

CCSB Policy 6GX-10-4.04 Discussion Agenda - 05/21/09 – Public Hearing

4.04 DISCIPLINE

A. Scope of the School District

1. The School Board is the governing body of the District and is responsible for the control, operation, organization, management, and administration of schools in Clay County pursuant to the provisions and minimum standards prescribed by Florida Statutes and State Board of Education Rules. The School Board shall provide an environment, which is conducive to learning and free from intimidation and assault.
2. The district school system is part of the state system of public education and includes all public schools, classes, and courses of instruction and all services and activities directly related to education in the district, which are under the district school officials' direction.

B. Student Conduct Code

1. The Code of Student Conduct for Elementary Schools and the Code of Student Conduct for Secondary Schools are hereby incorporated by reference and made a part of this rule. The Code of Student Conduct and any revisions shall be approved and adopted by the School Board. The Code of Student Conduct shall:
 - a. Be developed by School Board members, appropriate grade level teachers, school personnel, school administrators, students, and parent(s) or legal guardian of students.
 - b. State grounds for disciplinary action procedures and the rights of students.
 - c. Be distributed to all teachers, school personnel, students, and students' parent(s) or legal guardian at the beginning of each school year.
 - d. Be filed in the Superintendent's office.
2. The Code of Student Conduct shall be discussed with students, school advisory committees, and parent/teacher associations at the beginning of each school year.

C. Corporal Punishment

1. Definition: Corporal punishment is the moderate use of physical force to physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rules.
2. Authority of the Principal

The use of corporal punishment in the individual schools may be determined and regulated by the principal. The principals shall file with the Superintendent annually, before the opening of school, a written plan for the use of corporal punishment, such plan to be consistent with the following guidelines:

- a. A good faith effort shall be made by school personnel to employ parental assistance, or other alternative measures prior to the use of corporal punishment.
- b. Professional staff members authorized by the principal to administer corporal punishment must be identified by name or by title.
- c. Procedures established by the principal shall ensure that such punishment is not inflicted in a manner which could be determined to be degrading or unduly severe and in no case shall corporal punishment be administered in the presence of other students.
- d. Provision must be made for an adult employee to witness each and every incident of corporal punishment and to be informed before hand and in the presence of the student of the reason for the punishment.
- e. Upon request of the parent, the principal or other person who administered the punishment, shall provide a written explanation of the reason for the punishment and the name of the adult witness.

3. Authority of the Superintendent

The Superintendent shall have the authority to review and modify each principal's plan for the use of corporal punishment to ensure compliance with the Florida Statutes and School Board rules relating to corporal punishment.

4. The principal shall make available to students, parents, and school personnel the approved plan for the use of corporal punishment.

D. Detention of Students

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.

E. Suspension and Expulsion of Students

1. Definitions

- a. Suspension is the temporary removal of a student from the school by action of the school principal, such removal to be limited to ten (10) school days unless extended by the Superintendent until the next School Board meeting.
- b. Expulsion is the removal of the right and obligation of a student to attend the K-12 and/or Adult and Community Education program, such removal to be by action of the School Board and for a period of time not to exceed the remainder of the current school term and one additional school year.

2. The principal may suspend a student from school for willful disobedience, open defiance of the principal or staff member's authority, interference with the orderly discharge of normal school functions use of profane or obscene language, harassment, sexual harassment, other serious misconduct, and for repeated

misconduct of a less serious nature. To avoid suspension, the principal should make a good faith effort to employ parental/guardian assistance or other alternative measures except in cases of emergency or disruptive conditions, which require immediate suspension. Alternative measures include, but are not limited to, referral to Student Services, parent/guardian conferences, physical examinations, remedial techniques, educational alternatives, and properly supervised activities relating to the upkeep and maintenance of school facilities. In cases of sexual harassment a documented investigation will take place. The documentation will include the facts of the charge, impact on the victim, prior interventions or occurrences, and what action is to be taken. If the suspension involved a minor student, the parent(s), legal guardian, or custodian shall be notified in writing of the reasons for suspension and shall be provided an opportunity for a conference within twenty-four (24) hours of the effective date of suspension. If an adult student is involved, he/she shall be notified as to a conference date within twenty-four (24) hours of the effective date of suspension. The Superintendent shall receive a copy of any correspondence sent to the parent(s), legal guardian, custodian, or adult student. No suspension shall exceed ten (10) days. A suspension shall not result in dismissal unless the School Board adopts a resolution.

