

**UNION COUNTY SCHOOL DISTRICT
CODE OF STUDENT CONDUCT
2016-2017**

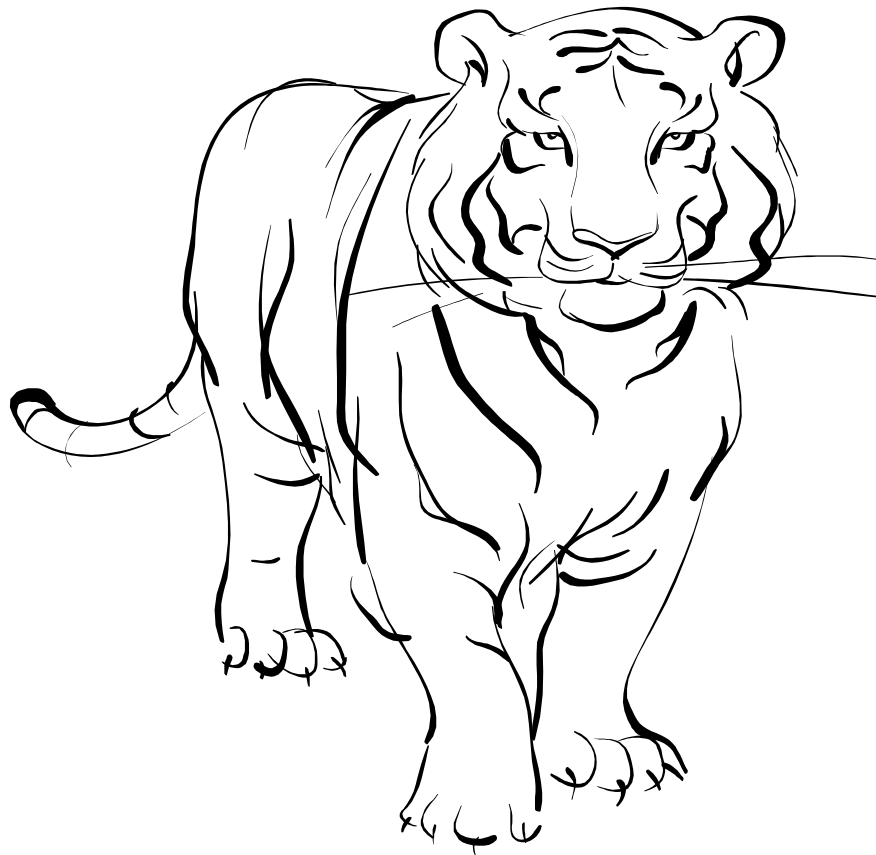


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SCHOOL DISTRICT PURPOSE STATEMENT

The purpose of the Union County School District is to provide a collaborative learning culture where students are dedicated to excel with commitment from staff, families, and community.

UNION COUNTY SCHOOL BOARD

CODE OF STUDENT CONDUCT

PREFACE

This Code of Student Conduct is directed at maintaining a school environment which is conducive to the overall learning process. The Union County School District has an ethical and legal responsibility for maintaining an environment within our facilities that is orderly, safe, and one that allows for fair and consistent treatment of all of our students. This booklet provides specific information on the rules to which all students are expected to adhere, as well as consequences for violations of these rules. The rules apply to all activities occurring on school grounds, other sites being used for school activities, and on any vehicle authorized to transport students to and from school or school functions.

SECTION 1 – RESPECT FOR RULES AND REGULATIONS

The purpose of rules and regulations is to enable the school and the students to function efficiently. Responsibility, citizenship, kindness, respect, honesty, self-control, tolerance, and cooperation are the foundation of this Code of Student Conduct.

Rights

- Students have the right to be treated with respect and honesty.
- Students have the right to privacy.
- Students have the right to a safe and orderly school.

Responsibilities

- Students have the responsibility to behave properly at school.
- Students have the responsibility to treat others with respect and honesty.
- Students have the responsibility to respect the rights of others.
- Students have the responsibility to treat school property and the property of others with respect and to act in a way that does not interfere with the rights of others and is not harmful to the health and safety of others.
- Students have the responsibility to provide information on any potentially dangerous situation to another student or a staff member.

Proper Behavior

It is important for students to know their rights and responsibilities, which include, obeying teachers and all other school employees, obeying each individual rule as defined by the school, and obeying bus drivers. Students are expected to honor their responsibilities and behave in ways that respect the rights of all. There will be consequences for unacceptable behaviors.

Expected Behaviors

- Treat others with respect and honesty
- Prepare for class by bringing paper, pencil, pen, books, and other needed supplies
- Complete all class work and homework
- Use class time properly

- Take home and return necessary forms
- Follow rules and regulations
- Take care of and return all textbooks, library books, or other school-owned materials
- Act responsibly on campus, on buses, on field trips, and at all school-sponsored events, regardless of location
- Act responsibly while riding the school bus to and from school and at the bus stop.

Discrimination or Harassment

The Union County School Board prohibits any policy or procedure which results in discrimination on the basis of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation. If any student feels that he or she has been discriminated against or harassed, it should be reported to a teacher, guidance counselor, administrator, or the school district Equity Coordinator. The Equity Coordinator for the Union County School Board is Barry Sams. His email address is SamsB@union.k12.fl.us, and his phone number is (386) 496-2045 ext. 229.

Unacceptable Behaviors Leading to Disciplinary Action

Minor Infractions (including, but not limited to):

- **Bringing unauthorized articles to school** – student brings an article to school that is forbidden by school or classroom rules without receiving prior approval of the principal or teacher
- **Disruption caused by cell phone or electronic device** – student causes a minor disruption with their cell phone or electronic device
- **Dress code violation** – wearing any clothing or other item that violates the dress code
- **Food or drinks in the classroom or school building** – bringing food or drink items to areas of the school where these items are prohibited
- **Minor class disruption** - student causes a minor disruption of the learning process in the classroom. The misconduct does not involve insubordination, aggression, or violence.
- **Minor class disobedience or disrespect** – student exhibits minor misbehavior toward the teacher or other school personnel that involves disobeying a directive or talking to the adult in an inappropriate manner. The misconduct does not involve insubordination, aggression, or violence.
- **Minor disorderly conduct** - student causes a minor disruption of the orderly process of the school environment. The misconduct does not involve insubordination, aggression, or violence. This generally involves incidents that occur outside the classroom.
- **Minor disruption at a school function** - student exhibits minor misbehavior at a school function. The misconduct does not involve insubordination, aggression, or violence.
- **Minor disruption in the cafeteria** - student exhibits minor misbehavior in the cafeteria. The misconduct does not involve insubordination, aggression, or violence.
- **Minor misbehavior on a school bus** - student exhibits minor misbehavior while riding a school bus or waiting at a bus stop
- **Minor profanity or obscenity** - student uses inappropriate language, exhibits obscene gestures or pictures, or creates obscene documents or pictures. It is not directed at another student in an aggressive manner or directed at school personnel.
- **Minor stealing** - student takes items valued at less than \$100.00 that is not his/her property
- **Minor technology violation** – student violates technology rules in a minor fashion. This could include minor damage to a technology device, minor alteration of an electronic document, etc.
- **No hall pass or out of assigned area** – student is out of his assigned class or area without a hall pass

- **Public display of affection** – student exhibits an inappropriate display of affection such as kissing another student, etc.
- **Skipping detention** – student does not appear in the assigned area to serve a detention period
- **Tardy to class** – student is not in the assigned classroom when the bell rings to signify that time for class change has ended

Major Infractions (including, but not limited to):

- **Battery** – student engages in the willful and unlawful use of force or violence upon another student
- **Bullying** – student systematically and chronically inflicts physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted purposeful written, verbal, nonverbal or physical behavior, including, but not limited to, any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power. Bullying may involve, but is not limited to:
 - Unwanted teasing
 - Threatening
 - Intimidating
 - Stalking
 - Cyber bullying
 - Cyber stalking
 - Physical violence
 - Theft
 - Sexual, religious, or racial harassment
 - Public humiliation
 - Destruction of school or personal property
 - Social exclusion, including incitement and/or coercion
 - Rumor or spreading of falsehoods
- **Extortion** - student threatens or intimidates another student with the intent to obtain money, information, services, or items of material worth
- **Failure to report to the office** - student does not report to the office as instructed by a teacher or other school personnel
- **Fighting** – student engages in a physical altercation with another student
- **Gambling** - student participates in betting or games of chance to gain money or other items of value
- **Gang activity or paraphernalia** - student exhibits indicators of gang activity that may include wearing or possessing gang identification of any kind, wearing clothing or colors in a manner designed to show gang membership, displaying hand signals or other non-verbal signs for the purpose of showing gang membership, writing or displaying items showing gang insignias, possessing or distributing gang literature, expressing comments, phrases, or words reflecting gang membership, etc. This policy does not apply to uniforms signifying that the student belongs to established organizations such as the Boy Scouts, Band, or other similar types of civic or fraternal organizations.
- **Giving false information** - student gives information upon request of school personnel that is intentionally misleading or not true
- **Harassment** – student makes any threatening, insulting, or dehumanizing gesture through any means including use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

- Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property
- Has the effect of substantially interfering with a student's educational performance, an employee's work performance, or either's opportunities or benefits
- Has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being
- Has the effect of substantially disrupting the orderly operation of a school
- **Hazing** – student initiates or performs any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student regardless of:
 - The student's willingness to participate
 - The conduct or activity being sanctioned by the organization
 - The activity being done as a condition of membership to an organization (F.S. 1006.63)
- **Improper use of a computer or electronic device** - student uses a computer or electronic device at school to create an inappropriate document, send an improper or threatening electronic mail message, or access inappropriate sites on the Internet. This infraction also includes actions in which a student intentionally damages, alters, or disables any computer hardware or software.
- **Inciting a fight** - student causes other students to fight through intentional verbal or physical means
- **Leaving campus without permission** - student leaves the school grounds without receiving permission from school personnel. Union County High School and Lake Butler Middle School are separate campuses. Students are not allowed to go to other campuses without permission. This includes the parking lots, gyms, any outside areas, and/or ball fields belonging to any school to which the student is not assigned at that time.
- **Leaving class without permission** - student leaves the classroom without receiving permission from the teacher or other school personnel in charge of the class
- **Major class disruption** - student causes a major disruption of the learning process in the classroom. The misconduct involves insubordination, aggression, or violence.
- **Major disorderly conduct** - student causes a major disruption of the orderly process of the school environment. The misconduct involves insubordination, aggression, or violence. This generally involves incidents that occur outside the classroom.
- **Major disruption at a school function** - student exhibits major misbehavior at a school function. The misconduct involves insubordination, aggression, or violence.
- **Major disruption in the cafeteria** - student exhibits major misbehavior in the cafeteria. The misconduct involves insubordination, aggression, or violence.
- **Major misbehavior on the school bus** - student exhibits major misbehavior while riding a school bus or waiting at a bus stop
- **Major profanity or obscenity** - student uses inappropriate language, exhibits obscene gestures or pictures, or creates obscene documents or pictures. It is directed at another student in an aggressive manner.
- **Major stealing or theft** - student takes items valued at more than \$100.00 that is not his/her property
- **Major technology violation** - student violates technology rules in a major fashion. This could include major damage to a technology device or network, major alteration of an electronic document or school records, etc.
- **Possession or use of tobacco products** - student possesses, uses, distributes, or sells any tobacco product on the school grounds, on the school bus, or at a school function
- **Possession of unauthorized medication** – student is in possession of any unauthorized medication. Any medication authorized by a doctor or a parent must be brought to the nurse upon arrival at school. This includes prescription and over-the-counter medications. Any student found to possess medication belonging to another student or an adult will be treated as if he/she were in possession of illegal drugs.
- **Recording a fight** – using an electronic device (cell phone, camera, video recorder, etc.) to record a fight.

- **Sexting** – student uses any electronic device, including cell phones, to send or receive sexually suggestive or explicit texts, pictures, videos, or other materials.
- **Sexual harassment** – student makes an unwelcome sexual advance, requests a sexual favor, makes sexually motivated physical conduct, or makes communication of a sexual nature. Sexual harassment includes, but is not limited to, the following behaviors:
 - Unwelcome statements of a sexual nature
 - Unwelcome solicitation or pressure for sexual activity
 - Intentional brushing against, patting, or pinching of another’s body
 - Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, unwanted physical contact, and blocking movements
 - Leering with sexual overtones, gestures, display of sexually suggestive objects, posters, or cartoons
 - Indecent exposure
- **Skipping class** - student does not report to his/her assigned class
- **Threatening or intimidating another student** - student verbally or physically threatens to do harm or violence to another student or to the property of another student
- **Vandalism or destruction of property** - student willfully and/or maliciously defaces or destroys school property or the property of another person

Severe Infractions (including, but not limited to):

- **Arson** - student burns or attempts to burn school property, contents in or on school property, or personal property of others
- **Assault and/or battery on school staff or public** - student threatens, touches, or strikes a school system employee, school volunteer, visitor to the school, or a citizen present at a school-sponsored activity
- **Bomb threat** - student affects any communication threatening an explosion on school property, on a school bus, or at any school function
- **Burglary** – student unlawfully enters a school building with the intent to commit a crime
- **Habitual truancy** - student violates state attendance laws by not attending school on a regular basis
- **Possession or distribution of alcoholic beverages** - student is in possession or under the influence of alcoholic beverages or distributes them to other students on school property, while riding a school bus, or at any school function
- **Possession or distribution of drugs and/or controlled substances** - student is in possession or under the influence of drugs and/or controlled substances or distributes them to other students on school property, while riding a school bus, or at any school function
- **Possession of explosive devices** - student prepares, possesses, or ignites an explosive device including fireworks on school property, while riding a school bus, or at any school function
- **Profanity or obscenity directed to school staff or public** - student uses inappropriate language, exhibits obscene gestures or pictures, or creates obscene documents or pictures. It is directed at a school system employee, school volunteer, visitor to the school, or a citizen present at a school-sponsored activity.
- **Possession of weapons or firearms** - student brings, possesses, or uses any dangerous instrument (whether operable or inoperable, loaded or unloaded) which could be used to cause harm, injury, or death to another person. This may include a gun, knife, razor, club, chain, explosive device, martial arts apparatus, chemical weapon, etc. The infraction may include toys or objects that resemble weapons if it is used or displayed as a weapon. This policy also includes any commonly used tool that can also function as a weapon including pocket knives, box cutters, razor blades or any other similar device.
- **Robbery** - student takes or attempts to take money, property, or possessions from another person against his/her will through the use of force, violence, or fear

- **Severe bus safety violation** – student commits an act of misconduct while riding a school bus that is listed in this code as a severe infraction
- **Sexual battery** - a physical act of aggression for the purpose of inappropriate and unwelcome sexual activity
- **Threatening to bring or use a weapon** - student threatens to bring or use any dangerous instrument that could cause harm, injury, or death to another person
- **Willful disobedience or defiance of authority** - student willfully refuses to comply with authority or exhibits contempt or open resistance to a direct order from an authority figure

Cheating

If a student cheats on a school assignment as determined by their teacher or other adult staff member, the student will receive a score of zero on the assignment. This is considered an academic violation and not a discipline issue.

Student Use of Cellular Telephones and Other Electronic Devices

Union County School Board Policy 5.25 provides that cellular telephones or other electronic devices may not be used during school hours. If a student's cellular telephone rings or is used during the school day, the telephone will be subject to confiscation and will be returned only to a parent. Students that use a cellular phone or other electronic device to record a fight between other students will be subject to the same discipline measures as those students that are fighting.

Hate Crime

Hate Crime refers to an attack or offense against an individual or his/her property in which the individual is intentionally selected because of his/her race, color, religion, national origin, gender, disability, or sexual orientation. The attack or offense may range from racial remarks or graffiti on school walls to threats of physical harm, intimidation, hate mail and hate e-mail, vandalism, arson, physical assault, etc. Students who believe they have been victims of a hate crime must immediately report the act to a teacher and/or school administrator.

Searches

If an administrator has reasonable suspicion to believe that a student is in possession of contraband, he/she shall request the student submit to a search of his/her person or belongings. If the student refuses, the principal may call the appropriate law enforcement agency and the student's parents or guardians. Strip searches of students by school staff are prohibited.

All schools in the Union County School District may conduct canine sniff searches to search for illegal drugs and controlled substances. These searches will be conducted randomly throughout the school year. The entire campus including classrooms, lockers, book bags, and vehicles will be inspected. Upon reasonable suspicion, lockers or personal belongings are subject to be searched for said items by the principal or his/her designee.

SECTION 2 – CONSEQUENCES OF CODE INFRACTIONS

The district will make every reasonable effort to correct student misbehavior through school-based resources, and to support students in learning the skills necessary to enhance a positive school environment and avoid negative behavior. The vast majority of disciplinary issues should be addressed at the classroom level by teachers. Each teacher must maintain discipline in his/her class, and every teacher must contribute to the overall school atmosphere by taking action in any situation that may call for disciplinary measures. Preventative action is always more effective than remedial. In all instances, school discipline should be reasonable, timely, fair, age-appropriate, and should match the severity of the student's misbehavior. Any disciplinary or prosecutorial action taken against a student who

violates this code must be based on particular circumstances of the student's misconduct. It will not be necessary to use each consequence or to use consequences in the order listed below. However, certain rule violations do require specific consequences. The administrators of each school have the flexibility to handle discipline issues in a fashion that they believe best for all involved.

