notify a system administrator immediately. Do not show or identify the problem to others. Do not share passwords. Change passwords regularly. Do not use another individual's account. Attempts to log on as another user will result in cancellation of your privileges. Any user identified as a security risk or having a history of problems with other computer systems will be denied access.

VII. **Vandalism:** Vandalism will result in cancellation of your privileges and/or disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, Internet, or other networks. This includes the creation of or the uploading of computer viruses on to the Internet or host site. Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity under applicable state and federal law.

VIII. **E-Mail Policies:**

- A. Individual e-mail accounts for students enrolled in grades K-12 will only be established ~~by the school district on an as-needed basis~~ for legitimate educational purposes as determined by the school principal;
- B. No student may access his or her own external e-mail accounts;
- C. Teacher directed class accounts for students are acceptable;
- D. No personally identifiable e-mail addresses for students are to be published on the web;
- E. Parents have a right to request access to their student's e-mail account. The Information Technology staff will evaluate these requests, which must be signed by the school principal;
- F. Students should promptly report to a teacher or another school employee any messages received that are inappropriate or that make them uncomfortable. Students shall not agree to contact or actually meet in person with anyone they met online unless a parent or guardian is aware of and approves the contact or meeting. Students should understand that predators often pose as others to gain student confidence and learn schedules or habits that make the personal safety of students vulnerable.
- G. District and school staff members will be issued school system e-mail addresses in the form: name@mail.clay.k12.fl.us. These accounts will be used for school business and may be published;
- H. E-mail transmission between SDCC employees regarding students may include student name, sports teams, course titles, dates of attendance, and awards.
  - 1. Any e-mail transmission between SDCC employees regarding confidential student information or records or reports for which there is a right of privacy under FERPA or F.S. 1002.22 must be segregated



into a student file folder or a confidential file folder upon receipt and may not be disseminated as public record.

2. No e-mail communications containing information as defined above shall be sent to anyone outside of the school district. If a parent or guardian wishes to communicate with staff via e-mail or if a parent or guardian wants to allow e-mail communications about his/her child to others outside of the school district, the parent or guardian of the student must personally come to the school and sign a request and consent for such transmission and provide the address to which such e-mail transmissions should be sent.

3. Teachers may only communicate factual information. Subjective information such as behavior may not be communicated via email.

4. The transmission of confidential information such as student ID numbers, addresses, or phone numbers and/or personal information such as social security numbers, addresses, or phone numbers shall not be used in e-mail. Such information should be formalized into letters and memoranda. E-mail can be edited and redistributed without the knowledge or permission of the originator. There is also a presumptive right of the public to access public documents.

I. It shall be the responsibility of the sending party to maintain a copy of original e-mail transmissions if required under the public records law;

J. Individuals using e-mail in an inappropriate manner will be subject to penalties as described in Board Policy 2.17;

K. The e-mail system and hardware equipment is owned by School District of Clay County and is intended for school district business use. Minor personal use of e-mail is acceptable but should not interfere with or conflict with school district business.

L. Change e-mail passwords frequently.

M. Use of personal networks and/or email sent via non-district computers or service providers may still be subject to review if any school-related content is included in the communication.

IX. **E-Mail Etiquette:** Helpful guidelines:

- A. Make "subject" headings as descriptive as possible;
- B. Begin messages with a salutation, restating the question or issue being addressed in a response;
- C. Choose words carefully to avoid misunderstandings. Text does not permit verbal or expression clues which are usually necessary when statements are intended to be funny or sarcastic;
- D. Archive and/or delete e-mail files as soon as possible as appropriate under public records law.

X. **Sponsors:** School Board employees who supervise student access to the Internet are responsible for teaching proper techniques and standards for participation, appropriate online behavior including cyber-bullying awareness and response, interacting with other individuals on social networking sites and in chat rooms as required by CIPA (Children's Internet Protection Act); guiding student access to appropriate sections of the network, and for assuring that students understand that network misuse will result in the loss of access privileges.

XI. **Web Pages:** Users must adhere to the Guidelines for School, Faculty, and Staff Web Pages established in the Board adopted Technology Procedures Manual posted online. When posting on non-district web sites and identifying oneself as a School District of Clay County employee, content must be appropriate and not in violation of the conditions of The Code of Ethics and Principals of Professional Conduct of the Education Profession of Florida. The District's currently sanctioned web page hosts include the District webpage and the online Learning and Content Management System. Either is recommended for hosting SDCC web pages.

XII. **Synchronous and Asynchronous Communication:** Users on the District network shall only access online synchronous and asynchronous communication applications such as chat, blogs, wikis or social networking website functions such as discussion threads, document posting, RSS feeds, etc. for legitimate instructional purposes. Student interaction must take place within a teacher-moderated online environment. The District's currently sanctioned online Learning and Content Management System is recommended for delivery of these applications.

