

CODE OF CONDUCT AND DISCIPLINE FOR CALHOUN COUNTY SCHOOL DISTRICT 2008-2009

Calhoun County School Board
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We hereby certify that this Code of Conduct and Discipline Plan has been reviewed and approved.

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RATIONALE

The primary function of the public schools is to provide an equal educational opportunity for all students. Education cannot take place unless an atmosphere of good order and discipline necessary for effective learning exists. The responsibility for good order and discipline belongs to the entire community -- students, parents, teachers, school administrators, school board and the general public.

Order and discipline may be described as the absence of distractions, frictions and disturbances which interfere with the success of the student, the class or the school. These conditions must be thought of as positive, as helping students to adjust by turning unacceptable conduct into acceptable behavior. While it is apparent that a choice must sometimes be made between the welfare of the majority of students and the desire to modify the behavior of a few students, discipline can be the presence of a friendly, businesslike rapport among students, parents, teachers, and administrators.

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 sometimes require different types of disciplinary action.

Students are subject to the rules and regulations of the School Board:

- during regular school hours
- while being transported on school buses or otherwise en-route to or from school
- at such times and places including, but not necessarily limited to, school sponsored events, field trips, athletic functions, and other activities where appropriate school personnel have jurisdiction over students.

The development of this **Student Code of Conduct and Discipline** has been a dedicated effort of many people, including students, teachers, school administrators and parents. The purpose of this document is to provide information concerning the responsibilities and rights of students. Disciplinary procedures are also included for those who do not accept these responsibilities and rights.

An effort has been made to examine the practices of our schools and develop a fair and consistent code that should set a time and atmosphere conducive to positive educational experiences. Student responsibilities, as well as their rights have been specifically defined.

Although the Florida Legislature enacted a law requiring school districts to develop a **Code of Student Conduct and Discipline**, we have taken this task as another means for involving the community and their schools in trying to provide an educational program to meet the student's needs within an acceptable framework of conduct as set by this community. This code, with proper administration, will contribute to better schools and better instruction for our students.

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:

A. Parents Who:

1. keep in regular communication with the school authorities concerning their child's progress and conduct.
2. insure that their child is in class during scheduled times, is in attendance daily and promptly reports and explains an absence or tardiness to school.
3. provide their child with the resources needed to complete class work.
4. assist their child in being healthy, neat, and clean.

5. bring to the attention of school authorities any problem that affects their child or other children of the school.
6. discuss report cards and work assignments with their child.
7. maintain up-to-date home, work, and emergency telephone numbers at the school, including doctor and hospital preferences on the student's emergency card. It is the parent's responsibility for the results of miscommunication due to out-of-date contact information,

B. Students Who:

1. attend all classes daily and are punctual in attendance.
2. are prepared to come to class with appropriate working materials.
3. are respectful to all individuals and property.
4. refrain from profane or inflammatory statements.
5. conduct themselves in a safe and responsible manner.
6. are clean and neat.
7. are responsible for their own work.
8. abide by the rules and regulations of the school and each classroom teachers.
9. realize that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful.
10. seek changes in an orderly and recognized manner.

C. Schools That:

1. maintain an atmosphere conducive to good behavior.
2. exhibit an attitude of respect for students.
3. plan a flexible curriculum to meet the needs of all students.
4. promote effective training or discipline based upon fair and impartial treatment of all students.
5. develop a good working relationship among staff and with students.
6. encourage parents to keep in regular communication with the school.
7. encourage parent participation in affairs of the school.

D. ATTENDANCE POLICY AND TRUANCY PROCEDURES

Each parent of a child within the compulsory attendance age shall be responsible for such child's school attendance as required by **F.S. 1003.24**. Tardiness and class cutting disrupt education and are addressed in Section VI of this handbook.

ATTENDANCE - Parents Responsible for Attendance of Children

1. Attendance in Grades 6 - 12

To receive a passing grade (60 or higher) a student must be in attendance for a minimum of 40 days in a nine-week grading period. However, absences in excess of five in a grading period will be excused for extended and/or recurring illnesses only and will require verification by a doctor or certified health official. The verification must be submitted to the school within five school days of the student's return to school. Cases involving extenuating circumstances may be appealed to the principal within five days of the absence and may include:

- a. death in the immediate family
- b. religious holiday or instruction
- c. any other insurmountable condition as determined by the principal
- d. prior approval by principal

2. Truancy Procedures in K-12

In accordance with the provisions of Florida Statutes, Chapter 1003.21- Compulsory School Attendance, Child Welfare Chapter 39- Florida Juvenile Justice Act; School Board Policy, and FAC 6A-6.0713, a cooperative agreement for improving attendance and dealing with truant students of compulsory school age attendance is in effect. School procedures for dealing with truancy are outlined in the truancy prevention procedures and will be adhered to.

E. PREVENTIVE MEASURES

A major consideration in the application of the Code of Student Conduct is that the action taken by school personnel be consistent with the disciplinary problem involved. Teachers and administrators should strive to use a variety of informal disciplinary and guidance methods, prior to, during and after formal disciplinary action.

These methods may include:

1. Student program adjustment.
2. Referral for group or individual counseling with guidance counselors, peer counseling, psychological evaluations, and such other services deemed appropriate.
3. Conferences and/or contacts between administrators, parents, teachers, and students.
4. Referral to appropriate agencies for specific problems.
5. Timeout or Detention.

LEGAL BASIS FOR STUDENT DISCIPLINE

There are several state laws that grant authority in the area of developing a Code of Student Conduct and Discipline.

A. AUTHORITY OF THE BOARD F.S. 1006.07

The School Board acting as a board shall exercise all powers and perform all duties listed below.

CHILD WELFARE - Provide for the accounting of all children of school age for attendance and control of pupils at school as to health, safety and other matters relating to the welfare of children in the following fields, as prescribed in F.S. 39, 1003, and 1006.

CONTROL OF PUPILS - Adopt rules and regulations for the control, discipline, suspension and expulsion of pupils and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of Chapter 120. Expulsion hearings shall be governed by the provisions of F.S. 120.57(2). When corporal punishment is used it must be within the guidelines specified in School Board Policy 530.

CODE OF STUDENT CONDUCT - Make available to all teachers, school personnel, students, and parents or guardian, at the beginning of each school year, a code of conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to: specific grounds for disciplinary action; procedures to be followed for acts requiring discipline, including corporal punishment; and an explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

B. AUTHORITY OF SUPERINTENDENT F.S. 1006.08

The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in doing so, he shall advise and counsel with the school board. The recommendations, nominations, proposals and reports required by law and regulations are to be made in writing, noted in the minutes and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

CHILD WELFARE - Recommended plans to the school board for the proper accounting for children of school age; for the attendance and control of pupils at school, for the proper attention to health, safety, and other matters which will best promote the welfare of children in the following fields, as prescribed in F.S. 1003.21.

CONTROL OF PUPILS - Propose rules and regulations of the control, discipline, suspension, expulsion of pupils, review and modify recommendations for suspension and expulsion of pupils and transmit to the school board recommendations for expulsion of pupils. When the superintendent makes a recommendation for expulsion to the school board, he shall give written notice to the pupil and advise the pupil and his parent or guardian of his right to due process as prescribed by F.S. 120.57(2). When school board action on a recommendation for the expulsion of a pupil is pending, the superintendent may, unless prohibited by Federal, State or District guidelines, extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the school board.

Upon receipt of notification from law enforcement, the Department of Juvenile Justice, the office of the State Attorney, or the court system that a public school student has had certain types of contact with the juvenile justice system, the superintendent or designee, within twenty-four (24) hours of such notice, shall provide such information to the school administrator, student services personnel, school resource officer, and the student's immediate teachers (those in whose courses or classroom the student in question is currently enrolled). (See **Zero Tolerance Rule**, Appendix A, for circumstances which require notification.)

C. AUTHORITY OF THE PRINCIPAL F.S. 1006.09

Subject to law and to the rules of the state board and the district school board, the principal, or his designated representative in charge of the school, shall develop policies by which he may delegate to any teacher or other member of the instructional staff or to any bus driver transporting students of the school such responsibility for the control and directions of students as he may consider desirable.

The principal or their designated representative may suspend a student only in accordance with the rules of the district school board, and each suspension shall be reported in writing within twenty-four (24) hours, with the reasons therefore, to the student's parent or guardian and to the superintendent. A good faith effort shall be made by the principal to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension. No student who is required by the law to attend school shall be suspended for unexcused absences or truancy. The principal or their designated representative may suspend any student transported to or from school at the public expense from the privilege of riding the school bus, giving notice in writing to the student's parent or guardian and to the superintendent within twenty-four (24) hours. School personnel shall not be held legally responsible for suspensions of students made in good faith.

The principal or his designated representative may recommend to the superintendent the expulsion of any student who has committed a serious breach of conduct. Any such recommendation shall include a detailed report by the principal or their designated representative. Suspension proceedings, pursuant to rules of the State Board of Education, may be initiated against any pupil enrolled as a student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents or legal guardian or custodian of such pupil by the principal of the school pursuant to rules promulgated by the State Board of Education and to rules developed pursuant to F.S. 1012.28, to have an adverse impact on the educational program, discipline or welfare in the school in which the student is enrolled. Any pupil who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed 10 days, as determined by the superintendent. Such suspension shall not affect the

delivery of educational services to the pupil and the pupil shall be immediately enrolled in a daytime alternative education program, or an evening alternative education program, where appropriate. If the pupil is not subsequently adjudicated delinquent or found guilty, the suspension shall be terminated immediately. If the pupil is found guilty of a felony, the superintendent shall have the authority to determine if a recommendation for expulsion shall be made to the school board; however, such suspension or expulsion shall not affect the delivery of educational services to the pupil in any residential or nonresidential program outside the public school. F.S. 1006.09

School officials shall ensure that local law enforcement authorities are notified as soon as possible when an offense of a violent nature (section 6(C) (**Zero Tolerance Rule**) is committed on school property, on school sponsored transportation, or during a school sponsored activity. Additionally, if the offense involves a victim, school officials shall notify the victim and the parents or legal guardian if the victim is a minor, of the offense and of the victim's right to press charges against the offender.

D. AUTHORITY OF THE TEACHER F.S. 1003.32

Subject to law and to the rules of the district school board each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him by the principal or his designated representative and shall keep good order in the classroom and in other places in which he is assigned to be in charge of students. If a teacher feels that corporal punishment is necessary, at least the following procedures shall be followed:

1. The use of corporal punishment shall be approved in principle by the principal before it is used, but approval is not necessary for each specific instance in which it is used.
2. A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student's presence, of the reason for the punishment.
3. A teacher or principal who has administered punishment shall, upon request, provide the pupil's parent or guardian with explanation of the reason for the punishment and the name of the other adult witness who was present.
4. The authority of the teacher and other instructional personnel to discipline violent and disruptive students shall be consistent with the provisions of the Code of Ethics (Rule 6B-1.001 FAC.), and the Principles of Professional Conduct of the Education Profession in Florida Rule (6B-1.006 FAC.), the **Code of Student Conduct and Discipline for Calhoun District Schools**, and schools' policies. State Goal Five addresses the significance of the school providing an environment which promotes good health and is free of violence, weapons, hazards, vandalism, substance abuse, and disruptive influences. Within these parameters, the teacher and other instructional personnel shall have the authority, as well as the responsibility, (Rules 6B-1.001, 6B-1.006, FAC) to undertake various alternatives and techniques in managing student behavior and in ensuring the safety of all students in their classes and schools. A non-exhaustive list of suggestions is offered in the **Zero Tolerance Rule**, Appendix A, (8) (a-n).

Pursuant to **F.S. 1003.32** and Calhoun County School Board Policy 5.33, a student may be removed from a teacher's classroom for repeated disruptive behavior or a violent incident. The guidelines as outlined in the school board policy must be applied.