Possible Interventions and/or Consequences of Misbehavior

- **Verbal Reprimand** - any member of the school staff may verbally correct a student for misconduct in the classroom, hallways, on the school grounds, going to and from school, or at any school function.
- **Timeout** – teacher or school personnel isolates student in a section of the classroom
- **Student conference** - student involved in misconduct may be given counsel and direction in a conference with a school staff member or administrator. The misconduct is discussed and future expectations are outlined.
- **Guidance counselor intervention** – teacher refers student to the guidance counselor as an intervention strategy to improve the student's behavior in the classroom
- **Restitution** - students defacing, destroying, or stealing school property or property of others will be assessed for payment of damages or replacement. Parents or guardians will be held responsible to assure payment.
- **Work detail** - work details require students to perform minor work tasks like sweeping, mopping, collecting trash, etc. The work detail will not endanger the health or safety of a student.
- **Detention** - student is detained before or after school hours with a designated staff member. Activities may include written assignments or work detail. A parent or guardian will be notified of the detention date(s). It will be the responsibility of the parent or guardian to arrange transportation.
- **Parent contact or conference** - school personnel communicates with the student's parent or guardian. This may come in the form of a phone call, written communication, or a conference at school. Parents and school personnel will work together to form a plan to correct the student's behavior.
- **Behavior contract** - student agrees to an oral or written contract with a teacher, administrator, or other school personnel that outlines specific strategies and time frames for improvement of behavior. Parental involvement is highly recommended.
- **Confiscation** – taking custody of any item that is illegal, violates school policies, or is causing a disruption to school activities. A parent may be required to retrieve the item.
- **Removal from class by teacher** - a teacher may remove a student from his/her class whose behavior the teacher determines interferes with the teacher's ability to effectively communicate with other students in the class or with the ability of the student's classmates to learn
- **Referral to administrator** – teacher refers student to the principal or assistant principal after exhausting all efforts to control or correct the student's behavior
- **In-school suspension (ISS)** - student may be removed from a class or classes and assigned to an isolated classroom. The ISS class may consist of extensive writing assignments, behavior management counseling, and work details. Students will be required to complete all of their daily class assignments while assigned to ISS.
- **Corporal punishment** – spanking a student after attaining approval from their parent or guardian. Corporal punishment may only be administered by the principal or his designee. The following procedures shall be followed:
 - An administrator 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.
 - An administrator who has administered punishment shall, upon request, provide the pupil's parent or guardian with a written explanation of the reason for the punishment and the name of the other adult who was present.

- An administrator may administer no more than three swats only on the posterior part of the body. Under no circumstances shall the administrator's hand be used as the means of administering corporal punishment.
- **Suspension from the school bus** - student is suspended from the privilege of riding the school bus for a period of time not to exceed ten days on any one act of bus misconduct. A student suspended from bus riding privileges continues with the responsibility to attend school. The responsibility for transportation to and from school for the duration of the bus suspension becomes the responsibility of the student's parents or guardians.
- **Administrative referral to outside agencies or counseling programs** – student is referred to an agency or counseling program outside the regular school setting. These programs may include, but are not limited to, the Department of Children and Families, the Department of Juvenile Justice, CDS Family and Behavioral Health Services, Meridian Behavioral Healthcare, etc.
- **Out-of-school suspension (OSS)** - student is temporarily removed from the regular school program not to exceed ten school days on any one act of misconduct. During the suspension, the student is not allowed on the school grounds, on the school bus, or at any school function.
- **Administrative referral to the alternative education program** – in cases of severe misbehavior or felony charges, a student may be referred to the alternative education program. This program is held at the Union County Adult School. Students will be offered an opportunity to complete course work through a computer-based curriculum.
- **Expulsion from the school bus** - student is denied the privilege of riding the school bus due to repeated or severe misconduct. The Union County School Board has the right to expel a student from the bus for a period of time not to exceed one calendar year upon the recommendation of the Superintendent.
- **Expulsion from school** - student is denied the right to attend a public school in Union County due to repeated or severe misconduct. The Union County School Board has the right to expel a student from school for a period of time not to exceed one calendar year upon the recommendation of the Superintendent.
- **Alternative placement** – students with disabilities that are expelled from school will be served alternatively according to the decisions of the IEP committee.
- **Report to law enforcement** – student commits a violation of the code of conduct that is also a criminal act as defined by Florida law. These violations must be reported to the Union County Sheriff's Office.

Zero Tolerance

Florida Statute 1006.13 provides that students found to have committed one of the following offenses on school property, school sponsored transportation or during a school sponsored activity shall be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year and be referred to the criminal justice or juvenile justice system:

- Bringing a firearm or weapon as defined in Chapter 790, Florida Statutes, to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school.
- Making a threat or false report as defined in Florida Statutes Sections 790.162 and 790.163 respectively, involving school or school personnel's property, school transportation or a school-sponsored activity.
- Assault or battery on specified officials or employees in violation of Section 784.081, Florida Statutes.
- Hazing as defined in 1006.135, Florida Statutes.

When a student is formally charged with a felony or a delinquent act that would be a felony if committed by an adult, the Superintendent shall notify appropriate personnel including the principal, the transportation director, the student's classroom teachers, the student's bus driver and other school personnel who directly supervise the student. The School Board may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. 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 by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this policy is a student with a disability, the School Board shall comply with the applicable State Board of Education rules. Any student found to have committed a violation of Section 784.081(1), (2) or (3), Assault or Battery on Specified Officials or Employees shall be expelled or placed in an alternative school setting or other program as appropriate. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

Victimization

Florida Statute 1006.13 provides that any student who is adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or nolo contendere (no contest) to, a felony violation of:

- Chapter 782, relating to homicide;
- Chapter 784, relating to assault, battery, and culpable negligence;
- Chapter 787, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;
- Chapter 794, relating to sexual battery;
- Chapter 800, relating to lewdness and indecent exposure;
- Chapter 827, relating to abuse of children;
- Section 812.13, relating to robbery;
- Section 812.131, relating to robbery by sudden snatching;
- Section 812.133, relating to carjacking; or
- Section 812.135, relating to home-invasion robbery,

and, before or at the time of such adjudication, withholding of adjudication, or plea, the offender was attending a school attended by the victim or a sibling of the victim of the offense, the offender is prohibited from attending that school or riding on a school bus whenever the victim or a sibling of the victim is attending the same school or riding on the same school bus.

The offender shall be permitted by the district school board to attend another school within the district in which the offender resides, only if the other school is not attended by the victim or sibling of the victim of the offense; or the offender may be permitted by another district school board to attend a school in that district if the offender is unable to attend any school in the district in which the offender resides. If the offender is unable to attend any other school in the district in which the offender resides and is prohibited from attending a school in another school district, the district school board in the school district in which the offender resides shall take every reasonable precaution to keep the offender separated from the victim while on school grounds or on school transportation. The steps to be taken by a district school board to keep the offender separated from the victim must include, but are not limited to, in-school suspension of the offender and the scheduling of classes, lunch, or other school activities of the victim and the offender so as not to coincide. The offender, or the parents of the offender if the offender is a juvenile, shall arrange and pay for transportation associated with or required by the offender's attending another school or that would be required as a consequence of the prohibition against riding on a school bus on which the victim or a sibling of the victim is riding.

Discipline Procedures for Students with Disabilities

For students whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior must be considered in the development of the students' individual educational plans (IEPs). School personnel may consider any unique circumstances on a case-by-case

basis when determining whether a change in placement, consistent with the requirements and procedures in this rule, is appropriate for a student with a disability who violates a code of student conduct. The following subsections provide guidelines for discipline of students with disabilities:

(1) Definitions:

- Change of placement - for the purpose of removing a student with a disability from the student's current educational placement as specified in the student's individual educational plan (IEP) under this rule, a change of placement occurs when:
 - The removal is for more than ten (10) consecutive school days, or
 - The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than ten (ten) school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.
- Controlled substance - a controlled substance is a drug or other substance identified under schedules I, II, III, IV, or V or the Controlled Substances Act, 21 U.S.C. 812(c) and Section or any other provision of federal law.
- Illegal Drug - an illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c) or under any other provision of federal law.
- Serious bodily injury - serious bodily injury means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty
- Weapon - weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and one half (2½) inches in length.
- Manifestation determination - a manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.
- Interim alternative educational setting - an interim alternative educational setting (IAES) is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of this rule.

(2) Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to students without disabilities, school personnel may:

- Remove a student with a disability who violates a code of student conduct from the student's current placement for not more than ten (10) consecutive school days.
- Further remove a student with a disability for not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in this rule.

(3) A manifestation determination, consistent with the following requirements, must be made within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. The manifestation determination guidelines are:

- In conducting the review, the school district, the parent, and relevant members of the IEP Team (as determined by the parent and the school district) must:
 - Review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP; and
 - Determine whether the conduct in question was caused by, or had a direct and substantial relationship to the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP.
- b) If the school district, the parent, and relevant members of the IEP Team determine that a condition in subparagraph (a)2 above was met, the conduct must be determined to be a manifestation of the student's disability and the school district must take immediate steps to remedy those deficiencies.
- If the school district, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the student's disability, the IEP Team must either:
 - Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or
 - If a behavioral intervention plan already has been developed, review it and modify it, as necessary, to address the behavior; and
 - Except as provided in subsection (6) of this rule, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the behavior intervention plan.
- For disciplinary changes of placement, if the behavior that gave rise to the violation of a code of student conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration in which they would be applied to students without disabilities, except that services consistent with subsection (5) of this rule must be provided to the student with a disability.
- If a parent disagrees with the manifestation determination decision made by the IEP Team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in subsection (7) of this rule.