- XIII. **Podcasts and Vodcasts:** Users must adhere to guidelines defined in the Board adopted Technology Procedures Manual posted online. When posting on non-district web sites and identifying oneself as a School District of Clay County employee, content must be appropriate and not in violation of the conditions of The Code of Ethics and Principals of Professional Conduct of the Education Profession of Florida.
- XIV. **Use of Screening/Web Filtering Tools:** In compliance with federal guidelines, the School District of Clay County will use Web filtering tools that screen incoming text and graphics to restrict user access to material that is consistent with standards of selection of materials specified in Florida Statutes, School District of Clay County School Board Policies, and the Clay County Handbook of Instructional Materials Procedures.
- XV. **Contracts:** In order to access the network, District employees are required to enter into an “Employee Network Responsibility Contract.” The Clay County School Board shall approve these forms.
- XVI. **Exception of Terms and Conditions:** All terms and conditions stated in this document are applicable to all users of the network. These terms and conditions reflect an agreement of the parties and shall be governed and interpreted in accordance with the laws of the State of Florida, the United States of America, and School District of Clay County School Board Policies.

### **USE OF STUDENT WORK, VIDEO, AND PHOTOGRAPHS**

From time to time, students have the opportunity to be recorded ~~videotaped~~, photographed, or display schoolwork or artwork ~~or digital files~~. Some of these recordings ~~tapes~~, photographs, schoolwork ~~digital files~~ or artwork may be archived, included in the local news, on the school’s CCTV or web page, and may eventually air on the School District of Clay County educational channel or be used at local, state or national conferences.

If you have an objection to your student’s work or name being used for any of the above purposes, or if you object to photographs or ~~videotapes~~ recordings of your student being used, you must notify the school of your objection, in writing, within 48 hours of your receipt of this information.

For your information, if your student is an exceptional education student, your explicit, written permission will be obtained prior to any media release which identifies your student by name, along with his exceptionality or exceptional placement designation.

### **RIGHTS OF DIVORCED PARENTS**

1. Under current divorce laws “shared parental responsibility” awards both parents full rights to the child, although “primary physical residence” is awarded one parent or the other. Neither parent has priority over the other with regard to any aspect of the child’s education and either parent has full and complete rights to pick up the children, to inquire about their school work, participate in school activities without priority to one or the other. The parent(s) should provide the school with a copy of the final court judgment to determine new shared responsibility concept. Additional court documents, such as injunctions or modifications to the final judgments, should be provided to the school immediately as these may limit the rights of a parent. In the event the parent who is not named as the primary residential custodian resides any place other than in Duval, Clay, St. Johns, Putnam, Alachua, Nassau, or Bradford counties in Florida, then that parent may not pick up or check out the child unless the parent who is the primary residential custodian informs the school in writing that such actions are acceptable.
2. Custody papers issued by a court outside the state of Florida will not be accepted at face value. Out-of-state documents must be domesticated through the Florida Courts.

### **PARENTAL CONCERNS REGARDING EMPLOYEES**

The Clay County School Board recommends that parents who have a complaint about an employee begin by registering their concern directly with the employee in question, if possible. The vast majority of parental concerns are solved at this level. If not, parents are urged to contact the principal, district office staff, the Deputy Superintendent or the Superintendent to express their concerns.

Parents are often asked to put their concerns in writing. While this is not a requirement, it is often important, depending on the seriousness of the charge and the ultimate action proposed as the result of investigation.

It is not the school system’s intent to discourage parental concerns by establishing complex procedures for registering them. It is our intent, however, to make certain that parents are heard, that their concerns are investigated, if appropriate, and that our employees’ due process rights are protected.

## **ACKNOWLEDGEMENTS**

A number of teachers, administrators, parents, students and school board members contributed directly and indirectly to the development and revisions of this document. Principals, Assistant Principals, and the County Office Divisions merit special appreciation for their review and contribution. While all contributors cannot be named, the members of the committee who produced the original draft of the Code of Student Conduct in 1977 are gratefully acknowledged.

School Administrators have worked with their faculty, school personnel, Youth Resource Officers, parents, students and School Advisory Councils in developing local needs and identifying concerns to be addressed in these **2009-2010** revisions.

### **MEMBERS OF THE 2009-2010 DISTRICT COMMITTEE**

Ben Wortham	Superintendent	Clay County Schools
Denise Adams	Deputy Superintendent	Clay County Schools
Sharon Chapman	Asst. Superintendent	Instructional Division
Norma Martin	Director	Student Services
Donna Wethington	Supervisor	Student Services
Bill Smith	Student Hearing Officer	Student Services
Cindy Gray	School Psychologist	Student Services
Dan Becton	Director	Exceptional Student Education
Terry Roth	Supervisor	Exceptional Student Education
Renee Kemp	Specialist	Exceptional Student Education
Cheryl Houck	Specialist	Exceptional Student Education
Alisa Jones	Supervisor	Instructional Support Services
Mike Wingate	Director	Secondary Education
Lee Oliver	Director	Elementary Education
Bob Veres	Director	Transportation

Special acknowledgement is given to those Administrators listed below that gave of their time to meet with the District Committee. Additional support was given by student and community volunteers from the Juvenile Justice Council, Teen Court members, and concerned citizens.