E. AUTHORITY OF THE SCHOOL BUS DRIVER F.S. 1006.10

The principal shall delegate to the school bus driver such authority as may be necessary for the control of pupils being transported to and from school, or school functions at public expense. Any pupil who persists in disorderly conduct on a school bus shall be reported to the principal by the driver of the bus and may be suspended by the principal of the school he attends from being transported to and from school, and school functions at public expense.

The school bus driver shall preserve order and good behavior on part of all students being transported but he shall not suspend the transportation of or give physical punishment to any pupil or put any pupil off the bus at other than the regular stop for the pupil except by order of the parent or of the principal in charge of the school the pupil attends; provided there should be an emergency due to the conduct of

pupils on the bus, the bus driver may take such steps as are reasonably necessary to protect the pupils on his bus.

F. PUPILS SUBJECT TO CONTROL OF SCHOOL F.S. 1003.31:

Subject to law and rules and regulations of the State Board and of the School Board, each pupil enrolled in a school shall, during the time he is attending school, and during the time he is on the school premises, be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the State Board or the District School Board may, by rules and regulations, subject each pupil to the control and direction of the principal or teacher in charge of the school during the time he is otherwise en-route to or from school or is presumed by law to be attending.

Searches, Investigations and Interrogations:

A student locker or other storage is subject to search, upon reasonable suspicion, for prohibited or illegally possessed substances or objects as described in F.S. 1006.09. Interrogations, interviews, and removal of students must be done in compliance with Board Policy 5.351 (Appendix F).

G. SCHOOL FACILITIES/LIABILITY

F.S. 1003.31 provides that students are considered under the control and supervision of the school when they are on the premise during a reasonable time before and after school and while attending or participating in a school-sponsored activity at the school site. Reasonable time is defined as 30 minutes before and after school.

H. LIABILITY OF TEACHER OR PRINCIPAL F.S. 1006.11:

Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or his designated representative, or a bus driver shall not be civilly or criminally liable for any action carried out in conformity with the state board and district school board rules regarding the control, discipline, suspension, and expulsion of students.

PHILOSOPHICAL BASIS

Following are the philosophical basis upon which the student's responsibilities and rights exist:

- A.** Schools must make available written rules of conduct to students and parents. Students and parents must assume responsibility for knowing and observing both school rules and state laws that govern student conduct.
- B.** School Administrators have an obligation under State Law to enforce compulsory school attendance laws. Students have an obligation to avail themselves of the opportunity for a free education.
- C.** Schools should provide an educational program based upon the needs of students and society. Students have the responsibility to utilize the educational experiences.
- D.** Schools should provide opportunities for participation in extracurricular activities. Students should avail themselves of participation in those activities that are of interest to them and for which they qualify.
- E.** Schools should provide an environment that assures respect for persons and property. Students have an obligation to respect the persons and property of others.
- F.** Schools have a responsibility to insure the privacy rights of students as specified by law.
- G.** Schools should provide opportunities for student groups to meet in accordance with rules and scheduled use of facilities.
- H.** Schools have an important role in providing effective avenues for student expression in a wide variety of ways. Students should try to understand the attitudes and viewpoints of the entire school community.

STUDENTS' RESPONSIBILITIES AND RIGHTS

Students have responsibilities and rights relative to the knowledge and observation of school rules. They also have definite responsibilities and rights in the areas of attendance, right to learn, participation in school programs and activities, respect for persons and property, privacy, assembly and free speech and student publications. Following is a listing of the specific responsibilities relative to the many aspects of their educational experiences:

A. RESPONSIBILITIES

1. Students are responsible for knowing and observing school rules.
2. Students have the responsibility to take advantage of their educational opportunity by attending all classes daily and on time.
3. Students have a responsibility to:
 - a. Take advantage of the appropriate school programs and not infringe on the rights of others to learn.
 - b. Involve themselves in the classes in which they are enrolled through participation as directed by the teacher.
 - c. Involve parents and school personnel in making certain curriculum choices.
4. Student organization officers and representatives are to be alert to needs of the school, the concerns of the student body and to work toward the satisfaction of these needs and concerns to the best of their ability.
5. Students have the Responsibility to:
 - a. Respect the persons and property of other students and the school staff.
 - b. Take care of the property of the school system.
 - c. Failure of a student to pay for lost or damaged instructional materials will result in suspension of the student from participation in extracurricular activities.
6. Parents, guardians, or eligible students have the responsibility of informing the school and individuals of agencies who are working actively and constructively for the benefit of the student, of any information that may be useful in making appropriate educational decisions.
7. Students have the responsibility to plan, seek approval, and conduct those activities that are consistent with the educational objectives and responsibilities of the school.
8. Students have the responsibility to accept the rights of other individuals, to have differing viewpoints and to express themselves on those issues in which they disagree in a manner which does not infringe upon the rights of others, or interfere with the orderly educational process of the school, and is not obscene or libelous or in violation of school rules.

B. RIGHTS

1. Students have a right to expect clear and understandable rules and regulations to be furnished by the school. They may expect these rules, regulations and laws to be enforced fairly with the right of due process afforded.
2. Students have the right to clearly defined information on School Board Rules and individual school policies dealing with attendance.
3. Students have the right under the direction of a faculty advisor to:
 - a. Form and operate within their respective schools, appropriate student organizations.
 - b. Seek offices and participate in activities and organizations regardless of race, sex, color, creed, or political beliefs.
4. Each student has the right to expect:
 - a. That his person and property will be respected by other students and the school staff.
 - b. The school property to be safe, clean, attractive and well maintained.
5. Students have the right to:
 - a. Be protected by legal provisions that prohibit the release of personally identifiable information as provided by law.

- b. Privacy in their personal possessions unless the principal has a reasonable cause to believe that the student is concealing material, which possession of, is prohibited by law.
6. Students have the right to assemble peacefully on school grounds or in school buildings. Exercise of this right shall be denied when it substantially and directly endangers physical health and safety, damages property or disrupts the school program.
7. Students have the right to express themselves and to petition and survey student opinion in accordance with there established procedures.

DISCIPLINARY PROCEDURES

We strongly urge that each classroom teacher attempt to deal with general classroom disruption by taking in-class disciplinary action, by making a personal call to the parent, and when the action taken by the teacher is ineffective, or the disruption is sufficiently severe, then the student should be referred to the principal or his/her designee.

Depending on the seriousness and frequency of the misconduct, certain disciplinary procedures will be followed. For those behaviors that are less serious the following action will be taken.

1. Teacher/pupil conferences
2. Teacher/parent communication
3. Withdrawal of privileges that are under the teacher's jurisdiction
4. Counseling by teachers, student service personnel, and, or administrators
5. Assigned warnings
6. Corporal Punishment
7. Administrators will be involved in all cases as needed

Repeated occurrences of less serious behaviors may be dealt with in the same manner as misconduct of a more serious nature. The following are considered in addition to any of the above mentioned actions.

1. Corporal punishment
2. Assignment to detention
3. In-school Suspension (ISS)
4. Out-of-school suspensions (OSS)
5. CARE Program (Grades 6-12)
6. Recommendation for expulsion
7. Expulsion by School Board

Some of the violations of school rules are also violations of the laws in the Criminal Code of the State of Florida. If students violate these laws not only will they be subject to suspension from school, but also local law enforcement officials will be contacted and the student's misconduct will also be handled by these authorities. (See **Zero Tolerance Rule**, Sections (2) (6) Appendix A.)

The illegal use, possession, distribution, or sale of weapons, alcohol, drugs or other controlled substances (as defined in Chapter 893, Florida Statutes), or the illegal use or display of electronic telephone pagers or cell phones, by any student while such student is upon school property or in attendance at a school function is grounds for suspension and/or recommended expulsion by the school board.

SPECIFIC GROUNDS FOR DISCIPLINARY ACTION

- A. Since misconduct of any degree or frequency is undesirable and not conducive to a positive learning environment for all, students should understand that certain consequences are applicable to their

behavior. Because some behaviors are more serious and disruptive than others, the frequency, nature, and degree of the misconduct will determine the specific disciplinary action that will be taken.

NOTE:

Any student who commits a serious breach of conduct, or who is a chronic discipline problem, as determined by the principal, may be referred for screening for possible placement in the Calhoun County Dropout Prevention Disciplinary school.

NOTE:

Any student who is assigned to CARE shall be allowed to attend, but not participate in, activities or functions that are open to the general public. Activities such as a prom or a senior trip are not allowed.

NOTE:

Any student who is assigned out-of-school suspension or expulsion from the Calhoun County School System shall not be allowed to attend or participate in a school-sponsored activity or function, nor be allowed on school property during the duration of the suspension or expulsion.

Missed work shall be made up for all absences, which includes suspension. It is the student's and/or parent's responsibility to request and pick up assignments during the suspension period. Work is due upon return to school after the suspension. Each student shall receive full credit for such work.

NOTE:

Any student who commits a serious breach of conduct, or who is a chronic discipline problem, as determined by the principal, may be suspended from participation of extracurricular activities including athletics.

It is understood that, in dealing with the following violations of the conduct code, the principal and his/her designee shall hear the student's explanation, and consult further with the teacher, if necessary, before determining the disciplinary action. Due process procedures are adhered to in all investigations of a discipline problem. Following is a non-exhaustive list of behaviors for which disciplinary action of some type will be taken.

1. Tardiness
2. Absences
3. Disrespect for the teacher
4. Cutting class
5. Failure to follow instructions
6. Failure to follow bus rules for safety and order
7. Loss or damage of materials belonging to the school
8. Disruption of class or school activities
9. Distribution of unauthorized materials and other items
10. Libelous statements
11. Teasing and horseplay
12. Cheating and lying
13. Unauthorized assembly
14. Stealing
15. Abusive language
16. Intimidation, bullying or threats of violence
17. Damage to school plant and grounds
18. Damage to personal property of students and staff members
19. Defiance
20. Vandalism
21. Fighting
22. Assault and battery; obscene language

23. Physical or verbal abuse on students or staff members
 24. Possession/use of unauthorized substances, including alcohol
 25. Use of or possession of weapons
 26. Possession and/or use of **ANY** electronic devices during the school day without the Principal's permission. Devices may include, but not be limited to: PDA's, MP3 players or recorders, photo cameras, video cameras or audio recording or playing devices
 27. Visible or audible display and/or use of an electronic communication device during the school day without the Principal's permission
 28. Possession and/or use of any tobacco product
- B.** When a student commits a serious breach of conduct, immediate suspension is permitted. Pursuant to F.S. 1006.09, the district will comply with SBER 6A-1.0956, FAC.