(4) On the date on which a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, 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 referenced in these rules.

(5) Free appropriate public education for students with disabilities who are suspended or expelled or placed in an Interim Alternative Education Setting (IAES):

- A school district is not required to provide services to a student with a disability during 6A-6.03312 4 removals totaling ten (10) school days or less in that school year, if services are not provided to students without disabilities who are similarly removed.
- Students with disabilities who are suspended or expelled from school or placed in an IAES must continue to receive educational services, including homework assignments in accordance with Section 1003.01, Florida Statutes, so as to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional

behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

- After a student with a disability has been removed from the current placement for ten (10) school days in the school year, if the current removal is not more than ten (10) consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teacher(s), shall determine the extent to which services are needed so as to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
- If the removal is a change of placement under this rule, the student's IEP Team determines appropriate services under the second paragraph of this subsection.

(6) Special Circumstances and Interim Alternative Educational Setting (IAES):

- School personnel may remove a student to an IAES for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
 - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a state education agency or a school district;
 - Knowingly possesses or uses illegal drugs. or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district
 - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district
- On the date on which a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district must notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards as referenced in Rules 6A-6.03011 through 6A-6.0361, FAC.

(7) Appeal and Expedited Hearings:

- An expedited hearing may be requested:
 - By the student's parent if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under this rule, or
 - By the school district if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
- The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
- Expedited due process hearings requested under this subsection shall be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and shall be held at the request of either the parent or the school district regarding disciplinary actions. These hearings must meet the requirements prescribed in Rules 6A-6.03011 through 6A-6.0361, FAC., except that the hearing must occur within twenty (20) school days of the date the request for due process is filed and an ALJ must make a determination within ten (10) school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:
- A resolution meeting must occur within seven (7) days of receiving notice of the request for expedited due process hearing; and
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen (15) days of the receipt of the request for expedited due process hearing.

- The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in Section 1003.57(5), Florida Statutes.

(8) An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

- An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of this rule or that the student's behavior was a manifestation of the student's disability; or
- Order a change of placement of the student with a disability to an appropriate IAES for not more than forty-five (45) school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
- The procedures under this subsection may be repeated, if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

(9) When an appeal under subsection (7) has been made by either the parent or the school district, the student must remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

(10) A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under this rule if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred. The following guidelines must be considered:

- A school district is deemed to have knowledge that a student is a student with a disability if:
 - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services;
 - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or
 - The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.
- A school district would not be deemed to have knowledge of a disability under the previous paragraph if:
 - The parent of the student has not allowed an evaluation pursuant to Rules 6A-6.03011 through 6A-6.0361, FAC., or has refused special education and related services under Rules 6A6.03011 through 6A-6.0361, FAC.; or
 - The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, FAC., and determined that the student was not a student with a disability.
- The following conditions will apply if there is no basis of knowledge:
 - If the school district has no 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 who engages in comparable behaviors.
 - If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation must 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. If the student is determined to be a student with a disability,

taking into consideration information from the evaluation and information provided by the parents, the school district shall provide special education and related services consistent with the requirements of this rule.

(11) Nothing in this rule prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student with a disability.

(12) School districts shall ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of Section 1002.22, Florida Statutes, and Rule 6A-1.0955, FAC.:

- For consideration by the person making the final determination regarding the disciplinary action; and
- For consideration by the appropriate authorities to who school districts report crimes.

(13) School districts shall include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

- The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.
- If the student transfers from one school to another, the transmission of any of the student's records must include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

(14) Suspension and expulsion rates:

- The Florida Department of Education will examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities:
 - Among school districts in the state; or
 - Compared to the rates for non-disabled children within the school districts.
- If the discrepancies described in the previous paragraph of this subsection are occurring, the Department of Education will review and, if appropriate, revise (or require the affected school district to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that these policies, procedures, and practices comply with the IDEA.

SECTION 3 - ATTENDANCE

The Union County School District is dedicated to providing the best educational environment for all students in our county. Regular attendance is essential for students to be successful in school. We realize the primary responsibility for school attendance rests with parents, but we are dedicated to assisting parents in their efforts by providing them with timely attendance information. The parent of a child of compulsory school age is responsible for the child's daily school attendance (F.S. 1003.24). School staff, parents, students, and appropriate state agencies are expected to work together to ensure that laws are obeyed including, but not limited to, referral to the state designated agency for possible court action for extended absence or truancy (F.S. 1003.27). School Board Policy 5.04 outlines the rules that apply to attendance and attendance procedures. Florida law supports the active involvement of parents until the student graduates from school (F.S. 743.07, 1003.26, 1003.21). This serves as notice to the parent, that when a

student reaches the age of majority (18 years of age) the parent shall continue to perform the parental functions of a dependent student, including, but not limited to, provide reasons for absences and tardiness, permission slips for early release, field trips, other activities, as necessary, and to register or terminate (withdraw) school enrollment, until the student graduates. A student's presence in class is required to maximize the attainment of instructional objectives. For students who demonstrate patterns of non-attendance, interventions may be recommended.

Student Rights

- Students have a right to know how the Union County School District defines and handles excused absences, unexcused absences, and tardiness.
- Students have a right to make-up work they missed during an excused absence.
- Students who are married, are parents, or are expectant mothers have a right to remain in the regular school program.

Student Responsibilities

- Students have a responsibility to attend all classes.
- Students have a responsibility to be on time for school and all classes.
- Students have a responsibility to ask their parents to notify the school when they are absent.
- Students have a responsibility to ask teachers for, and to complete, make-up assignments.

Compulsory School Attendance

The Union County School Board stresses the importance that all students attend school regularly and remain in school until they graduate from high school. However, a child who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the child files a formal declaration of intent to terminate school enrollment with the guidance office. The declaration must acknowledge that terminating school enrollment is likely to reduce earning potential and must be signed by the child and the child's parent. The school district must notify the child's parent of receipt of the child's declaration of intent to terminate school enrollment (F.S. 1003.21). Forms are available at each school's guidance office. Also be aware that students who drop out of school are not eligible to receive a driver's license or driver's permit or will have their license or permit revoked.

Non-Attendance and Early Signs of Truancy

It is important to be in school every day. If a child is not in school, he or she may be showing early signs of truancy through a pattern of non-attendance. A student may be establishing a pattern of non-attendance when:

- He or she has an accumulation of tardiness, early sign outs, and/or 5 absences (excused and unexcused) in one 9-week grading period or 10 absences (excused and unexcused) in a semester; or
- He or she has 5 unexcused absences in 30 calendar days or 10 unexcused absences in 90 calendar days (F.S. 1003.26 (b)).

However, a student does establish a pattern of non-attendance when he or she has an accumulation of 15 unexcused absences within 90 calendar days, with or without a parent's knowledge. The student is considered a habitual truant (F.S. 1003.01 (8)).

Parents and students may verify absences at any time at school or at home by contacting the school or by accessing electronic attendance records through the Skyward Parent Portal. If after an accumulation of absences as noted above, the principal and/or his designee determines that the reasons for time out of school are invalid, the principal/designee shall refer the student to the Child Study Team to determine if early patterns of truancy are

developing and provide appropriate interventions (F.S. 1003.26 (1)(b)). If interventions recommended by the Child Study Team are unsuccessful, students are referred to the Truancy Intervention Partnership Program (TIPP). It is a joint partnership program of the State Attorney's Office, the Union County School Board, and the Florida Department of Juvenile Justice. The program is designed to prevent excessive absences through parent notification and accountability, school interventions, and daily monitoring of attendance. Parents are expected to communicate with school personnel regarding absences. Parents who do not comply are referred to the State Attorney's Office for failure to comply with F.S. 1003.27 which provides that a parent commits a misdemeanor of the second degree, punishable as provided by law, if the parent refuses or fails to have a child attend school regularly or refuses to participate in meetings concerning the child's truancy. However, if the principal and/or his designee determine that the reasons for the absences are valid and there are no early signs of truancy, no further action will be taken.

Absences

An absence will be determined to be excused if it meets one of the following criteria:

- Illness of a student, documented by a licensed physician, mental health professional, or health department employee attesting to the illness, infection with a communicable disease, or injury to the child;
- A copy of a funeral notice or obituary accompanied by a note from the parent, as defined by Florida Statutes, indicating death in the family resulting in the absence of the child;
- A written statement from a lawyer or representative of the court system indicating the child was absent due to a legal or judicial proceeding;
- Written information documenting a religious activity that occurs during the time that school is in session which required an absence for religious instruction or religious holiday. Prior approval is required.
- School activity which requires student participation. It is the student's responsibility to obtain permission from teacher(s) to participate in school activities. In the event a student is denied permission by one or more teachers due to poor attendance or lack of academic progress, the student will receive an unexcused absence for that class or classes and will not be eligible to complete make-up work.
- A student may be excused from school for a maximum of 5 days per year if the parent writes a note documenting the illness.

Written documentation of one of the above reasons for absence must accompany the student to school within two days following the absence in order to be considered excused. Phone calls in lieu of a note will not be acceptable.