3. A student who is transported to and from school at public expense may be suspended from riding a school bus by a principal for a period not to exceed ten (10) school days. Written notice shall be given immediately to the parent(s), legal guardian, or custodian and to the Superintendent. A student who is eighteen (18) years of age shall be given written notice directly and a copy thereof sent to the Superintendent.
4. A student may be suspended from all classes when he/she is formally charged with a felony by a proper prosecuting attorney for an incident which allegedly occurred on other than school property, but which is shown to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Following an administrative hearing conducted pursuant to State Board of Education Rules and after due notice to the parent(s), legal guardian, or custodian, the student may be suspended from School Board property during regular classroom hours for a period of time as determined by the Superintendent.
5. The following information shall be included in the written notice of suspension to the parent(s), legal guardian, or custodian of the minor student or the adult student and the Superintendent.
 - a. Nature of the offense.
 - b. The date of the offense, the beginning date of the suspension, and the date on which the student may return to school.
 - c. Any conditions involving the suspension, such as a possible reduction of the suspension following a conference and assurance from the student of a change of attitude.
6. Beginning August 1, 1991, any suspension notice to the adult student or the parent(s), legal guardian, or custodian of a minor student shall be: 1) hand-delivered by the principal or an administrative staff member, or 2) sent by regular mail, if

parents or legal guardian are contacted by phone, or 3) sent by certified mail with a return receipt. If the parents cannot be contacted, the student is NOT TO BE SENT HOME DURING THE SCHOOL DAY.

7. Whenever possible, a hearing shall be given to the adult student or a minor student and his/her parent(s), legal guardian, or custodian prior to the effective date of the suspension. Where conditions do not judiciously allow a delay in the suspension, the adult student or the parent(s), legal guardian, or custodian of the minor student shall be offered a hearing within twenty-four (24) hours following the effective date of the suspension. Whenever possible, after hearing a student's defense or explanation of his/her conduct, the principal shall explain to the student the reasons for the suspension and the conditions thereof.

8. Initial Student Hearing

In accordance with F.S. 1001.42(1)-(4); 1012(5); 1006.07(6); 1006.28(7) and 1006.21(8) suspension hearings are exempted from Chapter 120. Section IV, page 5, of the Code of Student Conduct will be followed to protect the rights of students and parents/guardians.

9. Parent Conferences

If the parent/guardian avails himself of the opportunity to discuss the suspension with the principal, any person(s) who may have been involved in the case may attend the conference upon the parent's/guardian's request. At this time, the student may also be present. This protection of the student's due process carries with it several important concepts. The parent/guardian of the student must have been notified in advance of the parental conference of the specific nature of the charges against the student by means of the suspension letter, and the student must be given the opportunity to be heard at the parent conference. The school administrator, after reviewing the case with the parent/guardian, will reaffirm the length of suspension as originally stated in the suspension letter, or will adjudicate the length of suspension upon consideration of the results of the parent conference. The parent/guardian, at this initial conference, should be advised of his right to appeal the action of the principal to the District School Superintendent and to the District School Board, in that order. A parent conference report is to be completed after the hearing. Pending such hearing the student may be temporarily suspended by the principal.

10. Superintendent's Review

If the parent or guardian feels that his child was not afforded a fair hearing at the school, he may appeal to the District Superintendent of Schools, who shall review the previous hearing of the student and shall have the authority to rule on the facts and validity of the suspension. The District School Superintendent may hear any additional testimony that may be deemed necessary to aid in making a final decision. Provision shall be made for District School Board review of the case, if, such an appeal is made by the parent/guardian.

11. Procedures for Expulsion

The principal may suspend a student from school for a period not to exceed ten (10) days with a recommendation that the student be ~~dismissed~~ expelled from school. Whenever, possible, or if conditions permit, the principal shall hear the student's defense or explanation of his/her conduct and shall explain to the student the reasons for the suspension with recommendation of ~~dismissal~~ expulsion. When possible, a hearing shall be given to the adult student or the minor student's parent(s), legal guardian, or custodian prior to the effective date of the suspension. A disruptive student who interferes with the orderly discharge of normal school functions shall be suspended forthwith; the minor student's parent(s), legal guardian, or custodian or the adult student shall be notified as provided herein with an offer of a conference subsequent to the effective date of the suspension. The principal shall conduct an investigation into charges and shall obtain written and signed statements from any witness immediately after the incident. A tape recorder may be used with the knowledge of all parties concerned to record any proceedings with the parent(s), legal guardian, custodian, or student, which may lead to a recommendation of expulsion. The following procedure shall be observed when a student is suspended with a recommendation for ~~dismissal~~ expulsion:

- a. The principal shall prepare a letter, which states the reasons for suspension and the recommendation that the student be ~~dismissed~~ expelled.
- b. The principal or designee shall hand-deliver the letter of notice to the parent(s), legal guardian, or custodian of a minor student or to the adult student or shall send the letter of notice by certified mail with a return receipt. A copy of the suspension notice and recommendation of ~~dismissal~~ expulsion shall be sent to the Superintendent.
- c. In making a request for expulsion, the principal shall make a written recommendation as to the length of the expulsion. When the principal recommends expulsion of the student from school, the principal shall provide the following information:
 - 1) Attendance, conduct, and suspension;
 - 2) The number of times the student has been seen by the visiting teacher, counselor, or other school supportive personnel;
 - 3) Curriculum adjustments, which have been made;
 - 4) The number of times the school has involved the parents in the student's adjustment problems;
 - 5) Other measures taken by the school to bring about a change in conduct of the student.

This letter will be made available to the student's parents or representative, and to the School Board members, as part of the background information for the recommended action of the expulsion.

- d. The Superintendent, if he/she concurs with the recommendation for ~~dismissal~~,

expulsion shall notify the adult student or the parent(s), legal guardian, or custodian of the minor student by certified mail with a return receipt requested. The notice shall specify the time and place the School Board will hear the charges and act on the ~~dismissal~~ expulsion recommendation. The minor student's parent(s), legal guardian, or custodian or the adult student shall be fully advised of the right to appear before the School Board during the hearing. The principal and any witness shall also be informed as to the time and place of the hearing.

e. Any student whose ~~dismissal~~ expulsion is being considered shall be accorded due process prior to his/her ~~dismissal~~ expulsion and during such hearing. This shall include:

- 1) A written copy of the charges against the student provided to the minor student's parent(s), legal guardian, or custodian or to the adult student.
- 2) An offer of a hearing at which the student may call witnesses and present evidence in his/her own behalf.
- 3) The right to cross-examine witnesses.
- 4) The right to defend his/her actions.
- 5) A legal counsel, at the student's expense, or other person who can assist the student in presenting his/her defense.
- 6) A written copy of the School Board's findings or action.

12. The Superintendent may extend the suspension assigned by the principal beyond ten (10) days if ~~dismissal~~ expulsion is recommended and such suspension period expires before the next regular or special meeting of the School Board.

a. Such an extension of a suspension requires the Superintendent to notify the minor student's parent(s), legal guardian, or custodian or the adult student in writing prior to the expiration of the suspension assigned by the principal. The period of time for the additional suspension shall be stated in the notice.

13. The Superintendent may recommend to the School Board expulsion of a student who is found guilty of a felony. Provided, however, any student subject to discipline or expulsion for being found guilty of a felony for the unlawful possession or use of any substance controlled under Chapter 893, Florida Statutes, ~~shall~~ may be entitled to a waiver of the discipline or expulsion if he/she divulges information leading to the arrest and conviction of the person who supplied such controlled substance or if he/she voluntarily discloses the unlawful possession of such controlled substance prior to arrest.

14. The Superintendent shall have the authority to:

Recommend to the School Board that a student be expelled for a period of time not to exceed the remainder of the current school year and one (1) additional year when that student has:

- a. possessed, used, or sold a firearm, knife, and any other item defined in the Gun Free Schools Act of 1994 and F.S. 790.115. (See Elementary and Secondary Code of Student Conduct)
- b. possessed, used, handled, or transmitted a substance capable of modifying mood and/or behavior (drug or alcoholic beverages);
- c. used any article as a weapon or in a manner reasonably calculated to threaten any person;
- d. committed a breach of conduct, including but not limited to, an assault on school personnel or on another student, a lewd or lascivious act, arson, vandalism, or any other act which disrupts or tends to disrupt the orderly conduct of the school or school activity;
- e. engaged in less serious but continuing misconduct, including, but not limited to, the use of profane, obscene, or abusive language, or other acts that are detrimental to the educational function of the school. Any expulsion recommendation based on such misconduct shall include a documented report by the principal on the corrective measures taken prior to recommending expulsion.

15. In the event that a student who has been recommended for expulsion withdraws from enrollment in the Clay County Schools, 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.

(Ref. F.S. 120.57(2); 1001.30; 1001.32; 1001.42(13); 1001.51(13); 1001.54 (3); 1003.31; 1003.32; 1006.07(1-2); 1006.08(8); 1006.09; 1006.10; 1006.13; SBER 6A-10956) (Amended: 03/21/91, 00/00/00)