The following acts of misconduct may be considered serious enough to warrant immediate suspension before other alternatives are attempted:

1. Repeated office referrals for misconduct
2. Excessive distraction of other students -- any conduct and/or behavior which is disruptive to the orderly educational process in the classroom or any similar grouping for instruction.
3. Assault on student -- the intentional, unlawful threat by word or act to do violence to another student coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in the person that such violence is imminent.
4. Assault and battery on student -- actually and intentionally touching or striking another student against the will of the other; or intentionally causing bodily harm to an individual.
5. Gambling -- any participation in games of chance for money and/or other things of value.
6. Use of profane or obscene language.
7. Disruption on a school bus, or at a bus stop.
8. Activating a fire extinguisher
9. Disobedience, Disrespect or Defiance of School Board employee's authority any verbal or nonverbal refusal to comply with a lawful direction or order of a School Board employee.
10. Inciting, Leading, or Participating in a Major Student Disorder.
11. Possession and/or use of tobacco products -- any possession on the person, in the locker, or other effects of a student. Any holding of a lighted cigarette (cigar, etc.) inhaling or exhaling of the smoke of tobacco, or use of any other tobacco products.
12. Unauthorized possession, use of or transfer of drugs and alcoholic beverages.
13. Drug selling -- the act of providing a substance defined in Florida Statutes, **Chapter 893**, to others for exchange of money or other valuable considerations.
14. Contraband -- any student who possesses, uses, handles, transmits, or deals with contraband is subject to suspension and expulsion. Contraband is any article or articles of property which if possessed, used, handled, transmitted, or otherwise dealt with could interfere with or tend to interfere with the normal, orderly, peaceful, and efficient conduct of any school, school activity, or educational process or procedure. Further definition includes, but is not limited to, offenses listed in a. and b. below:
 - a. Knowingly possessing, using, displaying, carrying, storing, concealing, transmitting, intimidating with, or threatening to use, any firearm (or reasonable facsimile), knife, box cutters, explosive, or other dangerous object of no reasonable use to the student while on school grounds, school board property and facilities, buildings, school buses, motor vehicles on school adjacent grounds, or at any school-sponsored function, or any school board sponsored or governed activity; or
 - b. Knowingly possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind.
15. Fighting -- any physical conflict between two (2) or more individuals.
16. Vandalism -- willfully and maliciously injuring or damaging by any means any real or personal property belonging to another.

17. Stealing - Larceny -- the intentional unlawful taking and carrying away of personal property in the possession of another without his consent.
18. Extortion -- verbally or by a written or printed communication, maliciously threatening to accuse another of any crime or offense, or by such communication of any crime or offense, or by such communication maliciously threatening an injury to the person, property, or reputation of another, or maliciously threatening to expose another to disgrace with the intent thereby to extort money or any pecuniary advantage whatsoever, or with the intent to compel the person so threatened, or any other person, to do any act or refrain from doing any act against his will.
19. Trespassing -- willfully entering or remaining in any structure, conveyance, or property without being authorized, licensed, or invited, is warned by an authorized person to depart and refuses to do so.
20. Offensive or inappropriate touching, photo recording, video recording, or audio recording of a person.
21. Written or verbal propositions to engage in sexual acts.
22. Use of obscene manifestations (verbal, written, gesture) toward another person.
23. Malicious mischief (graffiti, etc.)
24. Arson -- willful and malicious burning of any part of a building or its contents.
25. Bomb threats -- any communication directed at a school employee which is designed to interrupt the educational process.
26. Preparing, possessing, or igniting on School Board property explosives likely to cause serious bodily injury or property damage.
27. Use of electronic telephone pagers or cell phones during regular school hours.
28. Disruption caused by the use of an electronic telephone pager or cell phone during school or a school sponsored activity.
29. Any other offense which the principal may reasonably deem to fall in this category.

Any student who is formally charged with a felony shall be suspended from participation in any extra curricular activity until the sanctions imposed by the court have been satisfactorily completed and the case has been closed.

C. 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, classes, and school. The following misconduct shall result in suspension for students in grades 6-12 and may, at the principal's discretion, apply to Pre-K through 5, depending on the severity of the offense.

1. Insubordination/Defiance/Disrespect -Any act of insubordination, defiance, or disrespect by a student toward a supervising adult or school board employee, on campus or at any school sponsored activity.
 - a. 1st offense - Minimum of 3 days in ISS
 - b. 2nd offense - Minimum of 5 days in ISS
 - c. 3rd offense - 10 days of OSS and
 - recommended expulsion or
 - the option of CARE placement pending Administrative Review
2. Fighting
 - a. 1st offense - Minimum of 3 days in ISS
 - b. 2nd offense - Minimum of 5 days in ISS
 - c. 3rd offense - 10 days of OSS and
 - recommended expulsion or
 - the option of CARE placement pending Administrative Review

3. Any threat to use a weapon that is not present to cause bodily harm shall result in a suspension. This does not refer to aggravated assault which is a threat while in possession of a weapon [See E (5)]
 - a. 1st offense - Minimum of 5 days in ISS
 - b. 2nd offense - Minimum of 7 days in ISS
 - c. 3rd offense - 10 days of OSS and
 - recommended expulsion or
 - the option of CARE placement pending Administrative Review

4. Any student possessing a knife or other dangerous object shall be suspended as follows:
 - a. 1st offense - Minimum of 3 days in ISS
 - b. 2nd offense - Minimum of 5 days in ISS
 - c. 3rd offense - 10 days of OSS and
 - recommended expulsion or
 - the option of CARE placement pending Administrative Review

5. Sexual Misconduct

Any act which the principal determines to be sexual misconduct by a student, whether on campus or at any school sponsored activity.

 - a. 1st offense - Minimum of 3 days in ISS
 - b. 2nd offense - Minimum of 5 days in ISS
 - c. 3rd offense - 10 days of OSS and
 - recommended expulsion or
 - the option of CARE placement pending Administrative Review

Any student who is guilty of gross sexual misconduct, as determined by the principal, even if it is the first offense, shall be assigned to 10 days of OSS. After the 10 days of OSS, the student(s) would be recommended for expulsion or for placement in the Calhoun County Disciplinary Program Pending Administrative Review.

6. Bullying or Harassment

Any act which the principal determines to be bullying or harassment by a student, whether on campus or at any school sponsored activity.

 - a. 1st offense - Minimum of 3 days in ISS
 - b. 2nd offense - Minimum of 5 days in ISS
 - c. 3rd offense - 10 days of OSS and
 - recommended expulsion or
 - the option of CARE placement pending Administrative Review

7. Cell Phones and Other Electronic Devices

The Calhoun County School System believes that students have a right to orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students. Schools in Calhoun County have recently experienced disruptions caused by electronic communications devices and other electronic devices such as, but not limited to, PDA's, MP3 players or recorders, photo cameras, games, video cameras or audio recording/playing devices. With this in mind, the following specific consequences will be enforced concerning these devices while on school campus.

While state law permits students to bring cell phones on school campuses, they must be turned off, out of sight and locked in student lockers while on Calhoun County campuses during the school day. The following consequences will apply if a student has an electronic communication device turned on, visible or in use:

 - a. 1st offense - Warning-Parent Must Pick up the Confiscated Device
 - b. 2nd offense - 3 Days ISS-Parent Must Pick up the Confiscated Device

- c. 3rd offense - 5 Days ISS-Parent Must Pick up the Confiscated Device
- d. 4th offense - 7 Days ISS-Parent Must Pick up the Confiscated Device
- e. 5th offense - 10 Days ISS-Parent Must Pick up the Confiscated Device
 - Expulsion may be recommended after the 5th offense

No other electronic devices are permitted on school campus. The following consequences will apply if a student brings or possesses an electronic device on campus:

- a. 1st offense - Warning - Parent Must Pick up the Confiscated Device
 - b. 2nd offense - 3 Days ISS - Parent Must Pick up the Confiscated Device
 - c. 3rd offense - 5 Days ISS - Parent Must Pick up the Confiscated Device
 - d. 4th offense - 7 Days ISS - Parent Must Pick up the Confiscated Device
 - e. 5th offense - 10 Days - ISS-Parent Must Pick up the Confiscated Device
 - Expulsion may be recommended after the 5th offense
8. Intentional, false activation of a fire alarm system will merit a 10 day suspension with notification of law enforcement
9. Expulsion may be recommended at any time, at the discretion of the principal, depending on the severity of the incident.
- D. After 10 days of accumulated in-school suspension and/or out-of-school suspension, the Principal or his/her designee may recommend assignment of the student to the CARE Discipline Program, which include the Discipline Dropout Prevention Program and the ESE Alternative Program as an alternative placement intervention prior to expulsion. During any assignment to the CARE Program, a student who accumulates five additional days of suspension may be recommended for expulsion, including when the assignment to CARE continues into the following school year.

Prior to 10 days of accumulated suspension, students may be assigned to CARE for an extreme act(s) of misconduct, such as, but not limited to, drug use, violence or sexual offenses.

Students may be placed in a CARE Program or receive other Educational Services as an alternative placement at any time the Child Study Team deems that program to be:

- an appropriate alternative,
- the completion of an existing assignment or program, or
- a transition from a more restrictive program.

Unless otherwise determined by the Child Study Team, students assigned to CARE must complete a minimum of forty-five (45) days and demonstrate satisfactory behavior by successfully completing the level system in order to be considered for reappointment into the regular classroom. A second assignment into the CARE Program will require a minimum of ninety (90) days and demonstration of satisfactory behavior by successfully completing the level system in order to be considered for reappointment into the regular classroom.

- E. Zero Tolerance for Crime and Victimization--Pursuant to **F.S. 1006.13**, the Calhoun County School Board shall invoke the most severe consequences provided for in the **Code of Conduct** in dealing with students who engage in acts of crime and in victimization whenever and wherever students are under the jurisdiction of the school district. Law enforcement must be notified of all felonies and violent misdemeanors committed during school hours or during victimization whenever and wherever students are involved in school sponsored activities.

The Zero Tolerance Statute states, in part, that:

“The zero tolerance policy shall require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 calendar year, and to be referred to the criminal justice or juvenile justice system.”

Examples of Zero Tolerance offenses requiring law enforcement include, but are not limited to:

1. homicide (murder, manslaughter)
2. sexual battery or aggravated battery
3. armed robbery
4. victimization
5. aggravated assault
6. assault or battery on a teacher or other school personnel
7. kidnapping or abduction
8. arson
9. possession, use or sale of any firearm; or production for placement on school property
10. possession, use, or sale of any explosive device
11. bomb threat or hoax
12. 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

ZERO TOLERANCE FOR SCHOOL RELATED VIOLENT CRIME, 6AER94-3

(SBE Emergency Rule) Rule 6A-1.0404 (For a full text of this rule, see Appendix A)

This rule implements the State Board of Education's Zero Tolerance Policy on school violence, crime, weapons or victimization; it is part of a comprehensive approach to reducing school violence and crime. The rule requires each school board to adopt a zero tolerance policy on school violence and ensure that all students and their families are aware of this policy.

The rule also sets forth specific directions for school districts to: 1) establish consequences for certain violent acts; 2) notify law enforcement agencies of violent acts committed on school property or school-sponsored events; 3) establish communication with law enforcement agencies; and 4) assist school personnel with dealing with violent and disruptive youth.

Also, according to this rule, school districts are required to invoke the most severe consequences provided for in the dealing with students who engage in violent criminal acts on school property, on school sponsored transportation, or during school sponsored activities.

A. Gun Free Schools Act of 1994

NOTICE:

Any student who is determined to have brought a firearm (defined in Appendix G - United States Code, Gun Free Schools Act, Section 921 of Title 18 and by reference from Calhoun County School Board Policy 5.32) to school, any school function, or on any school sponsored transportation will be recommended for expulsion, with or without continuing educational services, from the student's regular school for a period of not less than 1 calendar year and referral for criminal prosecution. The Superintendent may consider the one (1) year expulsion requirement on a case by case basis and request the School Board to modify the requirement if it is determined to be in the best interest of the student and the school system. (F.S. 1001.41, 1001.42, 1012.22).

B. Drug Free Schools

It is the intent of the School Board that all schools and school activities shall be drug free. The use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful. This policy statement is to be implemented by district administration as prescribed herein.