Tardy

If a student is late to class and does not have an excused note, he/she is considered tardy. If he/she is late to the point that he/she misses more than half the class and does not have an excused note, it will be counted as an unexcused absence for that class. Excessive tardiness will result in consequences.

Make-Up Work

Students will have two days for the first day of absence, and one day thereafter for each additional day of excused absence to complete make-up work. *Example: 3 days excused absence will mean 4 days to complete all work.* It is the responsibility of the student to make arrangements for completing the classroom work assigned during his/her absence. The consequences of a student's failure to make-up work within the allotted time following an excused absence are:

- A grade of zero may be given for all assigned work, including tests and/or exams
- Teacher/student conference
- Parent notification

Make-up work for unexcused absences including suspensions will be left up to the discretion of the school administration. Teacher grade books will be the final authority in determining the number of absences for each student.

Mastery Exams (High School Courses Only)

The mastery exam is pass/fail and is not part of a semester average. In order to take a mastery exam, the following two conditions must be met:

- The student must have a passing average of at least 60% for the course in question.
- A student may have 11-14 unexcused absences to be eligible for the mastery exam. The student must not have 15 or more unexcused absences. Credit will be withheld for a student who has 15 or more unexcused absences within a 90 day period. The student is considered to be a habitual truant and other appropriate and necessary action will be taken.

A student who passes the comprehensive mastery exam is then eligible to receive his/her earned grade. If a student fails the mastery exam, they will be denied credit and receive 59% of the earned semester grade.

Head Lice

Students with head lice will be excused with a medical excuse for no more than two consecutive days. After the second day, absences will be unexcused. Students will only be excused for a total of six days per semester due to head lice or nits. After the sixth day, a Child Study Team meeting will be convened.

SECTION 4 - DRESS CODE

Appropriate dress and grooming can help to create an orderly learning environment. Every student plays a part in achieving an atmosphere of respect for self and others.

Rights

Students have a right to wear stylish clothes of their choice as long as those clothes are appropriate for school, are not dangerous to health and safety, and do not create a substantial and material disruption of the school.

Responsibilities

Students have a responsibility to dress appropriately, to be clean, and well groomed. All students are expected to honor their responsibilities and dress in a way that respects the rights of others.

Dress Code

All students attending Union County Schools are required to dress in a manner that provides proper attention to health, safety and orderly conduct of activities of all students, to avoid disruption and the orderly administration of the school program. Students should be properly groomed and attired while on school property or participating in school activities. Clothing or accessories, which are inappropriate, suggestive, indecent, obscene and /or distracting to the overall educational process or are detrimental to the health or safety of students, faculty or staff, are expressly prohibited. In addition to the general policy just stated these specific policies will be enforced at all Union County School District properties:

- Clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment is prohibited.
- Footwear must be worn at all times. However, bedroom shoes or slippers are not allowed.
- Revealing clothing or clothing that exposes the torso or cleavage is not allowed. Examples include, but are not limited to: tank tops or spaghetti straps without over blouses (long shirts) or jackets; see-through garments; mini-

skirts or mini-dresses; halters; strapless or backless dresses; jackets, shirts, or blouses tied at the midriff; and bare midriff outfits. All shirt straps must be at least 2 inches across. Muscle shirts or shirts with the sleeves cut out are not allowed unless another shirt with sleeves is worn underneath. Shorts, skirts and dresses that are more than four inches above the top of the kneecap are prohibited. Slits in dresses or skirts will be measured in the same fashion. Leggings are allowed when worn underneath appropriate shorts or skirts.

- Clothing which is not worn appropriately, is not properly fastened, or has tears that are indecent will not be permitted. There should be no holes or tears higher than 4 inches above the knee, regardless of whether there are leggings being worn underneath. All trousers, including oversized or low-hanging trousers, must be worn and secured at waist level.
- Garments including, but not limited to, pajamas, boxer shorts, and bloomers, which were traditionally designed as undergarments, sleepwear, or beachwear, may not be worn as outer garments. Bicycle racing attire is not allowed unless it is worn underneath dresses, skirts, or shorts of appropriate length. Appropriate T-shirts may be worn as outer garments.
- Clothing that exposes the upper thigh is not allowed. Shorts that are not shorter than 4 inches above the knee, including walking shorts, Bermuda shorts, and split skirts (culottes) are allowed.
- Trench coats and blankets are not to be worn or brought to school.
- Clothing, jewelry, buttons, haircuts, or other items or markings which are suggestive, revealing, or indecent, refer to exposure of private body parts and/or pictures or words with a sexual connotation, associated with gangs or cults, encourage the use of drugs, alcohol, tobacco, or violence, or support discrimination on the basis of age, color, disability, ethnicity, gender, linguistic differences, marital status, national origin, race, religion, socioeconomic background, sexual orientation, physical appearance, or on any other basis are not allowed.
- Head coverings including, but not limited to, caps and hats are not allowed unless they are necessary for safety in programs such as technology education, vocational education, and athletics or are worn for religious or medical reasons. Bandannas are not allowed.
- Curlers and other hair grooming aids are not allowed. Personal grooming including, but not limited to, combing, brushing, and/ or spraying hair, and applying cosmetics is allowed only in restrooms and/or designated areas.
- Sunglasses are prohibited unless a doctor's authorization is on file.
- Any articles of clothing or jewelry that may cause injury including, but not limited to: items with spikes or sharp objects, wallet chains, and heavy link chains are not allowed.
- Clothing and shoes should be clean and in acceptable condition to the absolute best of the student's ability. In extreme cases, a student whose clothing is unacceptably offensive either in odor or in cleanliness may be sent home to change.
- Certain attire that is prohibited in the guidelines above may be allowed for special school activities with approval of the school administration.

This code contains the general guidelines for student apparel. However, it is recognized that elementary school students may wear apparel appropriate for younger children that do not necessarily adhere to the dress code. The decision of school administrators will be final in determining whether any student's clothing, jewelry, or accessories are deemed inappropriate, unsafe, or disruptive. Changes in clothing trends will not override the dress code policy.

SECTION 5 – DIGITAL CODE OF STUDENT CONDUCT

Computers, networks, and online communications and information systems such as the Internet and e-mail are becoming more commonplace in our classrooms and media centers every year. Digital curriculum and resources for students provided by the Union County School Board are becoming a valuable part of the instructional process.

While these systems deliver an extensive number of resources to our classrooms, their ability to serve students and teachers depends on the responsible and ethical use of every device and system.

Use of the school district's technology and/or software for any unauthorized purpose is prohibited. This includes the unauthorized use of a computer/technology, including, but not limited to, accessing or breaking into restricted accounts or networks, creating, modifying or destroying files/records without permission, copying software, entering, distributing or printing unauthorized files/records, uploading to the Internet and/or sharing or distributing, offensive or inappropriate material, including video, and any other violation of the Union County School Board Policy 8.33.

Rights

- Students have a right to use appropriate online communications and information systems, the Internet and networks to increase their access to information and resources.
- Students have a right to use appropriate online communications and information systems, the Internet and networks to obtain information, create intellectual products, collaborate and communicate for educational purposes.
- Students have a right to use appropriate online communications and information systems, the Internet and networks without the fear that their products or their personal reputation will be violated, misrepresented, tampered with, destroyed, or stolen.

Responsibilities

- Students have a responsibility to understand the difference between appropriate and unacceptable uses of online communications and information systems, the Internet and networks.
- Students have a responsibility to use online communications and information systems, the Internet and networks in a responsible, efficient, ethical, and legal manner in accordance with their educational mission.
- Students have a responsibility to recognize that the use of online communications and information systems, the Internet and networks is a privilege that can be withdrawn if they engage in unacceptable or illegal use of this resource.

Policy

Students are expected to use technology responsibly. School Board Policy 8.33 defines the appropriate use of technology throughout the school district. This policy describes how computers and networks must be used to support research and instructional activities in our classrooms, labs, and media centers. First, it promotes the use of technology as a powerful educational tool that is increasingly becoming a common part of every student's day. Second, it provides those students who use these computers, and the networks to which they are connected, to act in accordance with prescribed rules and behavioral codes detailed in the policy. Several major provisions are noted below.

- Use of computers, networks, the Internet and online communication and information systems must be related to students' educational activities
- Students must recognize that computers, networks, and equipment used to support online learning are shared devices and agree to use them in ways which will maintain their continued operability for all users
- No illegal activity may be conducted using the District's computers, networks, or online communication and information systems
- Students must not access or distribute offensive, obscene, inflammatory, or pornographic materials, or participate in sexting

- Students shall not intentionally spread, or attempt to spread computer viruses, vandalize data, infiltrate systems, or degrade/disrupt computer and/or network performance
- All users of computers, networks, and online communications and information systems shall adhere to laws regarding copyright
- It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education for mandatory tests, such as FCAT, and knowingly and willfully fail to follow test administration directions specified in the test administration manuals (F.S. 1008.24)
- During testing, possession of any electronic device that reproduces, transmits, calculates, or records is cause for invalidation. Schools will direct students on the appropriate storage of electronic devices during testing
- It is strongly advised that you do not bring a cell phone or any other prohibited electronic device to any testing environment. If your electronic device makes any noise, or you are seen using it at any time – including breaks – you may be dismissed immediately, your scores may be canceled, and the device may be confiscated
- Illegally using school district technology and/or software to alter information is a felony. Misusing school district technology and/or software to transmit insulting, profane, racially or sexually offensive written language, or to make obscene remarks or gestures is unacceptable behavior that will lead to disciplinary action. Using technology including, but not limited to, computers, networks, online telecommunication systems, cellular telephones, and camera telephones to bully, extort, or libel another student or staff member is a violation of the Code of Student Conduct and will result in disciplinary action.