Randy Oliver, Principal  
Angie Whiddon, Principal WEC  
Paul Schlichtman, Vice Principal OPJH  
Bill Miller, Principal MCE  
Roy Shewchuk, Asst. Principal KHHS  
Jeff Nelson, Asst. Principal OLS  
Cary Dicks, Asst. Principal CHS  
Jeff Umbaugh, Principal WES  
Linda Turner, Principal BLS  
Terry Grieninger, Principal PES  
DeeDee Phillips, Principal TBE  
David Broskie, Principal MHS

Jackie Cory, Principal LAE  
Tony Bradley, Asst. Principal GPE  
Amy Kennedy, Asst. Principal MBE  
Cathy Richardson, Principal LAJH  
Dale Eichorn, Principal SLE  
Renee Pleasant, Asst. Principal RVE  
Sara Timm, Asst. Principal AES  
Mark Phelps, Asst. Principal CEB  
Mary Mimbs, Principal KES  
Vicki Padgett, Asst. Principal SPE  
Katina Allen, Asst. Principal LSE



THE SCHOOL DISTRICT OF CLAY COUNTY  
2009-2010  
Parent/Student Acknowledgements of  
Code of Student Conduct

Student Name (*print*) \_\_\_\_\_ Grade \_\_\_\_\_

Teacher Name (*print*) \_\_\_\_\_ Date \_\_\_\_\_

This code has been drawn up to help your son/daughter gain the greatest possible benefit from his/her school experience. Parents/guardians have the responsibility for the actions of their children and should be involved in the education of their children. Students are responsible to be an active part of their school safety through involvement in the reporting of potential violent acts. All students will sign annually when they have been in-serviced in the major areas of the Code of Student. The teacher or administrator will house the signature sheet.

Parent(s)/guardian(s) need to become involved in the education of their children and have the responsibility to provide the school with the current emergency contact person and/or telephone numbers. They also have the responsibility to notify the school of anything (such as medical information) that may affect their child's ability to learn, to attend school regularly, or to take part in school activities. Parents should take special notice of the Attendance section of this Booklet as well as the Suspension and Expulsion provisions, which are in accordance with School Board Policy.

The school system must have proof that every student and every parent/guardian has had a chance to review the Code of Student Conduct. Signed forms must be part of every student's record. Your signature means that you have received the Code of Student Conduct and know the rules. (It does not mean that you agree or disagree with them.)

Parent(s)/guardian(s) should take special notice of the Zero Tolerance Policy, the Terms and Conditions for Use of Telecommunications and Networks, the Gun Free School Act of 1994, the Teacher's Authority to Remove Student from Class, and all Level IV violations and consequences, as well as receipt of the Notice of Privacy Practices contained in this Student Code of Conduct.

**Failure to return this acknowledgement will not relieve a student or the Parent(s)/Guardian(s) from responsibility to know the contents of the Code of Student Conduct and will not excuse the student's non-compliance with the Code of Student Conduct. Contact your local Principal or the District Office Student Services Department if you have questions or concerns.**

\_\_\_\_\_  
Signature of Parent/Guardian \_\_\_\_\_ Date

\_\_\_\_\_  
Signature of Parent/Guardian \_\_\_\_\_ Date

\_\_\_\_\_  
Signature of Student \_\_\_\_\_ Date



## District Office Phone Directory

Directory Information Switchboard  
Green Cove Springs Area: (904) 284-6500  
Orange Park/Middleburg Area: (904) 272-8100  
Keystone Heights Area: Toll Free (888) 663-2529

[www.clay.k12.fl.us](http://www.clay.k12.fl.us)

### Administrative Offices

(Extensions are to be used with main switchboard numbers listed above.)

Adult & Community Education	ext. 5252170	Instructional Support Services	ext. 5900508
Applied Technology	ext. 5900574	Professional Development	ext. 5900993
Business Affairs/Insurance	ext. 5900549	Public Relations	ext. 5900904
Elementary Education	ext. 5900925	Secondary Education	ext. 5900926
Exceptional Student Education	ext. 5900509	Student Services	ext. 5900511
Food Services	ext. 5900521	Superintendent	ext. 5900510
Human Resources	ext. 5900908	Transportation	ext. 5900594

### After-Hours Transportation Dispatcher (until 6:00pm)

272-8159, 284-6500 ext. 5900895 or toll free (888) 663-2529 ext. 5900895

### Clay County School Board

District 1 . . . . .	Carol Vallencourt . . . . .	(904) 264-1589
District 2 . . . . .	Carol Studdard . . . . .	(904) 264-9649
District 3 . . . . .	Charles VanZant, Jr. . . . .	(352) 473-9609
District 4 . . . . .	Frank Farrell . . . . .	(904) 375-0654
District 5 . . . . .	Lisa Graham . . . . .	(904) 282-3043