1. **Definitions.** These words and phrases shall have the following meaning as used herein.
 - a. "Intoxicating or alcoholic beverages" refer to all beverages containing more than one percent (1%) alcohol by weight.
 - b. "Drugs" means cannabis, the seeds thereof, and the resin extracted from any part of the plant, and any other drug or substance the possession of which is unlawful pursuant to Chapter 893, Florida Statutes. Drugs also include and by definition mean prescription drugs, diet pills, stimulants such as "no-doz", "stackers" and "stacker-like" products, and the various mail order caffeine stimulants that are shaped to look like various prescription amphetamines.
 - c. "Hard Drugs" means cannabis, the seeds thereof, and the resin extracted from any part of the plant, (marijuana, hashish, and hash oil). Narcotics: (codeine, demerol, dilaudid, heroin, methadone, morphine, opium, and percodan). Barbiturates and related sedatives: (amytal, nembutal, phenobarbital, seconal, tuinal, doriden, noludar, placidyl, quaalude, soper, parest, optimil, and somnafac). Cocaine (in any form). Hallucinogens: (LSD, MDA, mescaline, peyote, psilocybin, and PCP); minor tranquilizers: daimane, equanil/miltown, librium, serax, and valium; major tranquilizers: mellaril, thorazine, and any other drug that is listed as a controlled substance in Chapter 893, Florida Statutes.
 - d. "Sale" means the actual, constructive, or attempted transfer from one (1) person to another for any consideration or remuneration whatsoever.
 - e. "Distributing" means the actual, constructive, or attempted transfer from one person to another without remuneration whatsoever.
 - f. "Possesses" means having or holding of property or the state of owning or having in one's hands.
 - g. "Second Offense" means any second offense while enrolled in grades 6-12 regardless of home school district.
 - h. "Substance Abuse" means the use of any drug when such use is unlawful, and use of any drug when such is detrimental to the user or to others but is not unlawful.

2. **Discipline.**(Tobacco) The principal shall follow the guidelines below when an investigation and evidence indicate a student uses, possesses, is selling, has sold, or is otherwise distributing tobacco while on a School Board property or in attendance at a school sponsored activity.
 - a. For an elementary student, the principal shall confer with student's parent(s) or legal guardian to determine if the circumstances require implementation of the guidelines contained in Subsection (B) (2 [b,(1), (2), (3), and (4)]) herein.
 - b. For students in grades 6-12,
 - (1) 1st offense - the student shall be suspended for a minimum of three (3) days up to a maximum of ten (10) days with a drug offense referral to the appropriate law enforcement agency.
 - (2) 2nd offense - the student shall be suspended for a minimum of five (5) days up to a maximum of ten (10) days with a drug offense referral to the appropriate law enforcement agency.
 - (3) 3rd offense - the student shall be suspended for a minimum of seven (7) days up to a maximum of ten (10) days with a drug offense referral to the appropriate law enforcement agency.
 - (4) 4th offense - the student shall be suspended **out-of-school** for a minimum of ten (10) days, with referral to the appropriate law enforcement agency, and recommended for expulsion.
 - The principal shall recommended procedures for expulsion.
 - A student who is expelled may be readmitted to school when he/she has completed all recommended counseling, intervention programs, and community services as prescribed by the Superintendent and Board.
 - c. Once, and only once, a student may opt to attend the tobacco education program "Intervening With Teen Tobacco Users," as a substitute for suspension as prescribed in (2), (3) or (4) above. This program will be taught in the evening at the Calhoun County Health Department by their personnel. There is a five dollar fee for each of the four sessions.

3. **Discipline (Drugs)** The principal shall follow the guidelines below when an investigation and evidence indicate a student uses, possesses, is selling, has sold or is otherwise distributing alcoholic beverages, drugs or any controlled or harmful substances while on School Board property or in attendance at a school sponsored activity. The Principal has the authority to use discretion in each case in which the student is caught in possession of or using over-the-counter drugs.
 - a. For an elementary student, the principal shall confer with student's parent(s) or legal guardian to determine if the circumstances require implementation of the guidelines contained in Subsection (B) (3 [b, (1), (2) and c]) herein.
 - b. For students in grades 6-12,
 - (1) 1st offense - the student shall be suspended **out-of-school** for a minimum of ten (10) days with a drug offense referral to the appropriate law enforcement agency and recommended for the Care Program for one calendar year.

The Calhoun County School Board supports and enforces the zero tolerance policy for unlawful possession, use and distribution of illicit drugs, controlled substances of any kind, or is in possession of any drug paraphernalia. However, for a student's **FIRST** offense for possession and/or use of a controlled substance **and first time placement at the CARE Program**, the student and parent will be offered the **Workback Program**. The program is an alternate placement in the CARE Program in lieu of placement at the CARE Program for one calendar year. The terms of the alternative placement shall be as follows:

1. The student will be suspended for ten days and recommended for placement at the CARE Program for one calendar year.
2. Prior to the expiration of the ten day suspension, the student and parents must notify the school district, in writing, that the student chooses to participate in the **Workback Program** and agrees to placement in the CARE Program on the following terms and conditions:
 - a. CARE placement shall be for a minimum of **ninety** school days and all rules and regulations of that program must be strictly adhered to;
 - b. The student shall submit to at least monthly drug testing by a Board approved facility for the duration of his/her placement in CARE. CARE reserves the right to randomly test any student at the school's discretion. Drug testing shall be at the student's expense and it shall be the student's responsibility to schedule the monthly testing and have the testing facility provide the results to the principal of CARE.
 - c. The student shall participate in a substance abuse program which shall be approved in advance by the CARE principal. Participation in the program shall be during non-school hours, at the student's expense and the student shall provide documentation of his/her completion of the program to the CARE principal.
 - d. If the student fails to take the drug tests as agreed, tests positive for controlled substances, fails to attend and complete the substance abuse counseling program, or fails to adhere to the rules and regulations of the CARE program, he or she shall be placed at the CARE program for one calendar year and shall not have the right to any further hearing before the Board.
3. This alternative placement shall only be available for a student's **first** offense for possession and/or use of a controlled substance. The principal may recommend that a student not participate in the Workback Program due to the circumstances of the expellable offense. Upon successful completion of the Workback Program, the student shall transition back to the regular school program.
4. Violations of zero tolerance policies are cumulative (not on a year to year basis) offenses in a student's educational career regardless of where the offense occurred. Second offenses are not eligible for the Workback Program.

5. The Workback Program is retroactive for students placed at the CARE Program during the 2007-08 school year. Student(s) must submit to, and pass, a drug test prior to re-entering their regular school program.
- (2) 2nd offense - the student shall be suspended from school for a minimum of ten (10) days with a drug offense referral to the appropriate law enforcement agency, and recommended for expulsion.
 - The principal shall follow recommended procedures for expulsion.
 - A student who is expelled may be readmitted to school when he/she has completed all recommended counseling, intervention programs, and community services as prescribed by the Superintendent and Board.
- c. A student who is adjudicated guilty for the unlawful possession or sale of any controlled substance under Chapter 893, Florida Statutes, shall automatically be expelled from all District educational programs. Provided, however, the student may be entitled to a waiver if he/she:
 - (1) Divulges information leading to the arrest or conviction of the person supplying the controlled substance;
 - (2) Voluntarily discloses his unlawful possession of controlled substance prior to his/her arrest; or,
 - (3) Commits himself/herself or is referred by the court in lieu of sentence, to a state licensed drug abuse programs and successfully completes the program.

4. Discipline (Alcohol) The principal shall follow the guidelines below when an investigation and evidence indicate a student uses, possesses, is selling, has sold or is otherwise distributing alcoholic beverages while on School Board property or in attendance at a school sponsored activity.

- a. For an elementary student, the principal shall confer with student's parent(s) or legal guardian to determine if the circumstances require implementation of the guidelines contained in Subsection (B) (4 [b, (1), and (2)]) herein.
- b. For students in grades 6-12,
 - (1) 1st offense - the student shall be suspended **out-of-school** for a minimum of ten (10) days with an alcohol offense referral to the appropriate law enforcement agency.
 - (2) 2nd offense - the student shall be suspended from school for a minimum of ten (10) days with an alcohol offense referral to the appropriate law enforcement agency, and recommended for the Care Program for one calendar year.
 - The principal shall follow recommended procedures for expulsion.
 - A student who is expelled may be readmitted to school when he/she has completed all recommended counseling, intervention programs, and community services as prescribed by the Superintendent and Board.

C. Smoking/School Property - F.S. 386.212

It is unlawful for anyone to smoke tobacco in, on, or within 1,000 feet of an elementary, middle, or secondary school. This provision does not apply to persons in a moving vehicle or at a private residence. It authorizes law enforcement officers to issue citations to anyone violating the provisions of this act. Violations will constitute a civil infraction, punishable by a fine not to exceed \$25. In lieu of the fine, a violator may perform 50 hours of community service or successfully complete a school-approved anti-tobacco program, where available.

D. Drug Free School Zone. Each district school shall post "Drug Free School Zone" signs in visible and prominent locations on school property to show the district's commitment to be drug free and to warn violators of the mandatory prison sentence.

E. Reporting Incidents. Board employees shall report, in good faith, to the principal or designee any suspected unlawful use, possession, distribution or sale of any controlled substance as defined in

Chapter 893, Florida Statutes; any counterfeit controlled substances as defined in Section 831.31, Florida Statutes; and alcoholic beverages as defined in Section 561.01, Florida Statutes; or model glue.

1. Only the principal or designee shall contact the parent(s) or legal guardian of a student regarding the situation.
2. Board employees who report any suspected unlawful use, possession or sale by a student shall be exempt from civil liability.

Statutory authority: F.S. 1001.41

Laws implemented: F.S. 1001.54; 1006.07; 1006.09; 1012.28 Chapter 893, F.S. State Board Rule 6A-1.0956

Information about any drug and alcohol counseling and rehabilitation and reentry programs are available to students through school guidance counselors or by use of the resource list located in the appendix.

The principal shall comply with procedures described in State Board of Education Rule 6A - 1.0956 when a student is formally charged with a felony by a proper prosecuting attorney for the unlawful possession or sale for an incident which allegedly did not occur on School Board property.

- F. Student Crime Watch / Be Brave Hotline.** To promote responsibility among students and to assist in the control of criminal behavior in the schools, students are encouraged to report incidents of crime to the school principal or designee. Students have the choice of reporting crimes confidentially on the Hotline with the assurance that their identity will remain anonymous. F.S. 1001.42; 1006; 1012.22
- G. Returning to School.** Prior to a student returning to school, a school administrator may require that the student undergo a psychological evaluation when deemed appropriate for the safety of self and/or others.

PROHIBITION OF DISCRIMINATION, BULLYING, INCLUDING SEXUAL AND OTHER FORMS OF HARASSMENT

The Board will not tolerate discrimination, bullying, sexual harassment, or any other form of illegal harassment by any of its employees, students, volunteers, vendors, service providers or agents.

- A. Sexual Harassment** consists of unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when such conduct substantially interferes with a student's academic performance, or creates an intimidating, hostile, or offensive school environment.
- B. Bullying** means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:
1. Teasing
 2. Social Exclusion
 3. Threat
 4. Intimidation
 5. Stalking
 6. Physical Violence
 7. Theft
 8. Sexual, religious, or racial harassment
 9. Public humiliation

10. Destruction of property
11. Other (Districts have the flexibility to add additional specific categories of students to which bullying and harassment is prohibited in excess of what is listed.)

C. Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits
3. Has the effect of substantially disrupting the orderly operation of a school

D. Bullying and Harassment also encompasses:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - a. Incitement or coercion
 - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system.
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

E. Cyberstalking as defined in s. 784.048(1)(d), F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

F. Prohibited conduct may include but is not limited to the following:

1. Graphic verbal comments about an individual's body or appearance.
2. Sexual jokes, notes, stories, drawings, pictures or gestures.
3. Sexual slurs, leering, threats, abusive words, derogatory comments or sexually degrading descriptions.
4. Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates.
5. Spreading sexual rumors.
6. Touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling.
7. Cornering or blocking normal movements.
8. Epithets, slurs or negative stereotyping;
9. Threatening, intimidating or hostile acts, such as stalking; or
10. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the school or district office premises or circulated in the workplace or academic environment.
11. Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment.