SECTION 6 - STUDENT ACTIVITIES AND ASSEMBLY

School activities give students a chance to interact in positive ways. They can learn from each other how to work together harmoniously for common goals.

Rights

- Students have a right to take part in extracurricular activities, assemblies, and school-approved organizations without discrimination on the basis of age, color, disability, ethnicity, gender, linguistic differences, marital status, national origin, race, religion, socioeconomic background, sexual orientation, physical appearance, or on any other basis.
- Students have a right to take part in electing officers for student government.
- Students have a right to consult with faculty advisors of school approved clubs and groups.
- Students have a right to seek office in student government and/ or school-approved clubs and groups without discrimination on the basis of age, color, disability, ethnicity, gender, linguistic differences, marital status, national origin, race, religion, socioeconomic background, sexual orientation, physical appearance, or on any other basis.
- Students have a right to attend educational field trips or educational school-sponsored activities. Students on field trips will have the same rights, as it pertains to make-up work, as students with excused absences.

Responsibilities

- Students have a responsibility to keep their extracurricular activities from interfering with their academic work and to know and follow the rules for the activities they choose.
- Students have a responsibility to ensure that their actions as members of school clubs and groups meet the standards that have been set by the school administration.
- Students have a responsibility to educate themselves as to the qualities needed for leadership and choose officers who have those qualities.

- Students who hold office have a responsibility to learn how to do their jobs, support the goals of the group that elected them, and to treat other members of the group fairly.
- Students who participate in field trips, social and/or extracurricular activities that are school-approved and/or sponsored by school clubs or groups, have a responsibility to follow the rules set forth in the Code of Student Conduct, and where applicable, by the conferences, conventions or contests they may attend.

Guidelines for Student Activities

Many students take part in school-related activities that are extracurricular (take place outside of school hours); social, and interscholastic (engage in competition with other schools). Students must attend more than half of their scheduled classes on the day of an activity in which they want to take part unless they have been excused or exempted from class by the school administration. Students are expected to have prior approval from the school administration for many activities related to school-approved and school-sponsored clubs and groups. They need approval to:

- Present a program or an assembly
- Have a fundraising project on school grounds
- Hold a demonstration

The following guidelines will apply to all clubs, teams, organizations, and extracurricular groups at all Union County Schools:

- Secret societies are prohibited
- Hazing in any form is prohibited.
- Dues must be reasonable and cannot serve to restrict membership to any one group.
- Any illegal activities are prohibited.
- No organization may meet without a staff sponsor or designated replacement being present. All organizations must have a designated sponsor, and that sponsor may override any vote of the organization. However, that veto should be used reasonably, and allowances for the wishes of the membership should be made where possible under existing rules.
- No club or organization may discriminate in any way as regards to membership in that club or organization.
- All induction ceremonies must have the approval of the school principal and the organization sponsor prior to being held.
- No organization may hold a regular meeting of its membership until an approved charter for that organization is on file in the office. However, new organizations may hold up to two informal organizational meetings in order to determine level of student interest, so long as the organization has secured a faculty sponsor prior to that meeting being held.
- No fundraising by any student organization will be permitted unless specifically approved by the principal and the sponsor.
- All social events shall be properly chaperoned.
- All students wishing to participate in any student organization shall maintain a cumulative GPA of 2.0 or higher.
- No student that has been placed on out-of-school suspension or expulsion will be allowed to participate in any extracurricular activity or club.

Students may be denied participation in educational school-sponsored activities or field trips due to violations of the Code of Student Conduct.

SECTION 7 – STUDENT FREE SPEECH AND DISTRIBUTION OF MATERIALS

The Constitution of the United States guarantees to its citizens the right to express ideas freely. A basic education should prepare students to do that in responsible ways.

Rights

- Students have a right to hear all sides of subjects about which people disagree.
- Students have a right to give their opinions and points of view.
- Students have a right to be free of censorship within a framework of mutual respect.
- Students have a right to expect that some materials will not be allowed in the schools.

Responsibilities

- Students have a responsibility to be informed about all sides of controversial issues.
- Students have a responsibility to listen politely to the viewpoints of others.
- Students have a responsibility to use good judgment in developing student publications.
- Students have a responsibility to use good judgment in selecting sources of information.

Guidelines

- No printed or written materials or electronic media may be distributed in the schools or on school grounds unless the principal or his/her designee has granted permission. A principal or designee may deny permission to distribute if the material can reasonably be interpreted as:
 - A) Obscene or pornographic;
 - B) Libelous or slanderous;
 - C) Likely to create a substantial disruption of, or material interference with, normal school activity or appropriate discipline in the operation of the school. Material will not be deemed to fall within this subsection only because students, faculty or staff may disagree with or find the contents of the material offensive;
- Profane, vulgar, or lewd language;
- Selling a commercial product or attempting to make a commercial profit from the sale of products.
- If material is denied distribution, the principal or designee must state to the student the specific reasons why such material was denied distribution.
- If the material is denied distribution as likely to cause a substantial disruption or material interference, the principal or designee must state to the student the specific reasons why a disruption is likely to occur as a result of the distribution and why such disruption would be substantial.
- Notices of student non-curricular group meetings posted on general purpose student bulletin boards or throughout the school do not represent the viewpoint of the School Board and/or the administration. The Board is only offering physical space to such groups and does not promote, endorse, or otherwise sponsor such materials. Students are encouraged to be sensitive to other viewpoints and beliefs when posting such notices.
- Students may not hand out petitions or surveys during class time unless the materials are curriculum-based.
- A principal or designee must either approve or reject a request from a student to distribute materials. For approved materials, the principal or designee may assign reasonable restrictions with regard to time, place, and manner of distribution.
- Any student aggrieved by a decision made under this section has the right to appeal such decision to the superintendent.

SECTION 8 – SCHOOL-SPONSORED PUBLICATIONS

School-sponsored publications are important components of school-based instructional programs. All school publications shall be consistent with the educational curriculum and the cultural values of the school community and appropriate for the school setting. In this regard, considerable latitude shall be provided to individual school leadership to plan and develop school publications. Publications include, but are not limited to, items such as school newspapers, yearbooks, student newspapers, electronic newsletters, social media, and publications created by school groups and organizations (clubs, athletic teams, school advisory councils, yearbook committee, etc.).

The contents of all school publications must meet the District's journalism standards, which prohibit obscenity, profanity, libelous or slanderous material, vulgar or lewd language, or material that may cause substantial disruption of normal school activities. All school-sponsored publications must include the following statement: "The opinions expressed in this publication are not necessarily those of [insert name of school] or the Union County School Board."

School Board Policy 4.07 provides that the principal shall be responsible for supervising the publication of newspapers, magazines, yearbooks, and programs and for ensuring these publications do not impede or otherwise interfere with the educational purpose of the school. Publications shall conform with School Board rules relating to communications with the public. The principal or designee(s) shall retain final authority to approve the design and content of all school publications prior to publication or posting. Approval for publication shall be based on:

- Consistency with the educational curriculum of the School Board
- Reasonable school community standards and cultural values
- The overall purpose of the publication in relation to the academic curriculum and school setting

School Board Policy 9.06 provides that literature or materials which originate from out-of-school sources shall be approved by the Superintendent or designee prior to distribution to students.

SECTION 9 - PRIVACY OF STUDENT RECORDS

Rights

Students have the right to expect that schools will keep student records safe, secure, and private.

Students have a right to expect that others will respect personal belongings.

Responsibilities

Students have a responsibility to learn how the information in their school records is gathered, how it is used, and what it means.

Personal Privacy

Students have the right to personal privacy and have the responsibility of respecting the rights of others. Information about another person must be treated with respect and privacy.

Family Educational Rights And Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) requires that the Union County School District, with certain exceptions, obtain written consent prior to the disclosure of personally identifiable information from a student's education records. However, the Union County School District may disclose appropriately designated directory

information without written consent unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the Union County School District to include this type of information from your child's education records in certain school publications.

Examples include:

- A playbill showing your student's role in a drama production
- The yearbook
- Honor Roll or recognition lists
- Graduation programs
- Sports activity sheets, such as for football, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can be disclosed to outside organizations without a parent's prior written consent. Outside organizations include but are not limited to companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, on request, with three directory information categories – names, addresses and telephone listings-unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. **You must notify the school principal in writing by September 30th if you do not want the Union County School District to disclose directory information from your child's education records without your written consent.** Union County School District has designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency of institution attended grade level

FERPA affords parents and students over 18 years of age certain rights with respect to the student's education records. These rights are:

- **The right to inspect and review the student's education records within 45 days of the day the school receives a request for access.** Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- **The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate.** Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal, clearly identify the part of the record they want

changed, and specify why it is inaccurate. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the right to a hearing.