Chapter 2.70 of Calhoun County School Board Policy:

- Defines and Provides Examples of Harassment and Discrimination
- Prohibits Retaliation

- Provides Procedures for Filing Complaints
- Provides Procedures for Processing Complaints
- Provides Penalties for Confirmed Harassment or Discrimination
- Provides Limited Exemption to Records Privacy to Conduct Investigation

Specific Authority: 120.54, 1001.41, 1001.42; 1012.23, F.S.

Law Implemented: 112.51; 119.07; 760.01 ET.SEQ; 1000.05; 1000.21;

1001.43; 1012.22, F.S.; 34 CFR 99; 34 CFR 200.43(C);

P.L. 201-44, Code of federal register

DISCIPLINE OF STUDENTS WITH DISABILITIES

A. Use of Time Out, Isolation, and Manual Physical Restraint Intervention

- 1. Time-out** should be:
 - a. A brief procedure lasting between one (1) and five (5) minutes, rarely lasting over fifteen (15) minutes.
 - b. Consistently administered contingent upon occurrence of an undesirable behavior
 - c. Coupled with objective observation of whether or not time-out is effective in remedying the problem.
 - d. It can be included in a student's behavior plan and may be documented in a student's Individual Educational Plan.
- 2. Isolation** refers to directing a student to an unlocked, separate, isolated room that can be monitored by the teacher, or school staff for an undetermined amount of time dependent upon the student's individual needs. Isolation should be used only after less restrictive interventions have been tried. Students may request time in isolation so that they may regain control of themselves or remove themselves from a potentially disruptive situation. It can be included in a student's behavior plan and may be documented in a student's Individual Educational Plan.
- 3. Manual physical restraint** is the most restrictive intervention. Manual physical restraint will only be used after less intrusive alternatives have failed or been deemed inappropriate. Manual physical restraint will be administered when needed to protect a student from harming himself/herself and/or a member of the school community from imminent, serious, physical harm. Manual physical restraint shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm. Manual physical restraint is strictly prohibited as a means of punishment. Manual physical restraint should be used only by school personnel who have received school district approved training in the appropriate application of specific techniques and in the procedures associated with the use of this level of intervention.
- 4.** Teachers are required to complete the Manual Physical Restraint Documentation form as soon as possible after the event but not later than the end of the day in which the restraint occurred. Parents or legal guardians of the student restrained should be notified after each time manual physical restraint is used. Parent notification should be by phone and in writing using the Manual Physical Restraint Form. The Manual Physical Restraint form should be distributed to the parent, ESE Office, principal, and the original filed in the student's ESE folder each time manual physical restraint is used.
- 5.** Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a bus driver shall not be civilly or criminally liable for any action carried out in conformity with State Board of Education and district school board rules regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority under s. 1003.32 or s. 1006.09.

Statutory Authority: 1003.32, 1006.09, 1006.11

B. Suspension

Consistent with the district’s Code of Student Conduct and to the extent removal would be applied to students without disabilities, school personnel may order:

1. The removal of a student with a disability from the student’s current placement for not more than 10 total school days during a school year.
2. Additional removals of a student with a disability of not more than 10 cumulative school days during that same school year for separate incidents of misconduct as long as those removals do not constitute a change in placement.

C. Change in Placement

For the purposes of removals of a student with a disability from the student’s current educational placement, a change of placement occurs when the removal is for more than 10 consecutive or cumulative school days.

D. Manifestation Determination

When a student with a disability has been suspended from school for 10 or more school days, the IEP team shall convene to review the student’s individual education plan and other records and to make a manifestation determination. A manifestation determination examines the relationship between the student’s disability and the specific behavior that may result in disciplinary action. In determining the relationship between the behavior and the student’s disability, the IEP team shall determine:

1. Whether the student’s IEP and placement were appropriate and if appropriate behavior intervention strategies were implemented.
2. Whether the student’s disability impaired the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and
3. Whether the student’s disability impaired the student’s ability to control the behavior subject to disciplinary action.

If the IEP team and other qualified personnel determine that the student’s behavior was not related to the disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities. However, services must be continuously provided if the discipline constitutes more than 10 days of In-School Suspension and/or Out-Of-School Suspension.

If the IEP team found the behavior to be a manifestation of the student’s disability, any deficiencies in the student’s IEP or placement or in their implementation identified during the manifestation determination must be remedied immediately. The student should be returned to the placement from which he or she was removed, unless the parent and LEA agree otherwise.

If the parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may request an expedited due process hearing.

E. Long Term Removals

1. The school district must notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards as required by Florida Rule on the same day as the date of the removal decision.
2. An IEP team must meet within 10 school days of the removal decision in order to perform a manifestation review.
3. Services must be continuously provided for students with disabilities after 10 consecutive or cumulative days of In-School Suspension and/or Out-Of-School Suspension.
4. No later than 10 school days after either first removing the student for more than 10 school days in a school year or beginning with a removal that constitutes a change in placement:
 - a. The IEP team must meet to develop an assessment plan if a functional behavior assessment (FBA) was not conducted and a positive behavior intervention plan (PBIP) was not implemented before the behavior that resulted in the removal occurred.

- b. If the student has a PBIP and FBA, the IEP team shall meet to review the plan and its implementation and modify the plan and its implementation as necessary to address the behavior.
- 5. As soon as practicable after developing the assessment plan and completing the FBA, the IEP team must meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions.
- 6. If subsequently, a student with a disability who has a PBIP and who has been removed from the student's current placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change in placement:
 - a. The IEP team members shall review the PBIP and its implementation to determine if modifications are necessary.
 - b. If one or more of the IEP team members believe that modifications are needed, the IEP team shall modify the plan and its implementation to the extent the IEP team determines necessary.

F. Alternative Placement

After reviewing a student's individual education plan, discipline records, cumulative records and any other information the team deems important, the IEP team may recommend an alternative setting or placement for the student. The placement must be selected so as to enable the student to continue to progress in the general curriculum and to continue to receive services and accommodations, including those described on the student's current IEP, that will enable the student to meet IEP goals.

G. Expulsion of Students with Disabilities

- 1. Behaviors that, under normal circumstances, may warrant the expulsion of exceptional education students shall include:
 - a. Carrying or concealing weapons on the school grounds, in a school building, on a school bus, or in a motor vehicle on School Board property or at a school-sponsored function.
 - b. Possessing, selling, using, delivering, transmitting, or distributing any controlled substance, as defined in Florida Statutes, or alcoholic beverages on school property.
- 2. The expulsion of an exceptional education student shall not result in a complete cessation of educational services; the school is responsible for providing the expelled student's education during the expulsion in accordance with a revised individual education plan (IEP). The following procedures shall be followed for the expulsion of an exceptional student:
 - a. The principal shall adhere to State Board of Education Rules when recommending expulsion of exceptional students and shall be responsible for convening the IEP team.
 - b. Prior to the IEP meeting, a functional behavior assessment (FBA) must have been conducted.
 - c. A behavior management plan shall comply with State Board of Education Rules and shall include, but not be limited to, the district administrator of exceptional students, an evaluation specialist, the ESE teacher, and the principal or designee.
 - d. The IEP team shall review the student's IEP, other records and a manifestation determination will be made.
 - e. The decision of the IEP team as to the most appropriate placement for the student will be made and recorded on the IEP.
 - f. Parents of students with disabilities shall be afforded all procedural safeguards as required by law.

H. Interim Alternative Educational Settings (IAES)

- 1. The IEP team determines the IAES, unless it is determined by an administrative law judge.
 - a. The IAES must be selected so as to enable the student to continue to progress in the general curriculum and to continue to receive services and modifications, including those described in the student's current IEP, that will enable the student to meet IEP goals.
 - b. The IAES must include services and modifications to address the behavior that resulted in the change of placement and that are designed to prevent the misconduct from recurring.

2. School personnel may place a student in an IAES for the same amount of time a student without a disability would be placed, but not for more than forty-five (45) calendar days without the consent of the parent or guardian if the student:
 - a. Carries a weapon to school or to a school function, or
 - b. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
3. School personnel must notify the parent of an IAES placement decision and provide the parent with a copy of the notice of procedural safeguards, consistent with the State Rules on the day the placement decision is made.

I. Expedited Hearing

1. An expedited hearing may be requested:
 - a. By the student's parents if the parent disagrees with a manifestation determination or with any decision regarding a change in placement.
 - b. By the school district if the school district demonstrates by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others (prior to removal to an interim alternative education setting) during the pendency of a due process hearing or appeal.
2. School district personnel may seek subsequent expedited hearings for alternative placements if after the initial forty-five day term has expired, the district maintains the student's behavior is still likely to result in injury to the student or others.
3. An administrative law judge may order a change in the placement of a student with a disability to an appropriate interim alternative or another educational setting for not more than forty-five days if the administrative law judge, in an expedited due process hearing:
 - a. Determines that the school district has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others;
 - b. Considers the appropriateness of the student's current placement;
 - c. Considers whether the school district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
 - d. Determines that the interim alternative educational setting (IAES) that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of section G (IAES).
4. In reviewing a decision with respect to the manifestation determination, the administrative law judge shall determine whether the school district has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the determination requirements.

J. Student's Placement During Proceedings

1. If a request for a hearing is made to challenge placement in the IAES, the manifestation determination or disciplinary action resulting from the student's involvement with a weapon, illegal drug, controlled substance, or dangerous behavior, the student must remain in the IAES pending the decision of the administrative law judge or until the expiration of the forty-five day time period, whichever occurs first, unless the parent and the school district agree otherwise.
2. If a student is placed in an IAES and school personnel propose to change the student's placement after expiration of the forty-five day time period, during the pendency of any proceeding to challenge the proposed change in placement, the student must remain in the placement prior to the IAES except as provided in H (2).

K. Protection for Students Not Yet Eligible for Special Education and Related Services

A regular education student who is the subject of disciplinary actions may assert any of the protections afforded to a student with a disability if the school district had knowledge of his or her disability before the misbehavior occurred for which the disciplinary action is being taken.

1. **Basis of knowledge.** A school district is determined to have knowledge that a student may have a disability if:
 - a. The parent has expressed concerns in writing (or orally if unable to write) to school district personnel that the student needs special education and related services;
 - b. The behavior or performance of the student demonstrates the need for
 - c. special education;
 - d. The parent has requested an evaluation to determine a need for possible special education services; or
 - e. The teacher of the student or other school district personnel have expressed concern about the student's behavior or performance to the special education director or to other appropriate school district personnel in accordance with the district's child find or special education referral system.
2. **Exception.** A school district would not be deemed to have knowledge if, as a result of receiving the information specified, the school district:
 - a. Conducted an evaluation and determined that the student was not a student with a disability; or
 - b. Determined that an evaluation was not necessary and provided notice to the student's parents of the determination that the student was not a student with a disability as required by Rule 6A-6.03311, FAC.
3. **Conditions that apply if no basis of knowledge.**
 - a. If there is no basis of knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a student without a disability.
 - b. If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. After considering the evaluation results and information provided by the parents, if the student is determined to be a student with a disability, the school district shall provide special education and related services consistent with the requirements.

L. Student Records in Disciplinary Procedures

School districts shall ensure that the special education and disciplinary records of students with disabilities are transmitted consistent with the provisions of F.S. 1002.22 and Rule 6A-1.0955, FAC:

1. For consideration by the person making the final determination regarding the disciplinary action, and
2. For consideration by the appropriate authorities to whom school districts report crimes.

LEP STATEMENT

National origin minority or limited English proficient students shall not be subjected to any disciplinary action because of their use of a language other than English. Rule 6A-6.0908 (3), FAC.

DUE PROCESS PROCEDURES

A. General Procedures

A basic ingredient of due process of law is that one who is not satisfied with a decision may appeal it to a higher authority. Thus, the student may appeal a decision to the superintendent. The superintendent's decision may then be appealed to the board, and if still not satisfied, the student may (through the adult) appeal his/her case to court.

Three requirements govern the question of whether or not a student is afforded due process of law in school.

1. There must be a fair and reasonable rule that is broken or disobeyed;
2. The rule must apply equally to all; and
3. If punishment is meted out for violation of a reasonable and fair rule, that procedure by which the punishment is assessed must be fair, reasonable, and impartial. This third criterion includes the right to:
 - a. Receive the charges in writing within a reasonable time;
 - b. Be given sufficient notice of time and place of hearing
 - c. Appear with counsel;
 - d. Confront and cross-examine;
 - e. Face accusers and refute charges;
 - f. Be heard by an impartial tribunal;
 - g. Privilege against self incrimination;
 - h. Receive a transcript of the proceedings; and
 - i. Appeal

Procedures for due process for Students with Disabilities can be found in Calhoun County's Special Programs Procedures for Exceptional Students.

B. Student Grievance Procedure

Step 1: Informal. A student should first take a complaint to the person(s) involved and try to solve the problem informally.

Step 2: The student must give the principal a written and signed grievance. This should describe the problem and give all the facts and a suggested solution. This must be given to the principal not more than ten days after the incident occurred.

Step 3: If the student doesn't agree with the principal's decision, the grievance, as in Step 2, may be sent to the District Superintendent. This has to be done within three days after the principal's decision.

Step 4: If the Superintendent's decision is unacceptable, a student may send a grievance to the School Board within three days after the Superintendent's decision. The School Board does not have to consider the grievance, but if it decides it will, it has the authority to set up the hearing and decision procedures.

A STUDENT MAY HAVE PARENT HELP IN ALL OF THE FOUR STEPS.

SPECIFIC DEFINITIONS

A. Corporal Punishment

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

B. Assignment to Detention

Students can be detained before, or after school hours for misconduct with approval of the principal or his/her designee. Parents or guardians are to be notified that the student will be detained. Responsibility of transportation is that of the student and/or parent or guardian.

C. Suspension

Out-of-school suspension is the temporary removal of a student from his regular school program for a period not to exceed ten school days for any one violation.

In-school suspension is the temporary removal of a student from his regular school program, to a specific location on a school campus for a designated period of time during the school day, not to exceed ten days for any violation. Specific assignments are given to the students while in school suspension is in effect.

Missed work shall be made up for all absences, which includes suspension. It is the student’s and/or parent’s responsibility to request and pick up assignments during the suspension period. Work is due upon return to school after the suspension. Each student shall receive full credit for such work.

There is considerable flexibility in the use of these responses to student misconduct. Schools have varied the length and conditions of suspension as well as assignments based on factors such as the seriousness of the misconduct.

D. Expulsion

Expulsion is the removal of the right and obligation of a student to attend a public school for a period of time to be determined by the School Board.

The School Board has the authority to honor the final order of expulsion or dismissal of a student by another in-state or out-of-state public school board or private school board or developmental research school for an act that would have been grounds for expulsion also by the Calhoun County School Board.

E. Alternative Measures for Students with Special Needs.

The Principal or their designee has the authority to provide alternative disciplinary service measures as needed or necessary as long as those procedures comply with district policies and state regulations, rules, and Statutes.

DRESS CODE

Students have the responsibility to dress appropriately, which final determination shall be that of the Principal:

Students Grades 4-12: Student dress and personal grooming are the responsibility of the student and parent. In the final analysis, the building administrator has the responsibility to interpret that which negates a reasonable standard of conduct and appearance. Students whose personal attire or grooming distracts or may distract others from school work shall be subject to the following:

- 1st offense - Warning, parents called, allowed appropriated time to make required changes and return to class. (Class time missed will be unexcused.)
- 2nd offense - Disciplinary action will be taken after required changes are made.
- 3rd offense - Three days of In-School Suspension will be assigned after required changes are made.

All additional infractions will be treated as Insubordination.

Students must comply with the following rules:

- 1. Footwear is required while on school property for reasons of health and safety.
- 2. Shirts must be worn at all times. Tank tops, see-through materials worn without undershirts, and halter tops shall not be worn to school.

3. Shirts must be long enough to cover the stomach and back area completely at all times. (When hands are fully extended above the head, etc.)
4. Spaghetti-strap or strapless shirts or dresses are not permitted. Sleeveless shirts or dresses for females must be 3 fingers wide at the shoulder.
5. Male students cannot wear sleeveless shirts.
6. Female clothing shall not expose any cleavage.
7. A student's attire must cover all undergarments.
8. Appropriate shorts and skirts are allowed if they are no more than **3 inches** above the kneecap when the student is standing. (No biking shorts, spandex material, or tight fitting shorts/clothing may be worn.)
9. Drop pants or shorts (those worn below the waistline or those that display what is or appears to be an undergarment) will not be permitted for any students.
10. Hats, caps, and scarves are not allowed in the building. Pajamas, bandanas, kerchiefs, head stockings, hair rollers, and combs shall not be worn at school.
11. Clothing that promotes or endorses vulgar, alcoholic, tobacco, sexual, or offensive themes are prohibited.
12. Any clothing that is or could be interpreted as gang related is prohibited at school.
13. Wallet chains, "dog" collars, or other inappropriate chains or jewelry will not be allowed.
14. No visible body piercing except earrings will be allowed.
15. In grades 6-12, book bags may be used to transport books to and from school. Upon arrival at school, book bags must be placed in lockers and shall not be used during the school day. At the end of the school day, book bags may be retrieved from the lockers and used to transport books home. Only book bags without wheels are appropriate. **IN GRADES 6-12, STUDENT BOOK BAGS DO NOT HAVE TO BE TRANSPARENT.** Only the Principal may grant exceptions.
16. Students in grades K-5 who do not have lockers available and select to use book bags may only use book bags without wheels to transport books to class. Due to safety issues, the school district **PREFERS** that book bags be transparent, however **IT IS NOT A REQUIREMENT.** Only the Principal may grant exceptions.
17. Any other items worn or carried that are deemed inappropriate by the Principal are prohibited.
18. Inappropriate items confiscated (tongue rings, nose rings, inappropriate items of clothing, etc.) may be picked up in the office by the parent or legal guardian.

ADDITIONAL RULES AND/OR REGULATION OF INDIVIDUAL SCHOOLS

Individual schools shall provide copies of specific rules and/or regulations that may be indigenous to that specific school and a copy of same shall be provided for each student. No rules shall be promulgated and enforced which are inconsistent or in violation of school board policy as set forth.

APPENDIX A

6AER94-3 ZERO TOLERANCE FOR SCHOOL RELATED VIOLENT CRIME

Approved as an Emergency Rule by the State Board of Education

on September 13, 1994

Rule 6A-1.0404, State Board of Education 12/13/94

1. It is essential that schools be safe and orderly to provide environments that foster learning and high academic achievement. Goal Five of the state education goals (F.S. 1000.03) calls for communities to provide an environment that is drug-free and protects students' health, safety, and civil rights. The goal emphasizes the personal responsibility of students and the necessity of involving all stakeholders, including parents, in achieving this goal. Although education and prevention are the preferred means of achieving safe schools, there must be a clear statement of policy that violence in schools will not be permitted. This rule implements the State Board of Education's Zero Tolerance Policy on school violence, crime, and the use of weapons as part of a comprehensive approach to reducing school violence and crime. This policy requires school districts to:
 - a. Invoke the most severe consequences provided for in the Code of Student Conduct (F.S. 1001.42; 1006; 1012.22) in dealing with students who engage in violent criminal acts on
 - b. school property, on school sponsored transportation, or during school sponsored activities;
 - d. Notify a local law enforcement agency when an adult or a student commits the offenses listed in subsection (2) of this rule on school property, on school sponsored transportation, or at school sponsored activities;
 - e. Adopt a process for facilitating active communication and cooperation between schools and law enforcement agencies, the Department of Health and Rehabilitative Services, and the Department of Juvenile Justice in sharing information that will help school officials make the best decisions regarding students' educational services and placement;
 - f. Assist teachers and other school personnel, consistent with district school board policies and Code of Student Conduct, to act decisively and effectively when dealing with violent and disruptive youth.
2. Each school district shall review its Code of Student Conduct and amend the Code, if necessary, to ensure that students found to have committed the following offenses on school property, school sponsored transportation, or during a school sponsored activity shall receive the most severe consequences provided for by school board policy:
 - a. homicide (murder, manslaughter);
 - b. sexual battery;
 - c. armed robbery;
 - d. aggravated battery;
 - e. battery or aggravated battery on a teacher or other school personnel;
 - f. kidnapping or abduction;
 - g. arson;
 - h. possession, use, or sale of any firearm; or
 - i. possession, use, or sale of any explosive device.
3. Prior to taking such action against any student, the school board shall ensure that appropriate due process procedures are followed. If a student committing one of the offenses outlined in subsection (2) of this rule is identified as disabled and participating in a program for exceptional students, then school personnel shall follow procedures in Rule 6A-6.0331, FAC. This provision shall not be construed to remove a school board's discretion in cases where mitigating circumstances may affect decisions on disciplinary action.
4. Each school board shall adopt a zero tolerance policy on school violence and ensure that all students and their families are aware of this policy. Such communications to families shall be consistent with equal access provisions of subsection (2) of Rule 6A-6.0908, FAC. The school board shall ensure that all school personnel are aware of the contents of this rule and the school board's zero tolerance policy on school violence.

5. School boards may assign more severe consequences than normally authorized for violations of the Code of Student Conduct 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, or disability.
6. School officials shall ensure that local law enforcement authorities are notified as soon as possible when one of the offenses listed in subsection (2) of this rule is committed on school property, on school sponsored transportation, or during a school sponsored activity. Additionally, if the offense involves a victim, school officials shall notify the victim and the victim's parents or legal guardian if the victim is a minor, of the offense and of the victim's right to press charges against the offender. School personnel shall cooperate in any investigation or other proceedings leading to the victim's exercise of rights as provided by law.
7. The school principal shall monitor the administration of discipline of students to ensure that discipline is administered equitably without regard to real or perceived race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability. Annually, the principal shall review school improvement plans to maintain a safe and healthy school environment that protects the civil rights of all students.
8. The authority of the teacher and other instructional personnel to discipline violent and disruptive students shall be consistent with the provisions of the Code of Ethics (Rule 6B-1.001, FAC.) and the Principles of Professional Conduct of the Education Profession in Florida (Rule 6B-1.006, FAC.) school districts Code of Student Conduct, and schools' policies. Goals Five and Six of Blueprint 2000 address the significance of the school providing an environment which promotes good health and is free of violence, weapons, hazards, vandalism, substance abuse, and disruptive influences. Within these parameters, the teacher and other instructional personnel shall have the authority to undertake any of the following alternatives in managing student behavior and in ensuring the safety of all students in their classes and schools:
 - a. Create and maintain positive learning environments in which students are actively engaged in learning, social interaction, and self-motivation;
 - b. Establish classroom rules of conduct;
 - c. Make reasonable efforts to protect the student from conditions harmful to learning, mental and physical health, and safety (paragraph (3)(a) of Rule 6B-1.006, FAC.);
 - d. Establish and implement consequences for infractions of classroom rules;
 - e. Assist in enforcing the Code of Student Conduct and school rules on school property, on school sponsored transportation, and during school sponsored activities;
 - f. Assist in educating students on their rights and responsibilities as contained in the Code of Student Conduct and school rules;
 - g. As an early intervention, hold parent conferences to solicit support for positive behavior management;
 - h. Utilize existing referral and assessment procedures to determine the violent and disruptive student's need for additional services and special programs;
 - i. If the violent and disruptive student has been identified as having disabilities and is currently enrolled in an exceptional student education (ESE) program, the teacher and other instructional personnel apply the provisions of Rule 6A-6.0331, FAC.;
 - j. Collaborate with school resource officers, student assistance personnel, and other student services personnel in identifying services for violent and disruptive students;
 - k. Have violent and disruptive students temporarily removed from the classroom or area of supervision for behavior management intervention;
 - l. Inform a student's parent or guardian within twenty-four (24) hours after the student is referred for violent or disruptive behavior;
 - m. When necessary, use reasonable force to protect themselves, students and other adults from violent acts; and
 - n. Press charges as authorized in F.S. 1006.145; if a crime has been committed against the teacher or other instructional personnel on school property, on school sponsored transportation, or during school sponsored activities.