- **The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure to school officials without consent.** One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or committee, or assisting another school official in performing his or her tasks). A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Student Education Records are forwarded to other schools that have requested the records and in which the student seeks or intends to enroll.

The Protection of Pupil Right Amendment (PPRA) affords parents and students who are 18 or emancipated minors certain rights regarding our conduct of survey, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U. S. Department of Education:
 1. Political affiliations or beliefs of the student or student's parents;
 2. Mental or psychological problems of the student or student's family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of:
 1. Any other protected information survey, regardless of funding
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law; and
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect, upon request and before administration or use:
 1. Protected information survey of students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum.

The Union County School District will notify parents and eligible students at the start of each school year of the specific dates of the following activities and provide an opportunity to opt a student out of participating in:

- Collection, disclosure, or use of personal information for marketing, sales or to the distribution.
- Administration of any protected information survey not funded in whole or in part by USDOE.
- Any non-emergency, invasive physical examination or screening as described above.

Health Insurance Portability and Accountability Act (HIPAA)

All medical and health records are protected by Florida Statute, FERPA or HIPAA depending on whom the health care provider is who created the records and the age of the student. Medical records of a student received from health care providers who are not acting on behalf of the

School District is protected by the HIPAA. This HIPAA notice pertains only to the information that is protected by HIPAA. HIPAA requires entities covered by this law, including school districts in some limited situations, to maintain the privacy of all mental and physical health records. These records are referred to as “protected health information” (PHI). PHI includes demographic and medical information about the past, present, or future physical or mental health of an individual. Demographic information may include your and your child’s name, address, telephone number, social security number, and any other means of identifying you and/or your child as a specific person. PHI is information the school district has received from outside health care providers, such as a report from your child’s doctor. Your child’s PHI may be used or shared by the school district for purposes of medical and/or mental health treatment and/or payment for services. Health care professionals may use this information in the clinics, schools, and/or hospitals to take care of you or your child. It is important for you to be aware that this law allows the school district to share your and your child’s PHI without your consent under the following circumstances:

- With another health care provider for purposes of your or your child’s treatment
- With insurance companies, Medicaid, or local, state, or federal agencies to pay for the services provided to you or your child
- Reporting abuse of children, adults, or disabled persons
- Investigations related to a missing child
- Internal investigations and audits by the school district or any grant funding body
- Investigations and audits by the State’s Inspector General, Department of Education, and Auditor General
- Public health purposes including vital statistics, disease reporting, and regulation of health professionals
- Medical examiner investigations
- Research approved by the school district
- Court orders and/or subpoenas
- Judicial and administrative proceedings

The school district may share your child’s PHI at other times with your written authorization. This authorization will have an expiration date; additionally, you may revoke the authorization in writing at any time. Certain uses and sharing of psychotherapy (counseling) notes may also require your written authorization, except when required by a subpoena or court order.

Individual Rights:

- You have the right to request the school district to restrict the use and with whom you and/or your child’s PHI may be shared. The school district will consider any of your requests but is not required to agree to them.
- You have the right to request confidential communications. The school district may mail or call you with appointment reminders or regarding your responsibility to pay for services. We will make contact with you in the manner and at the address or telephone number you select. You may provide an address other than your residence where you can receive mail and where you may be contacted. You will be asked to put your contact information in writing.

- You have the right to review and receive a copy of your PHI. Your review of the PHI will be supervised and will be at a time and place that is convenient to you and a representative of the school district. You may be denied access as specified by law. This might occur if your child consented to care and the parent's consent was not required by law or if your child is receiving care at the direction of a court or a person appointed by the court. If access is denied, you have the right to request a review by a licensed health care professional who is not involved in the decision to deny access. The licensed health care professional will be designated by the school district.
- You have the right to correct your PHI. Your request to correct your child's PHI must be in writing and provide a reason to support your requested correction. If your correction is accepted, the school district will make the correction and tell you and others who need to know about the correction. The school district may deny your request, in whole or part, if it finds the PHI:
 - Was not created by school district;
 - Does not qualify as PHI;
 - Is by law not available for your review; or,
 - Is accurate and complete.
 If your request is denied, the school district will place your request for corrections with your PHI. You may also send a letter detailing the reason you disagree with the decision. The school district will respond to your letter in writing. You may also file a complaint, as described in the section entitled Complaints.
- You have the right to receive a list of the individuals and/or agencies with which the school district has shared your PHI within six years from the date of the request, except for those listed below:
 - Information shared with you
 - Information shared with individuals involved with your care
 - Information you authorized to be shared
 - Information shared to carry out treatment and/or payment
 - Information shared for public health purposes
 - Information shared for the purposes of research, other than those you authorized in writing
 - Information shared for health professional regulatory purposes
 - Information shared to report abuse of children, adults, or disabled persons
 - Information shared in response to court orders and/or subpoenas

This notice tells you how your child's PHI may be used and how the school district keeps this information private and confidential. The school district has always kept this information confidential; this notice simply explains the school district's legal responsibilities, with regard to PHI. The law requires the school district to give this Notice of Privacy Practices to you.

SECTION 10 – STUDENT ELIGIBILITY FOR PARTICIPATION IN INTERSCHOLASTIC AND INTRASCHOLASTIC EXTRACURRICULAR ACTIVITIES

All students are eligible for interscholastic and intrascholastic extracurricular activities unless they are suspended or expelled from school, suspended from participation in extracurricular activities, or academically ineligible to participate in extracurricular activities as provided in F.S. 1006.07, 1006.08, and 1006.09.

Students are immediately eligible to participate in athletics in the school in which he or she first enrolls each year or the school in which the student makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in the school. If a student transfers to a school in the school district, he/she is immediately eligible.

A student may not participate in a sport if the student participated in that same sport at another school during the school year, unless the student meets the criteria in F.S. 1006.15(3)(h). A student's eligibility to participate in any extracurricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to F.S. 1006.20(2)(b). Students who participate in extracurricular activities are subject to the school district code of student conduct for the purpose of establishing and maintaining eligibility to participate at the school. The Florida High School Activities Association (FHSAA) retains jurisdiction over membership in FHSAA, recruiting prohibitions and violations, student medical evaluations, investigations, sanctions for coaches, school eligibility, forfeiture of contests, student concussions or head injuries, the medical advisory committee, and the general operational provisions of the FHSAA.

SECTION 11 – PLEDGE OF ALLEGIANCE

Students are encouraged to stand and recite the Pledge of Allegiance each morning at their school. However, a student can be exempted from reciting the pledge by their parent making the request for them not to participate.

SECTION 12 - RIGHT TO APPEAL AND GRIEVANCE PROCEDURES

Right to an Appeal for Student Discipline Issues

There may be times when students feel they have been unfairly penalized or punished. Most problems can be solved if students speak with the teacher or staff member who was involved. If students feel uncomfortable with this person, they may request a conference with the principal or assistant principal. Students may also request the presence of a third party. Parents also have the right to be included. If talking things over with a school administrator does not solve the problem, then the parents may take the problem to the Superintendent. The Superintendent will make every effort to resolve the matter. However, if talking things over with the Superintendent does not solve the problem, then the parents may appeal to the School Board. The decision of the School Board shall be final.

Grievance Procedures for Discrimination and Bullying or Harassment Offenses

If any student feels that he or she has been discriminated against or harassed, he or she may contact the Equity Coordinator for the Union County School District at 386-496-2045 ext. 233. Section 504 Discrimination may also be reported to the Director of ESE and Student Services at 386-496-2045 ext. 231. If the Equity Coordinator or the ESE Director cannot resolve the complaint, then the parents may take the problem to the Superintendent and/or the School Board.

FERPA or HIPAA Complaints

If you believe your FERPA or HIPAA privacy rights have been violated, you may contact the Equity Coordinator for the Union County School District at 386-496-2045 extension 233.

SECTION 13 – BULLYING POLICY

BULLYING AND HARASSMENT

5.101*

I. Statement Prohibiting Bullying and Harassment

- A. It is the policy of the Union County School District that all of its students and school employees have an educational setting that is safe, secure and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.
- B. The District upholds that bullying or harassment of any student or school employee is prohibited
1. During any education program or activity conducted by a public K- 12 educational institution;
 2. During any school-related or school-sponsored program or activity;
 3. On a school bus of a public K-12 educational institution;
 4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K- 12 education institution within the scope of the School District, meaning regardless of ownership, any computer, computer system, computer network that is physically located on school property or at a school-related or school-sponsored program or activity.
 5. Through the use of data or computer software that is accessed at a non-school related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by the School District or a school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. School staff is not required to monitor any non-school related activity, function, or program.

II. Definitions

- A. Bullying includes cyberbullying and 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 a student or adult, 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 or private humiliation; or
10. Destruction of property.

The term *bullying* shall include cyberbullying whether or not specifically stated.

- B. Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo electronic system, or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.
- 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/her person or damage to his/her property;
 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
 3. Has the effect of substantially disrupting the orderly operation of a school.
- D. Bullying and harassment also encompass
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 psychological distress through electronic means;
 - 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.

III. Behavior Standards

- A. The Union County School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.
- B. The District believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for District and community property on the part of students, staff, and community members. Because students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.
- C. Student rights shall be explained as outlined in this policy and the Student Code of Conduct.

IV. Training

- A. Training for students, parents, teachers, district staff, school administrators, student support staff, counseling staff, bus drivers, School Resource Officer/Deputies, contractors and school volunteers on identifying, preventing, and responding to bullying will be conducted, as required by law.

At the beginning of each school year, the school principal/designee and/or district administrator shall provide awareness of this policy, as well as the process for reporting incidents and investigations to students, school staff, parents, or other persons responsible for the welfare of a student through appropriate references in the Student Code of Conduct, Employee Handbooks, the school website, and/or through other reasonable means.

V. Disciplinary sanctions (Consequences) and due process for a person who commits an act of bullying or harassment under this policy.

A. Committing an act of bullying or harassment

1. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.
2. Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Code of Student Conduct*.
3. Consequences and appropriate remedial action for a school employee, found to have committed an act of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate.
4. Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment, shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

B. Wrongful and intentional accusation of an act of bullying or harassment

1. Consequences and appropriate remedial action for a student, found to have wrongfully and intentionally accused another as a means of bullying or harassment, range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Code of Student Conduct*.
2. Consequences and appropriate remedial action for a school employee, found to have wrongfully and intentionally accused another as a means of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements.
3. Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

VI. Reporting an Act of Bullying or Harassment

- A. At each school, the principal or the principal's designee shall be responsible for receiving complaints alleging violations of this policy.
- B. All school employees are required to report alleged violations of this policy to the principal or the principal's designee.
- C. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in person to the principal or principal's designee.
- D. The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians, how a report of bullying or harassment may be filed either in person or anonymously and how this report will be acted upon.
- E. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment.
- F. A school employee, school volunteer, student, parent/legal guardian or other person who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the District policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.
- G. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.
- H. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s).
- I. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

VII. Investigation of a Report of Bullying or Harassment

- A. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and shall begin with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is in route to school aboard a school bus or at school bus stop.
- B. The principal or designee shall select an individual(s), employed by the school and trained in investigative procedures, to initiate the investigation. The person may not be the accused perpetrator (harasser or bully) or victim.

- C. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and shall be confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
- D. The investigator shall collect and evaluate the facts including but not limited to
 - 1. Description of incident(s) including nature of the behavior;
 - 2. Context in which the alleged incident(s) occurred;
 - 3. How often the conduct occurred;
 - 4. Whether there were past incidents or past continuing patterns of behavior;
 - 5. The relationship between the parties involved;
 - 6. The characteristics of parties involved, *i.e.*, grade, age;
 - 7. The identity and number of individuals who participated in bullying or harassing behavior;
 - 8. Where the alleged incident(s) occurred;
 - 9. Whether the conduct adversely affected the student's education or educational environment;
 - 10. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 - 11. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
- E. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all the facts and surrounding circumstances and shall include
 - 1. Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
 - 2. A written final report to the principal.
- F. The maximum of ten (10) school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
- G. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment and the investigative procedures that follow.

VIII. Investigation to Determine Whether a Reported Act of Bullying or Harassment is Within the Scope of the District

- A. The principal or designee will assign an individual(s) who is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the School District.
- B. The trained investigator(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District.

1. If it is within the scope of the District, a thorough investigation shall be conducted.
 2. If it is outside the scope of the District and determined a criminal act, the principal shall refer the incident(s) to appropriate law enforcement.
 3. If it is outside the scope of the District and determined not a criminal act, the principal or designee shall inform the parents/legal guardians of all students involved.
- C. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

IX. Notification to Parents/Guardians of Incidents of Bullying or Harassment

- A. Immediate notification to the parents/legal guardians of a victim of bullying or harassment.
1. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
 2. If the bullying or harassment incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform the parents/legal guardian of the victim(s) involved in the bullying or harassment incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states “. . . a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”
- B. Immediate notification to the parents/legal guardians of the perpetrator of an act bullying or harassment.

The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

- C. Notification to local agencies where criminal charges may be pursued.

Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

X. Referral of Victims and Perpetrators of Bullying or Harassment for Counseling

When bullying or harassment is suspected or when a bullying incident is reported, counseling services shall be made available to the victim(s), perpetrator(s), and parents/guardians.

- A. The teacher or parent/legal guardian may request informal consultation with school staff, (specialty staff, *e.g.*, school counselor, school psychologist,) to determine the severity of concern and appropriate steps to address the concern. The teacher may request that the involved student's parents or legal guardian are included.
- B. School personnel or the parent/legal guardian may refer a student to the school intervention team or equivalent school-based team with a problem-solving focus for consideration of appropriate services. Parent or legal guardian involvement shall be required when the student is referred to the intervention team.
- C. If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. Parent or legal guardian involvement shall be required.
- D. A school-based component to address intervention and assistance shall be utilized by the intervention team. The intervention team may recommend:
 - 1. Counseling and support to address the needs of the victims of bullying or harassment;
 - 2. Research-based counseling or interventions to address the behavior of the students who bully and harass others, *e.g.*, empathy training, anger management; and/or
 - 3. Research-based counseling or interventions which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

XI. Reporting Incidents of Bullying and Harassment

- A. Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report shall include, in a separate section, each incident of bullying or harassment and the resulting consequences, including discipline and referrals. Cyberbullying incidents shall be included within the bullying incidents category. The report shall also include each reported incident of bullying or harassment that did not meet the criteria of a prohibited act under this section with recommendations regarding such incidents.
- B. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying and harassment as incident codes as well as bullying-related as a related element code.
 - 1. SESIR Definitions
 - a. Bullying – Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough

to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation.

- b. Harassment – Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct 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, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.
2. Bullying and/or harassment incidents shall be reported in SESIR with the bullying (BUL) or harassment (HAR) code. Unsubstantiated incidents of bullying or harassment shall be coded UBL or UHR.
 3. If the bullying or harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code and the bullying-related code. Such incidents are
 - a. Alcohol
 - b. Arson
 - c. Battery
 - d. Breaking and Entering
 - e. Disruption on Campus
 - f. Drug Sale/Distribution Excluding Alcohol
 - g. Drug Sale/Possession Excluding Alcohol
 - h. Fighting
 - i. Homicide
 - j. Kidnapping
 - k. Larceny/Theft
 - l. Robbery
 - m. Sexual Battery
 - n. Sexual Harassment
 - o. Sexual Offenses
 - p. Threat/Intimidation
 - q. Trespassing
 - r. Tobacco
 - s. Vandalism
 - t. Weapons Possession
 - u. Other Major (Other major incidents that do not fit within the other definitions)
- C. Discipline and referral data shall be recorded in Student Discipline/Referral Action Report and Automated Student Information System.

- D. The District shall provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Surveys 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the Department.
- E. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents as well as any bullying-related incidents that have as a basis sex, race, or disability shall include the incident basis. Victims of these offenses shall also have the incident basis (sex, race, or disability) noted in their student records.

XII. Instruction on Identifying, Preventing, and Responding to Bullying or Harassment

- A. The District shall ensure that schools sustain healthy, positive, and safe learning environments for all students. It is committed to maintain a social climate and social norms in all schools that prohibit bullying and harassment. This requires the efforts of everyone in the school environment – teachers; administrators; counselors; school nurses; other nonteaching staff such as bus drivers, custodians, cafeteria workers; school librarians; parents/legal guardians; and students.
- B. Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's policy and regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment as well as how to effectively identify and respond to bullying or harassment in schools.
- C. The District shall establish a list of programs that provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying and harassment including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations. The list of authorized programs shall be available at each school, District offices, and on the District website.

XIII. Reporting to a Victim's Parents/Legal Guardians the Actions Taken to Protect the Victim

The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

XIV. Publicizing the Policy

- A. At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.
 - B. Each District school shall provide notice to students and staff of this policy through appropriate references in the *Code of Student Conduct* and employee handbooks and through other reasonable means.
 - C. The Superintendent shall also make all contractors contracting with the District aware of this policy.
 - D. Each school principal shall develop an annual process for discussing the school district policy on bullying and harassment with students in a student assembly or other reasonable format.
 - E. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the District school buses.
- XV. The Superintendent and appropriate staff shall review this policy at a minimum every three (3) years. The review shall include input from parents, law enforcement, and other community members. The Superintendent shall present the policy and any recommended changes to the School Board for consideration.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**1001.43, 1003.04, 1003.31, 1003.32,
1006.07, 1006.08, 1006.09,
1006.10, 1006.147, F.S.
20 USC 1232g**

STATE BOARD OF EDUCATION RULE(S):

6A-10.081

HISTORY:

**ADOPTED: 12/9/08, 4/23/13, 1/14/14, 10/13/15
REVISION DATE(S): 2/19/13, 8/21/13, 3/12/15, 5/1/16
FORMERLY:**