9. Teachers and other instructional personnel have responsibilities for the safety of students and others as described in Rules 6B-1.001 and 6B-1.006, FAC.
10. School board policies shall allow, and school administrators shall provide, the following upon request by school personnel:
 - a. Information as to the disposition of their referrals to the administration for violation of classroom or school rules;
 - b. Assistance in behavior management if student(s) becomes uncontrollable or in case of
 - c. emergency; and
 - d. Training and other assistance to improve skills in behavior management, violence prevention, conflict resolution, and related areas.
11. Upon receipt of notification from law enforcement, the Department of Juvenile Justice, the Office of the State Attorney, or the court system that a public school student has had certain types of contact with the juvenile justice system, the superintendent or designee, within twenty-four (24) hours of such notice, shall provide information on the nature of the contact to the principal of the student's school of enrollment. The principal or designee, within twenty-four (24) hours of such notice, shall provide such information to student services personnel, school resource officers, the school student assistance coordinator (if applicable), and the student's immediate teachers. Immediate teachers are those in whose courses or classrooms the student in question is currently enrolled. The above notification is required if the public school student has:
 - a. Been taken into custody for a delinquent act, a violation of law that would be a felony if committed by an adult, or a crime of violence;
 - b. Been charged with a felony or a delinquent act that would be a felony if committed by an adult;
 - c. Been adjudicated delinquent for an offense that would be a felony if committed by an adult;
 - d. Had adjudication withheld for a delinquent act that would be a felony if committed by an adult; or
 - e. Been found guilty of a felony.
12. The principal or director of an off-site program in which the student may be assigned shall assure that the information on that student does not become a part of the student's permanent record and is not shared with school personnel who do not have a need to know. In sharing the information, all school personnel shall adhere to confidentiality provisions contained in applicable state and federal laws and regulations.
13. The principal or other authorized school official may use a student's juvenile justice information, in conjunction with other relevant information, to review a student's current educational placement and need for services, and to protect the safety of other students and school personnel. Such placement decisions shall be made in accordance with school board policies and state laws and regulations governing the placement alternative.
14. Following appropriate due process procedures, a student charged with a felony or delinquent act that would be a felony if committed by an adult whether it occurred on or off the school property, may be assigned to an alternative program or receive alternative educational services. Such assignment may be made upon the determination that the student is eligible according to federal or state program criteria, and:
 - a. The nature of the offense is such that the student poses a threat to the safety of other students or personnel at school;
 - b. The student's safety is at risk by remaining in school with other students; or
 - c. An alternative education placement will better meet the educational, emotional, and social needs of the student.
15. If a principal has reason to believe that a student may have a criminal record, the principal is authorized to request and receive information on the criminal history of a public school student from a local law enforcement agency. Procedures for the request, receipt, maintenance, retention, and use of such information shall be specified in approved school board policies and shall be included in a cooperative agreement with an appropriate local law enforcement agency.

Specific Authority: F.S. 1001.02; 1008.345. Law Implemented F.S. 1000.03; 1008.345; 1001.42; 1006; 1012.22; 1012.797; 1006.08; 1006.09; and Sections 126 and 136 through 143 of Chapter 94-209, Laws of Florida. History-New

APPENDIX B

POLICY OF NONDISCRIMINATION

The School Board of Calhoun County, Florida adheres to a policy of nondiscrimination in educational programs/activities and employment and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964, as amended - prohibits discrimination in employment on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of sex.

Age Discrimination Act of 1967, as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the handicapped.

Florida Educational Equity Act - prohibits discrimination on the basis of race, sex national origin, marital status or handicap against a student or employee.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal) and Section 295.07, Florida Statutes, which also stipulates categorical preferences for employment.

APPENDIX C

RESOURCE LIST FOR ALCOHOL AND DRUG COUNSELING AND REHABILITATION

Calhoun County Health Department
Highway 20 West
Blountstown, Florida
(850) 674-5645

Chemical Addictions Recovery Effort, Inc.
(Drug Prevention & counseling)
4150 Hollis Drive
Marianna, Florida 32446
1-800-526-3133 or 482-6333
Panama City - 850-872-7676

Life Management Center of
North West Florida
143 North Pear St.
Blountstown, Florida
(850) 674-8790

Crossroads
2121 Lisenby Avenue
Panama City, Florida 32405
1-800-922-7522

Twelve Oaks
1 Healthcare Avenue
Mary Esther, Florida
1-800-622-1255

Bay Behavioral and Health Center
1940 Harrison
Panama City, FL
763-0017

A1-ANON Family Groups, Inc.
1-800-344-2666

Center for Substance Abuse
Treatment Referral Hotline
1-800-662-4357

National Cocaine Hotline
1-800-262-2463

Anchorage Children's Home
4417 Constitution Lane
Marianna, FL
(850) 482-8766

Rational Recovery Systems
P. O. Box 800
Lotus, CA 95651
(916) 621-2667

APPENDIX D

CALHOUN COUNTY SCHOOLS NETWORK/INTERNET ACCEPTABLE USE POLICY

Network Overview

Calhoun County School System provides a telecommunications network accessible to all of its staff and eligible students as part of its overall goal of improving education. Responsible use of the network will enhance both educational and administrative activities.

The Internet is an electronic communications network, which provides vast, diverse and unique resources. The goal on Internet use is to promote educational excellence for all Calhoun County Schools by facilitating resource sharing, by allowing access to outside information and research, and by encouraging technological innovation and worldwide communications.

Internet Resources

The Internet, the electronic superhighway, connects thousands of computers all over the world and millions of individual subscribers. Students and staff will have access to:

1. Worldwide electronic mail services or E-Mail (reserved for staff and assigned volunteers only);
2. Global information and news, as well as the opportunity to correspond with other institutions with teacher supervision;
3. Public domain and shareware computer software of all types (reserved for staff and assigned volunteers only);
4. Discussion groups on a broad range of topics (reserved for staff and assigned volunteers only);
5. Access to many universities, community colleges, and library catalogs, as well as sites all over the world;
6. Conferencing and bulletin boards (reserved for staff and assigned volunteers only).

Network Warning

With access to computers and people all over the world 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, individual contacts or communications that are not suitable for school-aged children. The Calhoun County School District views information retrieval from the Network in the same capacity as information retrieval from reference materials identified by schools. Specifically, the Calhoun County School District supports those materials and/or resources that will enhance the research and inquiry of the learner with directed guidance from faculty and staff.

At school, student access to and use of the Internet will be under direct teacher supervision and instruction and will be monitored as any other classroom activity. The School District, however, cannot prevent the possibility that some users may access material that is not consistent with educational mission, goals, and policies of the school district since Internet access may be obtained outside the school setting.

Acceptable Use Policy

The use of a network must be in support of education and research that is consistent with the educational goals and policies of the Calhoun County School District. The use of Internet and the network is a privilege, not a right, and inappropriate use will result in being denied access and the cancellation of the privilege of use. School and district administrators will decide what is inappropriate use based upon guidelines, standards, policies and prudent judgment and their decision is final. Access may be denied any time deemed necessary. Any user identified as a security risk or having a history of problems with the computer system may be denied access. User accounts shall be assigned or closed at the direction of the site or programs administrator.

Acceptable Uses

Acceptable uses of the network are activities, which support learning and teaching. Network users are encouraged to develop uses which meet their individual needs and which take advantage to the network's functions: access to databases, electronic mail, conferences, bulletin boards and access to the Internet.

- The community will have the capability to contact the school via E-mail.
- The method of response to any incoming E-mail will be left to the professional discretion of the recipient. No confidential or sensitive information shall be sent without a signed request by parent or guardian.
- E-mail is for professional use only.
- The person in whose name the access E-mail account is issued is responsible at all times for its use.
- Use only your individual E-mail account.
- Allow others access and conserve resources. (Unlimited and open-ended use of the network/Internet in terms of access time can not be accommodated in as much as supportive financial resources remain finite. Users shall exercise prudence and "fairness" in the shared use of limited resources.)
- Use of a network must be consistent with the rules of the network.
- Use electronic mail, instant messaging, conferences, bulletin boards, and databases for pre-approved educational needs under the supervision of the teacher.
- Avoid threatening or obscene material or material protected by trade secret.
- Be polite and do not "SHOUT" by using all caps.
- Avoid cute graphics and long quotes or poems.
- Do not reveal your address or your phone number or those of others.
- Delete E-mail messages as soon as possible.

Unacceptable Uses

Unacceptable use will result in cancellation of network/Internet privilege. Unacceptable uses of the network include, but may not be limited to:

- Attempting to log on as another user. (Misuse or sharing of passwords.)
- Using profanity, obscenity, or other language, which may be offensive to another user.
- Accepting E-mail as valid that requires parental authentication (e.g.- an excuse for a student absence).
- Use for commercial activities, for product advertisement, or political lobbying is prohibited.
- Offering unlawful information.
- Disrupting the network or the data of others.
- Violating students' or staff's rights to privacy.
- Reposting personal communications without the author's prior consent.
- Hacking: Vandalizing or destroying hardware or data.
- Copying commercial software in violation of the copyright law or other protected material.

Network Etiquette (Netiquette)

Good citizenship on the network or Internet requires "netiquette" in sending e-mail to individuals or groups. On-line rules include the following:

- Use descriptive subject heading for e-mail.
- Begin with a salutation and end with a signature and an e-mail address.
- Restate the issue or questions being addressed.
- Choose words carefully and avoid misunderstandings.
- Avoid all capital letters in inflammatory messages.

Network Resources Use

Users must be aware of the finite capacity of the network and must cooperate with the network management to conserve resources and assure equitable access for all. The network has a limited amount of bandwidth to serve a growing number of users. Users are expected to: observe reasonable time limits, prepare text files for uploading before logging on, log off before editing and printing downloaded files, and delete e-

mail files as soon as possible, and choose words carefully to avoid misunderstanding; electronic text is devoid of context clues which convey shades of irony, sarcasm, or harmless humor.

Account Sponsors

Sponsors of classroom accounts are responsible for teaching proper techniques and standards for participation, for guiding student access to appropriate sections of the network, and for assuring that students understand that if they misuse the network they will lose their access privilege. Particular concerns include issues of privacy, copyright infringement, e-mail etiquette, and approved and intended use of network resources. Conference moderators are responsible for monitoring the content and tone of messages and for taking steps to delete offensive material.

Users Information and Updating

Persons using the Calhoun County Schools Internet must be properly authorized. They must have completed the necessary authorization forms and agreements and these must be maintained on file at the school.

The person in whose name an account is issued is responsible at all times for its proper use. Users should be extremely careful with their passwords. You may be required to update your registration, password, and account information (address, school, etc.). Users should change passwords frequently.

Vandalism

As noted in Unacceptable Uses, vandalism will result in the cancellation of your privilege of use. Vandalism is defined as any malicious attempt to harm or destroy hardware and/or data of another user, Internet, or the network. This includes the creation of or uploading of computer viruses onto the Internet or host site. Users must avoid knowingly or inadvertently spreading computer viruses. Do not upload files from unknown sources. Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity under applicable state and federal law.

Warranties

The Calhoun County School District makes no warranties of any kind, expressed or implied, for the service it is providing and will not be responsible for the accuracy or quality of information obtained through the Internet connection.

The network management accepts no responsibility for harm caused directly or indirectly by its use. Never consider electronic communications to be completely private. The network management takes every possible precaution to safeguard the privacy of e-mail, but instances of misdirected mail, mail inadvertently forwarded to others, and public posting of private correspondence by users may occur. In addition, credit card numbers or any other confidential data cannot be considered secure on the network.

Security

Security is a high priority. If you identify a problem, you must report it to the Technology Specialist immediately. (Do not show or identify the problem to others.) Access will be denied and/or network and Internet privileges will be canceled if there is a perceived risk to security. (Note unacceptable uses.)

Exception of Terms and Conditions

All terms and conditions as 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 and the United States.

All users will sign and abide by the provisions of appropriate contract (Educator, Parent, Student).

**Teacher/Staff
Network Responsibility Contract
Calhoun County School District**

I have read the Terms and Conditions of the **Calhoun County School District Network/Internet Acceptable Use Policy** and agree to instruct the students under my supervision on acceptable use of the network and proper network etiquette. I accept full responsibility for materials accessed by myself or while students are under my direct supervision. However, the student may use the network for individual work or in the context of another class at which time I cannot be held responsible for the student's use of the network.

It is understood that if in my role as an employee of the Calhoun County School System, I misuse the terms of the **Acceptable Use Policy**, my rights to access to the network will be terminated and all future use could possibly be denied.

Name: (please print) _____

Signature: _____ Date: _____

Site Administrator Signature: _____

Date: _____

**For Students in Grades K-2
Calhoun County School District
Parent or Guardian Network/Internet Responsibility Contract**

As the parent or guardian of _____, I understand that Network/Internet access is designed for educational purposes. However, I also recognize it is impossible for the School Board of Calhoun County to restrict access to all controversial materials and I will not hold the Board or its employees responsible for materials acquired on the network or Internet.

Further, I accept full responsibility for supervision if and when my child's use is not in a school setting. I hereby give my permission for my child to use the Network/Internet and certify that the information contained on this form is correct.

Parent or Guardian (please print) _____

Signature: _____ Date: _____

**Students in Grades 3-5
Calhoun County School District Parent or Guardian
Network/Internet Responsibility Contract**

As the parent or guardian of _____, I understand that Network/Internet access is designed for educational purposes. However, I also recognize it is impossible for the School Board of Calhoun County to restrict access to all controversial materials and I will not hold the Board or its employees responsible for materials acquired on the network or Internet.

Further, I accept full responsibility for supervision if and when my child's use is not in a school setting. I hereby give my permission for my child to use the Network/Internet and certify that the information contained on this form is correct.

Parent or Guardian (please print) _____

Signature: _____ Date: _____

**Grades 3-5
Calhoun County School District
Student Contract for Network/Internet Connections Use**

Students, this is a contract which must be signed before you will be allowed to access the Network/Internet at school. Please read the following four sentences and put a check by each one to show that you agree to follow the rules.

- _____ 1. I will not type *any* form of a curse word or rude language.
- _____ 2. I will not look at any inappropriate or improper Internet site.
- _____ 3. I will not download any inappropriate information or materials.
- _____ 4. I understand Internet use is not a right, but its use is granted to me.

I have read all of the rules and I promise I will not break any of them. If I break any of these rules all of my rights to access the Network/Internet in the future might be denied. My signature shows that I have read and understand these rules and agree to follow them so I can use the Network/Internet. I understand my rights to the Network/Internet will be suspended if the rules are not followed.

Student Signature: _____ Date: _____

**Students in Grades 6-12
Calhoun County School District
Parent or Guardian Network/Internet Responsibility Contract**

As the parent or guardian of _____, I have read the Terms and Conditions of the Calhoun County School District Acceptable Use Policy. I understand that the Network/Internet access is designed for educational purposes. However, I also recognize it is impossible for the School Board of Calhoun County to restrict access to all controversial materials and I will not hold the Board or its employees responsible for materials acquired on the network or Internet.

If any user violates any of the provisions of the Acceptable Use Policy, his or her access to the network will be terminated and all future access could possibly be denied. The signature at the end of this document is legally binding and indicates the party who signed has read the terms and conditions carefully and understands their significance.

Parent or Guardian (please print) _____

Signature: _____ Date: _____

**Students in Grades 6-12
Calhoun County School District
Student Contract for Network/Internet Connections Use**

I have read the Terms and Conditions of the Calhoun County School District Acceptable Use Policy. I understand that Network/Internet access is designed for educational purposes. I also recognize it is impossible for the School Board of Calhoun County to restrict access to all controversial materials and I will not hold the Board or its employees responsible for materials acquired on the network or Internet.

This is a legally binding contract and must be signed before you will be given access to the Calhoun County School District computer network.

If any user violates any of the provisions of the Acceptable Use Policy, his or her access to the network will be terminated and all future access could possibly be denied. The signature at the end of this document is legally binding and indicates the party who signed has read the terms and conditions carefully and understands their significance.

Student Name (please print) _____

Signature: _____ Date: _____

APPENDIX E

STUDENT SURVEYS FUNDED BY SOURCES OTHER THAN U.S. DEPARTMENT OF EDUCATION

Student Survey Administration

Local educational agencies receiving funds from the U.S. Department of Education are required by federal law to comply with new requirements for the collection and reporting of certain information by means of student surveys, as well as new requirements to protect student privacy. The information that will be collected relates to student attitudes and behaviors on topics such as school safety, substance use and the prevalence of risky attitudes or behaviors, particularly with respect to alcohol and drug abuse. In addition, these surveys also collect information on general health practices and human sexuality. Such information is collected anonymously and no personally identifiable information is obtained from or reported on any individual student. The district cooperates with other agencies such as the Florida Department of Health in conducting these surveys.

Calhoun County School District will notify parents of upcoming surveys that reveal information concerning one or more of the following items:

1. political affiliations or beliefs of the student or the student's parent
2. mental and psychological problems of the student or the student's family
3. sexual behavior or attitudes
4. illegal, anti-social, self-incriminating, or demeaning behavior
5. critical appraisals of other individuals with whom respondents have close family relationships
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers
7. religious practices, affiliations, or beliefs of the student or student's parent
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

Participation Voluntary

No student shall be required to participate in such a survey if the student or the student's parent (if the student is a minor) objects to participation. Parents will be given the opportunity to opt their child out of participation. A simple written request may be submitted to your school's Principal.

Right to Inspect

A student or the student's parent (if the student is less than 18 years of age) has the right to inspect any such survey instrument before the survey is administered or distributed to students if a request is made within a reasonable period of time. Parents further have the right to be advised of arrangements that will be made to protect student privacy.

Notification of Parents

Parents will be notified of this policy annually at the beginning of the school year and within a reasonable period of time if any substantive change is made to this policy. Such notice shall include the approximate dates during the school year when any such survey will be administered.

Approximate Annual Survey Dates

The school system or the health department will conduct the following annual surveys and health screenings for which you may inspect and/or deny participation by contacting your school office:

1. The Calhoun County Student Health Screening is conducted during the month of October.
2. The Florida Youth Substance Abuse Survey is conducted during the month of April.
3. The School Climate Satisfaction Survey during the month of March.
4. Florida Youth Tobacco Survey is conducted during the month of April.
5. Florida Youth Risk Behavior Survey is conducted during the month of March.
6. Life Skills Survey/Evaluation is conducted at BMS and Carr Schools during the month of April and at Altha School during September.
7. Social Norms Survey for Alcohol Reduction (Grades 9-12) is conducted during the month of February.

APPENDIX F

PROCEDURES FOR INTERVIEWS OR INTERROGATIONS OF STUDENTS

A. By School Personnel

Administrators, Instructors, and School Resource Officers employed by Calhoun County Schools may interview or interrogate a student on their school campus concerning knowledge of any violation of rules, policies, regulations or laws taking place while under the authority of the school without prior notice or consent.

B. By Child Abuse Investigators

Interviews conducted by an identified Children and Family Services case worker or law enforcement officer assigned to a child abuse case do not require notice. The responsibility to notify the parent is that of the caseworker or the assigned officer. Information gathered in a conference or investigation between a child abuse caseworker and the child is not to be known to anyone other than those listed in the law. School personnel are excluded from that knowledge [F.S.39.0132(4)(a)]. However, the investigator may choose to allow a school staff member to be present if: 1.) the investigator feels that that member of the school staff would enhance the interview or if 2.) the child requests or consents to their presence. [F.S.39.301(16)]

C. By Law Enforcement Officers

If any law enforcement officer presenting proper identification requests access to question a minor student for causes other than A or B above, the Principal shall make a good faith effort to attempt to contact the student's parent or legal guardian and request permission for the officer to question the student.

1. If the parent/legal guardian agrees to permit questioning, the Officer may question the student in the presence of the Principal or assistant Principal to insure that all rights of the student are observed and protected. A summary report of the interview will be available upon request from the parent or legal guardian.
2. If the parent/legal guardian refuses to permit the questioning until the parent is present, the Principal shall not permit access to the student, unless the Officer presents an order from a court authorizing him/her to take the student into custody or places the student under arrest.
3. If the Principal has made a good faith effort to contact the parent/legal guardian but is unable and the officer feels the need to interview the student warrants immediate access, then he/she shall interview the student as described in C.1.
4. If a student is eighteen (18) years old or otherwise identified by statutes as being treated as having achieved majority status, and having verified this with school officials, he/she shall be considered as acting as his/her own guardian for purposes of this policy.

REMOVAL OR RELEASE OF A STUDENT AS PART OF AN INVESTIGATION

Should an officer request to take a minor student out of school, he/she shall do so only with the confirmed consent of the parents or with a subpoena requiring the student as a witness. If the officer desires to make an arrest, he/she shall be allowed to do so without objection by the administrator or teacher in charge upon the condition that he/she sign the student out in accordance with local school policies regarding students leaving campus. If the student is removed by an officer, the administrator shall endeavor to notify the parents prior to the student's removal from school premises or as soon thereafter as possible.

A. Protective Custody

If a law enforcement officer demonstrates to the principal, or his/her representative, that the child needs to be taken into protective custody pursuant to Section 39.401 FS, the officer shall be permitted to remove the student upon the condition that he/she sign the student out in accordance with local school policies regarding students leaving campus.

B. Adult Students

If a student is eighteen (18) years old or otherwise identified by statutes as being treated as having achieved majority status, and having verified this with school officials, they shall be considered as acting as their own guardian for purposes of this policy.

APPENDIX G

(This is U.S.D.E. Guidance for **“Firearm”**, as defined in Title 18, Part I, Chapter 44, Section 921 (a)(3) of the U.S Code)

Q15. How is the term "firearm" defined?

A15. For the purposes of the GFSA, the term “firearm” is defined in Section 921(a) of Title 18 of the United States Code.

According to Section 921(a), the following are included within the definition:

--**any weapon** (including a starter gun) **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 destructive device, which includes:

(a) any explosive, incendiary, or poison gas, including a

- (1) bomb,
- (2) grenade,
- (3) rocket having a propellant charge of more than four ounces,
- (4) missile having an explosive or incendiary charge of more than one-quarter ounce,
- (5) mine, or
- (6) similar device

(b) any weapon that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter

(c) any combination or 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

According to Section 921, antique firearms are not included in the definition. In addition, we have been advised by the Bureau of Alcohol, Tobacco, and Firearms that Class-C common fireworks are not included in the definition of firearm. For additional information about whether a particular weapon is a "firearm" under this definition, contact the Safe and Drug-Free Schools Program at (202) 260- 3954 for a referral to the nearest Bureau of Alcohol, Tobacco, and Firearms field office.